

(2), statutes of 1939”.

Approved June 18, 1941.

**Chapter 265 incorrectly enrolled, superseded by Chapter 305**

No. 347, S.]

[Published June 21, 1941.

**CHAPTER 265.**

AN ACT to repeal and recreate 168.01 to 168.16 of the statutes, relating to the inspection of illuminating oils, and providing a penalty.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Sections 168.01 to 168.16 of the statutes are repealed and recreated to read:

168.01 USE OF TERMS. (1) Whenever in this chapter or elsewhere in the statutes, the terms, “supervisor of inspectors of illuminating oils,” “supervisor of inspectors,” and “supervisors” are used, these terms shall be understood and construed to apply to the state supervisor of oil inspectors. The term “deputy inspector of illuminating oils,” “deputy inspector,” “oil inspector” and “inspector” referring to the deputy inspectors of petroleum products, shall be understood and construed to apply to the duly authorized inspectors of the state oil inspection bureau engaged in the work of the inspection of petroleum products, either exclusively or as part of other duties.

(2) The term “petroleum product” shall mean gasoline and kerosene.

(3) The term “person” means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, public or private, or a receiver, trustee, conservator, or other representative appointed by order of any court.

(4) Whenever used in any section of this chapter prescribing and imposing a fine or imprisonment or both, the term “person” as applied to partnerships and associations shall mean and include the partners or members thereof, and as applied to corporations the term “person” shall mean and include the officers, agents, or employees thereof who are responsible for any violation of this chapter.

168.02 OIL INSPECTION; DUTIES. It shall be the duty of the state supervisor of inspectors to devote his entire time to the duties of said office and under the direction of the state treasurer to oversee all deputy inspectors, instruct them in the performance of their duties, see that they faithfully perform the duties of their office, keep a record of their reports to him, and to make a report to the governor on October 1 in each year. He shall make rules and regulations for their guidance not inconsistent with the provisions of this chapter. The state supervisor shall have authority to suspend for cause any deputy inspector without pay. The deputy inspector shall upon request filed by him within 30 days after suspension be entitled to a hearing before the state treasurer. If discharged by the state treasurer, the employe shall be entitled to a public hearing before the bureau of personnel as provided in section 16.24. The state treasurer may appoint a sufficient number of deputy inspectors eligible under the provisions of chapter 363, laws of 1905, and amendments thereto to properly inspect gasoline and kerosene. The inspection districts shall be defined by the state treasurer. All districts shall be numbered by the supervisor.

168.03 DEPUTY INSPECTORS; BONDS; DUTIES. (1) Every deputy inspector shall take and file the official oath and execute and file a surety bond in a sum not exceeding \$5,000 nor less than \$500 fixed by the said supervisor, and a certified copy of such bond shall be filed in the office of the secretary of state. The bond of the supervisor and of each deputy shall be approved by the governor. Such bonds to be procured as other official bonds furnished by the state.

(2) He shall on the first day of each month make in writing to the state supervisor and to the state treasurer a full statement of the number of barrels of all products inspected, for whom inspected, the date and place of such inspection and such other information as the state supervisor and state treasurer may require.

168.04 STANDARDS. (1) Gasoline sold in this state shall meet the following specifications:

- (a) Not less than 10 per cent shall be evaporated at 167° F.
- (b) Not less than 50 per cent shall be evaporated at 284° F.
- (c) Not less than 90 per cent shall be evaporated at 392° F.
- (d) The natural residue shall not exceed 3 per cent.

(2) Any petroleum product designated by name or reference "kerosene" shall meet the following specifications:

(a) The flash point by means of the Tagliabue closed cup shall not be less than 115° F.

(b) The end point shall not be more than 530° F.

(c) The color shall not be darker than plus 16 Saybolt.

(3) Any petroleum product meeting the specifications set out in subsection (2) of this section shall, for the purposes of this chapter, be classified as kerosene; provided that if any product meets the flash and end point specifications given above and is darker in color than plus 16 Saybolt because of the addition of artificial coloring or of any other product of a darker color, the color specification provided above automatically becomes ineffective, and the flash and end point specifications become the sole determining factors.

