45th Legislature LC 0388/01 LC 0388/01

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Squate BILL NO. 84

INTRODUCED BY OFWE

BY REQUEST OF THE DEPARTMENT OF BUSINESS REGULATION

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A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE STANDARDS AND THE REGULATION OF MANUPACTURE AND DISTRIBUTION

- 7 OF PETROLEUM PRODUCTS: REPEALING CHAPTER 2 OF TITLE 60,
- R.C.M. 1947, IN ITS ENTIRETY."

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- 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTAWA:
- 11 Section 1. Definitions. As used in this act the
  - following definitions apply:
- 13 (1) "Department" means the department of business
- 14 regulation provided for in Title 82A, chapter 4.
- 15 (2) "Person" means an individual, trust, estate,
- 16 partnership, corporation, joint-stock company, firm, agency,
- 17 association, or any receiver appointed by law.
- 18 (3) "Dealer" means any person engaged in the petroleum
- 19 business and includes petroleum dealers and liquefied
- 20 petroleum dealers.
- 21 (4) "Petroleum dealer" means a dealer engaged,
- 22 directly or indirectly, in the business of delivering or
- 23 distributing to a consumer or offering or advertising for
- 20 sale, refining, manufacturing, or keeping for sale in this
- 25 state any gasoline, kerosene, distillate, road oil, fuel

- oil, lubricating oil, or greases or any oil or gas or oil
  and gas product, except prepackaged petroleum products and
  except as otherwise defined as a liquefied petroleum dealer
  in subsection (5).
- (5) "Liquefied petroleum dealer" means a engaged, directly or indirectly, in the business of delivering or distributing to a consumer or of selling or offering or advertising for sale or refining or manufacturing or keeping for sale in this state any 9 10 petroleum product composed predominately of any of the 11 following hydrocarbons, or mixtures thereof: propane. 12 propylene, butanes (normal butane or isobutane), and butylenes but excluding prepackaged liquefied petroleum 13 14 products.
  - (6) "Sell" and "sale" includes barter and exchange.
- 16 (7) "Mislabeled" means a package label or dispensing
  17 device of a product which bears any statement, design, or
  18 device regarding the same or regarding ingredients or
  19 substances therein or regarding the properties, quality, or
  20 kind of such products, which is false or misleading in any
  21 manner.
- Section 2. Enforcement of act rules. This act
  shall be enforced by the department. It may adopt necessary
  and reasonable rules for the implementation of the
  provisions and intent of this act, and those rules have the

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- 1 effect of law.
- 2 Section 3. Standards for petroleum products. The
- 3 standards and specifications for petroleum products,
- 4 including but not limited to gasoline, fuel oils, diesel
- 5 fuel, kerosene, and liquefied petroleum gases, shall be
- determined by the department and shall be based upon
- 7 nationally recognized standards and specifications such as
- 8 are published from time to time by the American society for
  - testing materials. When so determined by the department and
- 10 adopted as rules, such standards and specifications are the
- 11 standards and specifications for such products sold in this
- 12 state and official tests of such products shall be based
- 13 upon them.

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- 14 Section 4. Department authorized to employ laboratory
- 15 for testing. The department may employ a laboratory having
- 16 sufficient facilities to make tests of petroleum products as
- 17 required and pay reasonable compensation for the analyses
- 18 and tests made by it.
- 19 Section 5. Liceuses and fees. (1) A petroleum
  - dealer or liquefied petroleum dealer may not do business in
- 21 this state until a license has been issued to him by the
- 22 department. The license shall be obtained by the dealer by
- 23 making application to the department upon blank forms
- 24 provided by the department. A dealer who has not been
- 25 issued a license and who is found selling, offering for

