



2009 ASSEMBLY BILL 842

March 11, 2010 – Introduced by Representatives SINICKI, BENEDICT, BERCEAU, FIELDS, MASON, MILROY, POPE-ROBERTS and ZEPNICK, cosponsored by Senators PLALE, MILLER, RISSER, CARPENTER, LASSA and SCHULTZ. Referred to Committee on Consumer Protection.

- 1 **AN ACT** *to create* 100.383 of the statutes; **relating to:** requiring bittering agents
2 in certain engine coolants and antifreeze and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill requires that engine coolant or antifreeze that is sold within this state and that contains more than 10 percent ethylene glycol also contain, as a bittering agent, denatonium benzoate in a concentration between 30 and 50 parts per million. Under the bill, a manufacturer of such engine coolant or antifreeze must maintain a record of the trade name, scientific name, and active ingredients of any bittering agent used in the engine coolant or antifreeze, and must make the record available to the public upon request.

The bill exempts a manufacturer, processor, distributor, recycler, or seller of an engine coolant or antifreeze from liability for any personal injury, death, property damage, environmental damage, or economic loss caused by the inclusion of denatonium benzoate in the engine coolant or antifreeze, if the denatonium benzoate is present in a concentration required in the bill. The provisions of the bill do not apply to the sale of a motor vehicle that contains engine coolant or antifreeze or to antifreeze sold in containers with a capacity of 55 gallons or more.

A person who violates the provisions of the bill is subject to up to 90 days imprisonment, a fine up to \$1,500, or both.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 100.383 of the statutes is created to read:

2 **100.383 Antifreeze; bittering required. (1)** Any engine coolant or
3 antifreeze that is sold within this state and that contains more than 10 percent
4 ethylene glycol, shall contain, as a bittering agent, denatonium benzoate in a
5 concentration of not less than 30 parts per million nor more than 50 parts per million.

6 **(2)** A manufacturer of an engine coolant or antifreeze described in sub. (1) shall
7 maintain a record of the trade name, scientific name, and active ingredients of any
8 bittering agent used in the engine coolant or antifreeze, and shall make the record
9 available to the public upon request.

10 **(3)** Notwithstanding s. 100.38, a manufacturer, processor, distributor, recycler,
11 or seller of an engine coolant or antifreeze that is described in sub. (1) is not liable
12 to any person for any personal injury, death, property damage, environmental
13 damage, or economic loss caused by the inclusion of denatonium benzoate in the
14 engine coolant or antifreeze, if the denatonium benzoate is present in a concentration
15 required in sub. (1).

16 **(4)** This section does not apply to the sale of a motor vehicle that contains
17 engine coolant or antifreeze or to antifreeze sold in containers with a capacity of 55
18 gallons or more.

19 **(5)** A person who violates this section may be imprisoned in the county jail for
20 not more than 90 days or fined not more than \$1,500 or both.

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(END)