

1989 Assembly Bill 392

Date of enactment: April 23, 1990

Date of publication\*: May 7, 1990

## 1989 WISCONSIN ACT 295

AN ACT *to renumber and amend* 168.11 (1); *to amend* 168.04 and 168.14 (2); and *to create* 168.11 (1) (b) and 168.14 (3) of the statutes, **relating to:** labeling gasoline-ethanol fuel blends as gasoline.

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

**SECTION 1.** 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. The department may not promulgate or enforce a rule prohibiting additional information from placement on the dispensing device.

**SECTION 2.** 168.11 (1) of the statutes is renumbered 168.11 (1) (a) and amended to read:

168.11 (1) (a) ~~All~~ Except as provided in par. (b), all devices used for drawing products of to draw petroleum products from storage containers at filling stations, garages or other places where such petroleum products are sold or offered for sale shall be marked or labeled in a conspicuous place and in a conspicuous manner with the name and the grades of the product of petroleum product being dispensed.

**SECTION 3.** 168.11 (1) (b) of the statutes is created to read:

168.11 (1) (b) A device that dispenses a gasoline-ethanol fuel blend for sale at retail shall be marked or labeled with the percentage of ethanol, using one-half inch high letters with a stroke of not less than one-eighth inch in width, at all times when the product is offered for sale. The label shall be on the front or side of the upper half of the dispensing device and shall be conspicuous and legible to a customer when viewed from the driver's seat of a motor vehicle that is located within 6 feet of the dispensing device. The device may also be marked or labeled with any product grade specifications prescribed under s. 168.04.

**SECTION 4.** 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. Gasoline-ethanol blends that are identified in compliance with s. 168.11 when sold at retail are correctly identified as to name.

**SECTION 5.** 168.14 (3) of the statutes is created to read:

168.14 (3) A person who sells a gasoline-ethanol fuel blend to a person selling or offering to sell it at wholesale or retail shall provide information before the sale on the ethanol content of the fuel blend to the person selling or offering to sell it and shall provide written verification of the ethanol content at delivery of the fuel blend.

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**SECTION 6. Effective date.** This act takes effect on the first day of the 2nd month beginning after publication.

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