- 1 sale, delivering, or distributing petroleum products to a
- 2 consumer shall upon conviction be punished as provided by
- 3 this act.
- (2) The fee for this license shall be determined as
- 5 follows and depends upon the number of devices utilized by
- the dealer:
- 7 (a) each gasoline pump, diesel pump, or fuel oil pump
- B measuring device -- \$3;
- 9 (b) each petroleum vehicle tank meter or bulk
- 10 petroleum meter of 2 inches (5.08 centimeters) and under -
- 11 \$15:
- 12 (c) each bulk petroleum meter over 2 inches (5.08
- 13 centimeters) \$15:
- 14 (d) each liquefied petroleum liquid meter -- \$15;
- 15 (e) each vapor meter -- \$3:
- 16 (f) each petroleum and liquefied petroleum vehicle
- 17 tank up to and including 2,000 gallons (7,570 liters) —
- 18 \$20;
- 19 (q) each petroleum and liquefied petroleum vehicle
- 20 tank over 2,000 gallons (7,570 liters) \$20 plus \$4 for
- 21 each additional 1,000 gallons (3,785 liters).
- 22 (3) All licenses are annual and nontransferable as to
- 23 person or location and expire on December 31 of each year.
- 24 There is an additional charge of 50% on all license fees
- 25 that are not paid before March 1 of each year in which the

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webicle tank, meter, or measuring device is in use. If the fee is not paid, the equipment shall be sealed and removed from service by the department. It is unlawful for anyone to use a device so removed from service or to break the seal until all fees have been paid.

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Section 6. Refusing, suspending, and revoking licenses - hearing required. The department may refuse to grant a 8 license or may suspend or revoke a license already granted for due cause after hearing noticed for not less than 10 days. Violation of any provision of this act or any lawful 10 order or rule of the department are causes for which the 11 department may suspend, revoke, or refuse to issue a 12 license. The suspension, revocation, or refusal may be 13 conditioned on those terms which the department considers 14 15 just and proper.

Section 7. Inspections, sampling, and tests by department to insure compliance with act. (1) For the purpose of obtaining information regarding suspected violation of this act, the department has access to all places where the commodities subject to regulation under this act are sold, offered for sale or kept for sale, manufactured, transported, or stored or where the books, papers, records, or documents relative to those transactions are kept and may inspect and copy them at any place in this state.

1 (2) The department may sample, inspect, and test any
2 of the commodities subject to this act, upon tendering
3 payment for them, whether they originate at points outside
4 the state or otherwise and whether they are in transport or
5 at rest in places where they are to be sold.

Section 8. Approved measure required for past Part of a compartment delivery may be made only delivery. 7 by an approved, calibrated, and sealed meter or an approved measure. Gauge stick measurement is not permitted. All tank markers must be positioned and sealed as provided by 10 11 the department. The department shall fix by rule fees for retesting meters or measuring devices or vehicle tanks used 12 for distribution to a consumer by petroleum or liquefied 13 14 petroleum dealers and for any other special service 15 rendered.

Section 9. Full compartment sales — approval of meter. Full compartment sales or deliveries may only be made in a manner that shall be provided by the department by rule. All other sales or deliveries may only be made through a meter which has been approved, calibrated, and sealed by the department or by weight, unless otherwise provided by the department.

Section 10. Temperature correction. Temperature

correction may be made only by means of an automatic

compensating device which has been approved, calibrated, and

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- 1 sealed by the department or by weight.
- 2 Section 11. Dispensation and sale of petroleum
- 3 products. It is unlawful to:
- 4 (1) use any meter or mechanical device for the
- 5 measurement of gasoline or liquid fuels unless the same has
  - been approved by the department and sealed as correct;
- 7 (2) change or in any way tamper with the department's
- 8 seal without written consent from the department:
- 9 (3) make hose delivery from petroleum vehicle tanks
- 10 unless the tanks have been calibrated by the department
- 11 under [section 8]:

