

SENATE BILL NO. 286  
INTRODUCED BY M. SPRAGUE

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A MINIMUM OCTANE CONTENT STANDARD OF 87.5 FOR GASOLINE SOLD IN MONTANA AS UNLEADED OR REGULAR UNLEADED; AND AMENDING SECTIONS 82-15-103 AND 82-15-110, MCA."

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

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

**"82-15-103. Standards for petroleum products.** (1) ~~The standards, and specifications, and official tests for petroleum products, including but not limited to gasoline, fuel oils, diesel fuel, kerosene, and liquefied petroleum gases, shall must be determined and established by the department by rule and shall must be based upon nationally recognized standards and specifications such as that are published from time to time by the American society for testing and 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.~~

(2) The department may not adopt by rule a minimum octane content standard for gasoline labeled "unleaded" or "regular unleaded" that is less than 87.5."

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

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

(1) use any meter or mechanical device for the measurement of gasoline or liquid fuels unless the ~~same~~ meter or device 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 82-15-108;

(4) sell or deliver liquefied petroleum to a consumer as a liquid or vapor except as provided by 82-15-109;

(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 degrees F by means of an automatic compensating device

~~which~~ that 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;

(7) sell, offer, or expose for sale any petroleum product ~~which~~ that is adulterated, mislabeled, or misrepresented with respect to the use for which it is reasonably intended; or

(8) sell, offer, or expose for sale gasoline labeled "unleaded" or "regular unleaded" that has an octane level that is less than 87.5."

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