

ASSEMBLY BILL NO. 453—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

MARCH 25, 2011

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Requires a supplier of motor vehicle fuel to provide certain warnings relating to the presence or possible presence of manganese in any motor vehicle fuel sold or distributed by the supplier. (BDR 51-689)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to motor vehicle fuel; requiring a supplier of motor vehicle fuel to disclose certain information and provide certain warnings concerning the presence or possible presence of manganese in any motor vehicle fuel sold or distributed by the supplier; requiring the State Sealer of Weights and Measures to adopt regulations specifying the format, size, wording and placement of certain warning labels a supplier of motor vehicle fuel must place on a pump or handle of a pump used to draw motor vehicle fuel; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for the regulation and inspection of petroleum products,
2 including motor vehicle fuel, in this State by the State Board of Agriculture and the
3 State Sealer of Weights and Measures. (NRS 590.010-590.150) This bill applies to
4 motor vehicle fuel which contains or may contain manganese. **Section 1** of this bill
5 requires a supplier of motor vehicle fuel to ensure that all documents relating to the
6 transfer and sale of any such motor vehicle fuel include a disclosure concerning the
7 presence or possible presence of manganese in the motor vehicle fuel. **Section 1**
8 also requires a supplier to affix a warning label to each pump or handle of a pump
9 from which any such motor vehicle fuel is drawn. **Section 3** of this bill requires the
10 State Sealer of Weights and Measures to adopt regulations to ensure compliance



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with **section 1** and to specify the format, size, wording and placement of the warning labels. At a minimum, **section 3** requires the labels to include: (1) a warning of the presence or possible presence of manganese; (2) a statement that manganese may cause damage to a motor vehicle's engine or emission control system; (3) a warning that the use of fuel containing manganese may void a manufacturer's warranty on a motor vehicle; and (4) a recommendation to consult the owner's manual for the motor vehicle before using the fuel.

Existing law requires the district attorney of each county to prosecute any violations of the provisions relating to the regulation and inspection of gasoline and other petroleum products in this State and makes such violations a misdemeanor. (NRS 590.140, 590.150) **Section 4** of this bill requires the district attorney to prosecute any violation of **section 1**, and **section 5** of this bill makes such a violation a misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 590 of NRS is hereby amended by adding thereto a new section to read as follows:

A supplier shall:

1. Ensure that all documents relating to the transfer, distribution and sale of any motor vehicle fuel that contains or may contain manganese include a disclosure concerning the presence or possible presence of manganese in the motor vehicle fuel; and

2. Affix a warning label on each pump or handle of a pump from which any motor vehicle fuel sold or distributed by the supplier is drawn if the motor vehicle fuel contains or may contain manganese. Any warning label attached to a pump or handle of a pump by a supplier pursuant to this section must comply with the regulations adopted by the State Sealer of Weights and Measures pursuant to paragraph (b) of subsection 6 of NRS 590.100.

Sec. 2. NRS 590.020 is hereby amended to read as follows:

590.020 As used in NRS 590.010 to 590.330, inclusive, ***and section 1 of this act***, unless the context otherwise requires:

1. "Additives" means a substance to be added to a motor oil or lubricating oil to impart or improve desirable properties or to suppress undesirable properties.

2. "Advertising medium" means any sign, printed or written matter, or device for oral or visual communication.

3. "Alternative fuel" includes, without limitation, premium diesel fuel, B-5 diesel fuel, B-10 diesel fuel, B-20 diesel fuel, B-100 diesel fuel, M-85, M-100, E-85, E-100, liquefied petroleum gas, natural gas, reformulated gasoline, gasohol and oxygenated fuel.

4. "Brand name" means a name or logo that is used to identify a business or company.



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1 5. "Grade" means:

2 (a) "Regular," "midgrade," "plus," "super," "premium" or words
3 of similar meaning when describing a grade designation for
4 gasoline.

5 (b) "Diesel" or words of similar meaning, including, without
6 limitation, any specific type of diesel, when describing a grade
7 designation for diesel motor fuel.