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- 12 (4) sell or deliver liquefied petroleum to a consumer,
- 13 as a liquid or vapor, except as provided by [section 9]:
- 14 (5) sell or offer for sale or deliver liquefied
- 15 petroleum to a consumer, as a liquid or vapor the
- 16 weasurement of which has not been temperature corrected to
- 17 60° P, unless otherwise provided by the department:
- 18 (6) sell, offer, or expose for sale any petroleum
- 19 product for which standards or minimum specifications have
  - been set by the department unless the commodities in all
- 21 respects meet the tests and standards prescribed;
- 22 (7) sell, offer, or expose for sale any petroleum
- 23 product which is adulterated, mislabeled, or misrepresented
- 24 with respect to the use for which it is reasonably intended.
- 25 Section 12. Penalty for violations. A person who

- 1 violates any of the provisions of this act or any rule
- 2 promulgated by the department is quilty of a misdemeanor and
- 3 upon conviction shall, for the first offense, be punished by
- a fine of not less than \$10 or more than \$1,000 and shall be
- 5 punished for any subsequent offense by a fine of not less
- 6 than \$50 or more than \$5,000, by imprisonment in the county
- 7 jail for a term not exceeding 1 year, or by both fine and
- 8 imprisonment.
- 9 Section 13. Injunction against violations. The
- 10 department may apply to any court of competent jurisdiction
- 11 for a temporary or permanent injunction, or both,
- 12 restraining any person for violating any provision of this
- 13 act or any rule promulgated by the department pursuant to
- 14 this act.
- 15 Section 14. Repealer. Chapter 2 of Title 60, R.C.M.
- 16 1947, is repealed in its entirety.

-End-

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## Approved by Committee on Business and Industry

1 SENATE BILL NO. 84 INTRODUCED BY LOWE 2 3 BY REQUEST OF THE DEPARTMENT OF BUSINESS REGULATION A BILL POR AN ACT ENTITLED: "AN ACT RELATING TO THE 5 STANDARDS AND THE REGULATION OF MANUFACTURE AND DISTRIBUTION OF PETROLEUM PRODUCTS: REPEALING CHAPTER 2 OF TITLE 60, 7 R.C.M. 1947. IN ITS ENTIRETY." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA: 10 Section 1. Definitions. As used in this act the 11 following definitions apply: 12 (1) "Department" means the department of business 13 regulation provided for in Title 82A, chapter 4. 14 (2) "Person" means an individual, trust, estate, 15 partnership, corporation, joint-stock company, firm, agency, 16 association, or any receiver appointed by law. 17 (3) "Dealer" means any person engaged in the petroleum 18 business and includes petroleum dealers and liquefied 19 20 petroleum dealers. (4) "Petroleum dealer" means a dealer engaged, 21 directly or indirectly, in the business of delivering or 22 distributing to a consumer or offering or advertising for 23 sale, refining, manufacturing, or keeping for sale in this 24

state any gasoline, kerosene, distillate, road cil, fuel

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- oil, lubricating oil, or greases or any oil or gas or oil
  and gas product, except prepackaged petroleum products and
  except as otherwise defined as a liquefied petroleum dealer
  in subsection (5).
- 5 (5) "Liquefied petroleum dealer" means a dealer engaged. directly or indirectly, is the business of 7 delivering or distributing to a consumer or of selling or offering or advertising for sale or refining or manufacturing or keeping for sale in this state any 9 petroleum product composed predominately of any of the 10 following hydrocarbons, or mixtures thereof: propane, 11 propylene, butanes (normal butane or isobutane), and 12 butylenes but excluding prepackaged liquefied petroleum 13 14 products.
  - (6) "Sell" and "sale" includes barter and exchange.
- 16 (7) "Mislabeled" means a package label or dispensing
  17 device of a product which bears any statement, design, or
  18 device regarding the same or regarding ingredients or
  19 substances therein or regarding the properties, quality, or
  20 kind of such products, which is false or misleading in any
  21 manner.
- Section 2. Enforcement of act rules. This act
  shall be enforced by the department. It may adopt necessary
  and reasonable rules for the implementation of the
  provisions and intent of this act, and those rules have the

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effect of law.

