1          HOUSE BILL NO. 318

2          INTRODUCED BY D. HIMMELBERGER

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4     A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A MINIMUM ANTIKNOCK INDEX OF 87 FOR

5     GASOLINE SOLD IN MONTANA AS UNLEADED OR REGULAR UNLEADED; AND AMENDING SECTIONS

6     82-15-103 AND 82-15-110, MCA."

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8     BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10         **Section 1.** Section 82-15-103, MCA, is amended to read:

11         **"82-15-103.   Standards and specifications for petroleum products.** (1) The standards, and

12    specifications, and official tests for petroleum products, including but not limited to gasoline, ethanol-blended

13    gasoline, fuel oils, diesel fuel, kerosene, and liquefied petroleum gases, must be determined and established by

14    the department by rule and, subject to the provisions of 82-15-121(1), must be based upon nationally recognized

15    standards and specifications such as the standards and specifications that are published by the American society

16    for testing and materials. The standards and specifications adopted by rule by the department are the standards

17    and specifications for products sold in this state, and official tests of the products must be based upon the

18    adopted standards and specifications.

19         (2)   The department may not adopt by rule a minimum antiknock index number of less than 87 for

20    gasoline labeled as "unleaded" or "regular unleaded"."

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22         **Section 2.** Section 82-15-110, MCA, is amended to read:

23         **"82-15-110.   Unlawful acts.** It is unlawful to:

24         (1)   use any meter or mechanical device for the measurement of gasoline or liquid fuels unless the meter

25    or mechanical device has been approved by the department and sealed as correct;

26         (2)   change or in any way tamper with the department's seal without written consent from the department;

27         (3)   make delivery from petroleum vehicle tanks through a hose unless the tanks have been calibrated

28    by the department under 82-15-108;

29         (4)   sell or deliver liquefied petroleum to a consumer as a liquid or vapor except as provided by

30    82-15-109;

1     (5)  sell or offer for sale or deliver liquefied petroleum to a consumer as a liquid or vapor, the

2     measurement of which has not been temperature corrected to 60 degrees F by means of an automatic

3     compensating device that has been approved, calibrated, and sealed by the department, unless otherwise

4     provided by the department;

5     (6)  sell, offer, or expose for sale any petroleum product for which standards or minimum specifications

6     have been set by the department unless the fuel product meets in all respects the tests and standards prescribed;

7     (7)  sell or offer or expose for sale any petroleum product that is adulterated, mislabeled, or

8     misrepresented with respect to the use for which it is reasonably intended; ~~or~~

9     (8)  import into the state, store, distribute, sell, offer or expose for sale, or dispense any gasoline that

10    contains methyl tertiary butyl ether in amounts that exceed the trace level or levels allowed by the rules adopted

11    pursuant to 82-15-102(3)(a)~~.~~; or

12    (9)  sell, offer, or expose for sale gasoline labeled as "unleaded" or "regular unleaded" that has a

13    minimum antiknock index number that is less than 87."

14                                                              - END -