168.05 INSPECTION OF PETROLEUM PRODUCTS. (1) No petroleum product imported into and received in this state or received from a manufacturer or refiner or from a marine or pipe line terminal within this state shall be unloaded from its original container, sold, offered for sale, or used until a true sample of not less than 8 ounces is taken therefrom as hereinafter provided: provided, however, that if such petroleum product has been previously inspected at the refinery, marine, or pipeline terminal the same may be unloaded, sold, offered for sale, or used. Each person so importing or receiving a petroleum product which has not been previously inspected shall notify the deputy inspector in his district of the receipt thereof, and such agent or employe shall take a sample of such petroleum product.

(2) If such petroleum product is received on a regular business day between the hours of 8 o'clock a.m. and 5 o'clock p.m., such notice shall be given forthwith upon receipt of such petroleum product. If received at any time after the hour of 5 o'clock p.m. and prior to the hour of 12 o'clock midnight, such notice shall be given on the next following regular business day between the hours of 7 o'clock a.m. and 9 o'clock a.m. If received at any time on and after 12 o'clock midnight and prior to the hour of 8 o'clock a.m. of a regular business day, such notice shall be given on the same day between the hours of 7 o'clock a.m. and 9 o'clock a.m.: Provided, that if such petroleum product is received before the hour of 12 o'clock noon on

mingled petroleum product. The taking, sealing, and holding of such sample by the commingler shall, so far as applicable, be governed by the provisions of section 168.05 relating to the same by a person receiving a petroleum product.

168.07 INSPECTIONS; REQUIREMENTS. The deputy inspector shall inspect each sample of gasoline and kerosene and if he finds that they meet the minimum specifications herein provided, he shall issue an inspection certificate after which they may be sold or used in this state. If the deputy inspector finds that the gasoline or kerosene does not meet the minimum specifications herein provided, he shall so notify the person for whom the inspection was made and it shall be unlawful for such person or any other person to sell or use said products in this state as long as they fail to meet the minimum specifications and until they are approved by the deputy inspector.

168.08 RECORDS. The state supervisor and the deputy inspectors shall keep a record of each inspection made, showing:

- (1) Time and place of each.
- (2) Number of containers inspected.
- (3) Number of gallons contained therein.
- (4) Amount of fees thereon.
- (5) Product name of petroleum product inspected.

168.09 INSPECTION OF RECORDS. Any deputy inspector shall have authority to enter in or upon the premises of any manufacturer, vendor, dealer, or user of gasoline, kerosene, other refined oils, fuel oils, and distillates, during regular business hours to determine whether any gasoline or kerosene intended for sale or use has not been sampled and inspected in accordance with the provisions of this chapter.

168.10 ACCESS TO RECORDS. Every agent and employee of any railroad company or other transportation company and every person transporting gasoline, kerosene, other refined oils, fuel oils, and distillates, having the custody of books or records showing the shipment or receipt of gasoline, kerosene, or other refined oils, fuel oils, and distillates shall give and permit the state supervisor and the deputy inspectors free access to such books and records for the purpose of determining the amount of gasoline and kerosene shipped and received. All clerks, bookkeepers, express agents, railroad agents or officials, employees,

or common carriers, or other persons shall render the state supervisor and the deputy inspectors all information in their possession when so requested in tracing, finding, sampling, and inspecting such shipments.

168.11 IDENTIFICATION DEVICES; PENALTY. (1) All visible containers of gasoline and kerosene and all devices used for drawing such products from underground storage containers at filling stations, garages, or other places where such products are sold or offered for sale shall be marked or labeled in a conspicuous place with the name of such product. All barrels, casks, jugs, packages, or cans, in which gasoline, benzine, naphtha, and other like products are stored or delivered shall be made only of metal and painted vermilion red and have the word 'gasoline,' 'benzine,' and the name of such other like products of petroleum, plainly stenciled in English thereon, or if such gasoline, benzine, naphtha, or other like product of petroleum is sold by a dealer for immediate use in a motor vehicle, then delivery shall be from underground containers or tanks by means of a hose, through a measuring device or pump complying with the rules and regulations of the dairy and food commissioner, direct to the tank of such motor vehicle, and not from buckets or containers. No such dealer shall deliver kerosene in a barrel, cask, jug, package, or can painted or stenciled as hereinbefore provided. Every person purchasing gasoline, benzine, naphtha, or other like products of petroleum for use or sale shall procure and keep the same only in barrels, casks, jugs, packages, or cans painted and stenciled as hereinbefore provided, or if such products are used as fuel for a motor vehicle or motor boat, then in the tanks of such vehicle or boat. No person keeping for use or using kerosene shall put or keep the same in any barrel, cask, jug, packages, or can painted or stenciled as hereinbefore provided. Provided, however, that in case of gasoline, benzine, and naphtha, or other like product of petroleum, being sold in bottles, cans, or packages, or any product that contains gasoline, benzine or naphtha, or other like products of which petroleum is a constituent part thereof; of not more than one quart for cleaning and similar purposes, it shall be deemed sufficient if the contents of such bottles, cans, or packages are so designated by a label securely pasted or attached thereto with the words 'gasoline,' 'benzine' or 'naphtha,' 'unsafe when exposed to heat