2 Section 3. Standards for petroleum products. standards and specifications for petroleum products, 3 4 including but not limited to gasoline, fuel oils, diesel 5 fuel, kerosene, and liquefied petroleum gases, shall be determined by the department and shall be based upon 7 nationally recognized standards and specifications such as 8 are published from time to time by the American society for 9 testing materials. When so determined by the department and 10 adopted as rules, such standards and specifications are the standards and specifications for such products sold in this 11 12 state and official tests of such products shall be based 13 upon them.

Section 4. Department authorized to employ laboratory
for testing. The department may employ a laboratory having
sufficient facilities to make tests of petroleum products as
required and pay reasonable compensation for the analyses
and tests made by it.

dealer or liquefied petroleum dealer may not do business in this state until a license has been issued to him by the department. The license shall be obtained by the dealer by making application to the department upon blank forms provided by the department. A dealer who has not been issued a license and who is found selling, offering for

sale, delivering, or distributing petroleum products to a consumer shall upon conviction be punished as provided by this act.

- 4 (2) The fee for this license shall be determined as
  5 follows and depends upon the number of devices utilized by
  6 the dealer:
- 7 (a) each gasoline pump, diesel pump, or fuel cil pump 8 measuring device — \$3;
- 9 (b) each petroleum vehicle tank meter cr bulk
  10 petroleum meter of 2 inches (5.08 centimeters) and under -11 \$15 \$10;
- 12 (c) each bulk petroleum meter cver 2 inches (5.08 13 centimeters) — \$15;
- 14 (d) each liquefied petrolega liquid meter -- \$15;
- 15 (e) each wapor meter -- \$3:
- 16 (f) each petroleum and liquefied petroleum vehicle
  17 tank up to and including 2,000 gallons (7,570 liters) —
  18 \$20:
- 19 (g) each petroleum and liquefied petroleum vehicle
  20 tank over 2,000 gallons (7,570 liters) \$20 plus \$4 for
  21 each additional 1,000 gallons (3,785 liters).
- 22 (3) All licenses are annual and nontransferable as to
  23 person or location and expire on December 31 of each year.
  24 There is an additional charge of 50% on all license fees
  25 that are not paid before March 1 of each year in which the

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to use a device so removed from service or to break the seal
until all fees have been paid.

Section 6. Refusing, suspending, and revoking licenses 6 7 - hearing required. The department may refuse to grant a license or may suspend or revoke a license already granted 8 9 for due cause after hearing noticed for not less than 10 days. Violation of any provision of this act or any lawful 10 order or rule of the department are causes for which the 11 department may suspend, revoke, or refuse to issue a 12 license. The suspension, revocation, or refusal may be 13 conditioned on those terms which the department considers 14 15 just and proper.

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Section 7. Inspections, sampling, and tests by department to insure compliance with act. (1) For the purpose of obtaining information regarding suspected violation of this act, the department has access to all places where the commodities subject to regulation under this act are sold, offered for sale or kept for sale, manufactured, transported, or stored or where the books, papers, records, or documents relative to those transactions are kept and may inspect and copy them at any place in this state.

1 (2) The department may sample, inspect, and test any
2 of the commodities subject to this act, upon tendering
3 payment for them, whether they originate at points cutside
4 the state or otherwise and whether they are in transport or
5 at rest in places where they are to be sold.

6 Section 8. Approved measure required for past PART 7 Part of a compartment delivery may be made only by an approved, calibrated, and sealed meter or an approved measure. Gauge stick measurement is not permitted. All tank markers must be positioned and sealed as provided by 10 the department. The department shall fix by rule fees for 11 retesting meters or measuring devices or vehicle tanks used 12 for distribution to-a-consumer by petroleum or liquefied 13 petroleum dealers and for any other special service 15 rendered.

Section 9. Full compartment sales — approval of
meter. Full compartment sales or deliveries may only be
made in a manner that shall be provided by the department by
rule. All other sales or deliveries may only be made
through a meter which has been approved, calibrated, and
sealed by the department or by weight, unless otherwise
provided by the department.

