

1979 Assembly Bill 456

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CHAPTER 140, Laws of 1979

AN ACT to amend 168.03, 168.04, 168.06 (1), 168.09, 168.10 and 168.14 (2) of the statutes, relating to authorization of the department of industry, labor and human relations to make inspections regarding gasohol.

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

PREFATORY NOTE: This proposal extends ch. 168 of the statutes — the oil inspection act — to cover gasoline-alcohol fuel blends (“gasohol”). Consistent with the changes made in the act by ch. 29, laws of 1977, standards for such products will no longer be established by statute, but rather will be set by administrative rule.

The effect of this proposal is to require that gasoline-alcohol fuel blends be regulated in the same manner as other fuels: product standards can be established, inspections and other enforcement activity can be maintained and a penalty can be imposed for violations (violations of ch. 168 are punishable by a fine of not more than \$500, imprisonment for not more than 6 months, or both).

SECTION 1. 168.03 of the statutes is amended to read:

168.03 Petroleum products defined. “Petroleum products” means gasoline, gasoline-alcohol fuel blends, kerosene, fuel oil, burner oil and diesel fuel oil.

NOTE: Includes gasoline-alcohol blended fuel within the list of enumerated substances regulated under ch. 168 “Oil Inspection”.

SECTION 2. 168.04 of the statutes is amended to read:

168.04 Standards. The department by rule shall prescribe minimum product grade specifications for gasoline and kerosene and may prescribe product grade specifications for automotive gasoline, gasoline-alcohol fuel blends, aviation gasoline, fuel oils and diesel fuels. Automotive gasoline specifications shall include lead content. The rules shall be in conformity with nationally recognized standards, specifications and classifications, such as those published by the American society for testing and materials, the society of automotive engineers and the U.S. environmental protection agency.

NOTE: Clarifies that the department of industry, labor and human relations has authority to promulgate standards for gasoline-alcohol fuel blends. The existing requirement that rules be in conformity with nationally recognized standards, including those published by the U.S. environmental protection agency, should ensure that any rules establishing standards for gasoline-alcohol fuel blends are consistent with federal rulings on those additives permitted to be mixed with unleaded gasoline.

SECTION 3. 168.06 (1) of the statutes is amended to read:

168.06 (1) For the purposes of administering this chapter, inspectors ~~are authorized to~~ may take samples of gasoline, gasoline-alcohol fuel blends, kerosene, other refined oils, fuel oils and petroleum distillates for tests and ~~to make inspections~~ at any points within or without this state, and ~~shall have power to~~ may open any original container containing gasoline, gasoline-alcohol fuel blends, kerosene, other refined oils, fuel oils and petroleum distillates and take a true sample of not less than 8 ounces of the contents thereof, even though ~~such~~ the original containers may still be in the possession of a common or contract carrier, provided ~~such~~ the opening and sampling does not unduly inconvenience or hamper the transportation of ~~such~~ the products. After ~~such~~ the original containers are ~~thus~~ opened and sampled the same shall be resealed with seals furnished by the department for such purposes. The authority conferred by this section shall be in addition to, and not in limitation of, any of the provisions of s. 168.05.

NOTE: Extends the inspection powers of the department to include gasoline-alcohol fuel blends.

SECTION 4. 168.09 of the statutes is amended to read:

168.09 Authority to enter. Any inspector ~~shall have authority to~~ may enter in or upon the premises of any manufacturer, vendor, dealer or user of gasoline, gasoline-alcohol fuel blends, kerosene, other refined oils, fuel oils and petroleum distillates, during regular business hours to determine whether any petroleum product intended for sale or use has not been sampled and inspected in accordance with this chapter.

NOTE: Makes clear that inspectors can enter premises to enforce the provisions of the oil inspection act as it relates to gasoline-alcohol fuel blends.

SECTION 5. 168.10 of the statutes is amended to read:

168.10 Access to records. Every agent or employe of any railroad company or other transportation company and every person transporting gasoline, gasoline-alcohol fuel blends, kerosene, other refined oils, fuel oils and petroleum distillates, having the custody of books or records showing the shipment or receipt of gasoline, gasoline-alcohol fuel blends, kerosene, or other refined oils, fuel oils and petroleum distillates shall give and permit the department and the inspectors free access to such books and records for the purpose of determining the amount of petroleum products shipped and received. All clerks, bookkeepers, express agents, railroad agents or officials, employes, or common carriers, or other persons shall render the department and the inspectors all information in their possession when so requested in tracing, finding, sampling and inspecting such shipments.

NOTE: Allows inspectors to inspect records pertaining to gasoline-alcohol fuel blends.

SECTION 6. 168.14 (2) of the statutes is amended to read:

168.14 (2) No person may receive, unload, use, sell or offer for sale in this state, any gasoline, gasoline-alcohol fuel blends, kerosene, fuel oils, diesel fuels or other petroleum distillates which the person knows, or reasonably should know, is misidentified as to name or grade.