or fire,' printed in bright red ink in letters not less than one-fourth inch in size. Any person violating any of the provisions of this section shall be punished by a fine of not less than \$5 nor more than \$50, or by imprisonment in the county jail not to exceed 3 months, or by both such fine and imprisonment.

(2) Tank wagons with separate compartments for gasoline and kerosene shall have a red tag on the faucet from which gasoline is drawn.

(3) It shall be unlawful for any person to receive, unload, use, sell, or offer for sale in this state, any gasoline, kerosene, other refined oils, fuel oils, and distillates which he knows or reasonably should know, is misnamed upon the accompanying bill of lading or waybill.

168.12 FEES FOR OIL INSPECTION. (1) Every deputy inspector shall demand and receive from the owner or other person for whom he shall inspect any gasoline and kerosene an inspection fee of  $1\frac{1}{2}$  cents for each 50 gallons from which the sample was taken. Within 15 days after the close of each fiscal year, the supervisor of inspectors shall determine what the cost of inspection has been for the preceding fiscal year, and shall divide that cost by the gallons inspected. If the cost so calculated is less than  $1\frac{1}{2}$  cents for each 50 gallons he shall so publicly certify and shall fix the nearest one-half cent above such calculated cost as the fee to be charged for such inspection fees during the then current fiscal year and for the 30 days next succeeding. He shall publish by one publication in the official state paper a certificate as to the previous cost and the fee so fixed to be charged for such service during the ensuing fiscal year and for 30 days thereafter. From 30 days after the close of the preceding fiscal year until 30 days after the close of the then current fiscal year the said certified fee shall be the fee which each deputy inspector shall demand and collect in lieu of the legal fee heretofore provided and fixed. Such fees shall be a lien on the products so inspected, and when collected shall be paid within one month after receipt into the general fund, and are appropriated therefrom for defraying the expenses incident to such inspection as provided in section 20.58.

(2) If gasoline or kerosene shall be shipped outside of the state after inspection, the person so making such shipments shall be given credit by the deputy inspector for such fees, if notice of

such shipment out of the state, properly acknowledged and sworn to before a notary public is given the deputy inspector not later than the 20th day of the following month.

168.13 REQUIRED RECORDS. Every person receiving gasoline and kerosene in this state shall keep books and records of all gasoline and kerosene so received, together with bills of lading, waybills, and other pertinent documents. Such books and records and other papers and documents shall, at all times during business hours of the day, be subject to inspection by the state supervisor and deputy inspectors. Such books, records, and other papers and documents shall be preserved for not less than 2 years, unless the state supervisor, in writing, authorizes their destruction or disposal at an earlier date.

168.14 RULES AND REGULATIONS. The state supervisor is authorized to make, promulgate, and enforce such reasonable rules and regulations relating to the administration and enforcement of the provisions of this chapter as may be deemed necessary.

168.15 PENALTY. Every person who violates any provision of this chapter shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$5 nor more than \$1,000 or be imprisoned in the county jail not less than 30 days nor more than 6 months.

168.16 TITLE. This chapter may be cited as the "Oil Inspection Act."

Approved June 19, 1941.

No. 404, S.]

[Published June 21, 1941.

#### CHAPTER 266.

AN ACT to amend 60.306 (2) of the statutes, relating to suppression of nuisances by chemical treatment of waters in town sanitary districts.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Subsection (2) of section 60.306 of the statutes is amended to read:

(60.306) (2) The commission shall project, plan, construct, and maintain in such district a system or systems of