23 Section 10. Temperature—scarrection. — Temperature
24 correction may be made only by secans of an automatic
25 corresponding device which has been approved, calibrated, and

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sealed by the department or by weight.

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Section 10. Dispensation and sale of petroleum
products. It is unlawful to:

- (1) use any meter or mechanical device for the measurement of gasoline or liquid fuels unless the same has been approved by the department and sealed as correct;
- 7 (2) change or in any way tamper with the department's seal without written consent from the department:
- 9 (3) make hose delivery from petroleum vehicle tanks
  10 unless the tanks have been calibrated by the department
  11 under [section 8]:
- 12 (4) sell or deliver liquefied petroleum to a consumer, 13 as a liquid or vapor, except as provided by [section 9]:
  - (5) sell or offer for sale or deliver liquefied petroleum to a consumer, as a liquid or varcr the measurement of which has not been temperature corrected to 60° F<sub>7</sub> BY MEANS OF AN AUTOMATIC COMPENSATING DEVICE WHICH HAS BZEN APPROVED, CALIBRATED AND SEALED BY THE DEPARTMENT,
- 19 unless otherwise provided by the department;
- 20 (6) sell, offer, or expose for sale any petroleum
  21 product for which standards or minimum specifications have
  22 been set by the department unless the commodities in all
  23 respects meet the tests and standards prescribed;
- (7) sell, offer, or expose for sale any petroleum
   product which is adulterated, mislabeled, or misrepresented

section 11. Penalty for violations. A person who violates any of the provisions of this act or any rule promulgated by the department is guilty of a misdemeaner and upon conviction shall, for the first offense, be punished by a fine of not less than \$10 or more than \$1,000 and shall be punished for any subsequent offense by a fine of not less than \$50 or more than \$5,000, by imprisonment in the county jail for a term not exceeding 1 year, or by both fire and imprisonment.

Section 12. Injunction against violations. The
department may apply to any court of competent jurisdiction
for a temporary or permanent injunction, or both,
restraining any person for violating any provision of this
act or any rule promulgated by the department pursuant to
this act.

17 Section 13. Repealer. Chapter 2 of Title 60, F.C.M.
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  10 petroleum product composed predominately of any of the
  11 following hydrocarbons, or mixtures thereof: propane,
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Section 10. Dispensation and sale of petroleum
products. It is unlawful to:

- (1) use any meter or mechanical device for the measurement of gasoline or liquid fuels unless the same has been approved by the department and sealed as correct:
- 7 (2) change or in any way tamper with the department's 8 seal without written consent from the department:
- 9 (3) make hose delivery from petroleum vehicle tanks
  10 unless the tanks have been calibrated by the department
  11 under [section 8]:
  - (4) sell or deliver liquefied petroleum to a consumer, as a liquid or vapor, except as provided by [section 9];
  - (5) sell or offer for sale or deliver liquefied petroleum to a consumer, as a liquid or varor the measurement of which has not been temperature corrected to 60° Fr BY MEANS OF AN AUTOMATIC COMPENSATING DEVICE WHICH WAS BEEN APPROVED, CALIBRATED AND SEALED BY THE DEPARTMENT, unless otherwise provided by the department;
  - (6) sell, offer, or expose for sale any petroleum product for which standards or minimum specifications have been set by the department unless the commodities in all respects meet the tests and standards prescribed;
- (7) sell, offer, or expose for sale any petroleum
   product which is adulterated, mislabeled, or misrepresented

with respect to the use for which it is reasonably intended.

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1	SENATE BILL NO. 84				
2	INTRODUCED BY LOWE				
3	BY REQUEST OF THE DEPARTMENT OF BUSINESS REGULATION				
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5	A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE				
6	STANDARDS AND THE REGULATION OF MANUFACTURE AND DISTRIBUTION				
7	OF PETROLEUM PRODUCTS; REPEALING CHAPTER 2 OF TITLE 60,				
8	R.C.H. 1947, IN ITS ENTIRETY."				
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2 <b>3</b>	distributing to a consumer or offering or advertising for				
24	sale, refining, manufacturing, or keeping for sale in this				
25	state any gasoline, kerosene, distillate, road oil, fuel				

- oil, lubricating oil, or greases or any oil or gas or oil
  and gas product, except prepackaged petroleum products and
  except as otherwise defined as a liquefied petroleum dealer
  in subsection (5).
- 5 (5) "Liquefied petroleum dealer" means a dealer
  6 engaged, directly or indirectly, in the business of
  7 delivering or distributing to a consumer or of selling or
  8 offering or advertising for sale or refining or
  9 manufacturing or keeping for sale in this state any
  10 petroleum product composed predominately of any of the
  11 following hydrocarbons, or mixtures thereof: propane,
  12 propylene, butanes (normal butane or isobutane), and
  13 butylenes but excluding prepackaged liquefied petroleum
  14 products.
- 15 (6) "Sell" and "sale" includes barter and exchange.
- 16 (7) "Mislabeled" means a package label or dispensing
  17 device of a product which bears any statement, design, or
  18 device regarding the same or regarding ingredients or
  19 substances therein or regarding the properties, guality, or
  20 kind of such products, which is false or misleading in any
  21 manner.
- Section 2. Enforcement of act rules. This act
  shall be enforced by the department. It may adopt necessary
  and reasonable rules for the implementation of the
  provisions and intent of this act, and those rules have the

petroleum gases, shall be determined by the department and shall be based upon nationally recognized standards and specifications such as are published from time to time by the American society for testing materials. When so determined by the department and adopted as rules, such standards and specifications are the standards and specifications for such products sold in this state and official tests of such products shall be based upon them.

Section 4. There is a new R.C.H. section numbered 60-237 that reads as follows:

60-237. Department authorized to employ laboratory for testing. The department may employ a laboratory having sufficient facilities to make tests of petroleum products as required and pay reasonable compensation for the analyses and tests made by it.

Section 5. There is a new R.C.M. section numbered 60-238 that reads as follows:

60-238. Licenses and fees. (1) A petroleum dealer or liquefied petroleum dealer may not do business in this state until a license has been issued to him by the department. The license shall be obtained by the dealer by making application to the department upon blank forms provided by the department. A dealer who has not been issued a license and who is found selling, offering for sale, delivering, or distributing petroleum products shall upon conviction be punished as provided by this act.

(2) The fee for this license shall be determined as follows and depends upon the number of devices utilized by the dealer:

- (a) each gasoline pump, diesel pump, or fuel oil pump measuring device -- \$3:
- (b) each petroleum vehicle tank meter or bulk petroleum meter of 2 inches (5.08 centimeters) and under -- \$10;
- (c) each bulk petroleum meter cver 2 inches (5.08 centimeters) \$15:
  - (d) each liquefied petroleum liquid meter -- \$15:
  - (e) each wapor meter \$3;
- (f) each petroleum and liquefied petroleum vehicle tank up to and including 2,000 gallons (7,570 liters) -- \$20;
- (g) each petroleum and liquefied petroleum vehicle tank over 2,000 gallons (7,570 liters) -- \$20 plus \$4 for each additional 1,000 gallons (3,785 liters).
- (3) All licenses are annual and nontransferable as to person or location and expire on December 31 of each year. There is an additional charge of 50% on all license fees that are not paid before March 1 of each year in which the wehicle tank, meter, or measuring device is in use. If the fee is not paid, the equipment shall be sealed and removed from service by the department. It is unlawful for anyone to use a device so removed from service or to break the seal until all fees have been paid.

Section 6. There is a new B.C.H. section numbered 66-239 that reads as follows:

66-239. Refusing, suspending, and revoking licenses --hearing required. The department may refuse to grant a license or

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to use a device so removed from service or to break the seal
until all fees have been paid.

Section 6. Refusing, suspending, and revoking licenses 6 7 -- hearing required. The department may refuse to grant a 8 license or may suspend or revoke a license already granted for due cause after hearing noticed for not less than 10 9 10 days. Violation of any provision of this act or any lawful 11 order or rule of the department are causes for which the department may suspend, revoke, or refuse to issue a 12 13 license. The suspension, revocation, or refusal may be conditioned on those terms which the department considers 14 15 just and proper.

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Section 7. Inspections, sampling, and tests by department to insure compliance with act. (1) For the purpose of obtaining information regarding suspected violation of this act, the department has access to all places where the commodities subject to regulation under this act are sold, offered for sale or kept for sale, manufactured, transported, or stored or where the books, papers, records, or documents relative to those transactions are kept and may inspect and copy them at any place in this state.

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1 (2) The department may sample, inspect, and test any
2 of the commodities subject to this act, upon tendering
3 payment for them, whether they originate at points cutside
4 the state or otherwise and whether they are in transport or
5 at rest in places where they are to be sold.

Section 8. Approved measure required for past PART delivery. Part of a compartment delivery may be made only by an approved, calibrated, and sealed meter or an approved 9 measure. Gauge stick measurement is not permitted. All tank markers must be positioned and sealed as provided by 10 the department. The department shall fix by rule fees for 11 12 retesting meters or measuring devices or vehicle tanks used for distribution to --- consumer by petroleum or liquefied 13 14 petroleum dealers and for any other special service 15 rendered.

Section 9. Full compartment sales — approval of meter. Full compartment sales or deliveries may only be made in a manner that shall be provided by the department by rule. All other sales or deliveries may only be made through a meter which has been approved, calibrated, and sealed by the department or by weight, unless otherwise provided by the department.

23 Section 10. Temperature—Serrection. Temperature

24 Section may be made only by means of an automatic

25 Sependating device which has been approved, calibrated, and

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Section 10. Dispensation and sale of petroleum products. It is unlawful to:

- (1) use any meter or mechanical device for the measurement of gasoline or liquid fuels unless the same has been approved by the department and sealed as correct:
- (2) change or in any way tamper with the department's seal without written consent from the department:
- (3) make hose delivery from petroleum vehicle tanks unless the tanks have been calibrated by the department under [section 8];
- (4) sell or deliver liquefied petroleum to a consumer, as a liquid or vapor, except as provided by [section 9]:
  - (5) sell or offer for sale or deliver liquefied petroleum to a consumer, as a liquid or vapor the measurement of which has not been temperature corrected to 60° Fr EY HEANS OF AN AUTOMATIC COMPENSATING DEVICE WHICH HAS BEEN APPROVED, CALIBRATED AND SEALED BY THE DEPARTMENT, unless otherwise provided by the department;
- (6) sell, offer, or expose for sale any petroleum product for which standards or minimum specifications have been set by the department unless the commodities in all respects meet the tests and standards prescribed;
- 24 (7) sell, offer, or expose for sale any petroleum 25 product which is adulterated, mislabeled, or misrepresented

with respect to the use for which it is reasonably intended.

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- Section 11. Penalty for violations. A person who
- 3 violates any of the provisions of this act or any rule
- 4 promulgated by the department is guilty of a misdemeaner and
- 5 upon conviction shall, for the first offense, be punished by
- a fine of not less than \$10 or more than \$1,000 and shall be
- punished for any subsequent offense by a fine of not less
- 8 than \$50 or more than \$5,000, by imprisonment in the county
- 9 jail for a term not exceeding 1 year, or by both fine and
- 10 imprisonment.
- 11 Section 12. Injunction against violations. The
- 12 department may apply to any court of competent jurisdiction
- 13 for a temporary or permanent injunction, or both,
- 14 restraining any person for violating any provision of this
- 15 act or any rule promulgated by the department pursuant to
- 16 this act.
- 17 Section 13. Repealer. Chapter 2 of Title 60, F.C. 8.
- 18 1947, is repealed in its entirety.

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