8 (c) "M-85," "M-100," "E-85," "E-100" or words of similar
9 meaning when describing a grade designation for alternative fuel.

10 (d) "Propane," "liquefied petroleum gas," "compressed natural
11 gas," "liquefied natural gas" or words of similar meaning when
12 describing pressurized gases.

13 6. "Motor vehicle fuel" means a petroleum product or
14 alternative fuel used for internal combustion engines in motor
15 vehicles.

16 7. "Performance rating" means the system adopted by the
17 American Petroleum Institute for the classification of uses for which
18 an oil is designed.

19 8. "Petroleum products" means gasoline, diesel fuel, burner
20 fuel kerosene, lubricating oil, motor oil or any product represented
21 as motor oil or lubricating oil. The term does not include liquefied
22 petroleum gas, natural gas or motor oil additives.

23 9. "Recycled oil" means a petroleum product which is prepared
24 from used motor oil or used lubricating oil. The term includes
25 rerefined oil.

26 10. "Rerefined oil" means used oil which is refined after its
27 previous use to remove from the oil any contaminants acquired
28 during the previous use.

29 11. *"Supplier" means a person who:*

30 (a) *Imports or acquires immediately upon importation into this*
31 *State motor vehicle fuel, from within or without a state, territory*
32 *or possession of the United States or the District of Columbia into*
33 *a terminal located in this State;*

34 (b) *Otherwise acquires for distribution in this State motor*
35 *vehicle fuel with respect to which there has been no previous*
36 *taxable sale or use; or*

37 (c) *Produces, manufactures or refines motor vehicle fuel in*
38 *this State.*

39 12. "Used oil" means any oil which has been refined from
40 crude or synthetic oil and, as a result of use, has become unsuitable
41 for its original purpose because of a loss of its original properties or
42 the presence of impurities, but which may be suitable for another
43 use or economically recycled.

44 ~~H2~~ 13. "Viscosity grade classification" means the measure
45 of an oil's resistance to flow at a given temperature according to the



1 grade classification system of the Society of Automotive Engineers
2 or other grade classification.

3 **Sec. 3.** NRS 590.100 is hereby amended to read as follows:

4 590.100 The State Sealer of Weights and Measures is charged
5 with the proper enforcement of NRS 590.010 to 590.150, inclusive,
6 *and section 1 of this act* and has the following powers and duties:

7 1. The State Sealer of Weights and Measures may publish
8 reports relating to petroleum products and motor vehicle fuel in such
9 form and at such times as he or she deems necessary.

10 2. The State Sealer of Weights and Measures, or the appointees
11 thereof, shall inspect and check the accuracy of all measuring
12 devices for petroleum products and motor vehicle fuel maintained in
13 this State, and shall seal all such devices whose tolerances are found
14 to be within those prescribed by the National Institute of Standards
15 and Technology.

16 3. The State Sealer of Weights and Measures, or the appointees
17 thereof, or any member of the Nevada Highway Patrol, may take
18 such samples as he or she deems necessary of any petroleum
19 product or motor vehicle fuel that is kept, transported or stored
20 within the State of Nevada. It is unlawful for any person, or any
21 officer, agent or employee thereof, to refuse to permit the State
22 Sealer of Weights and Measures, or the appointees thereof, or any
23 member of the Nevada Highway Patrol, in the State of Nevada, to
24 take such samples, or to prevent or to attempt to prevent the State
25 Sealer of Weights and Measures, or the appointees thereof, or any
26 member of the Nevada Highway Patrol, from taking them. If the
27 person, or any officer, agent or employee thereof, from which a
28 sample is taken at the time of taking demands payment, then the
29 person taking the sample shall pay the reasonable market price for
30 the quantity taken.

31 4. The State Sealer of Weights and Measures, or the appointees
32 thereof, may close and seal the outlets of any unlabeled or
33 mislabeled containers, pumps, dispensers or storage tanks connected
34 thereto or which contain any petroleum product or motor vehicle
35 fuel which, if sold, would violate any of the provisions of NRS
36 590.010 to 590.150, inclusive, *and section 1 of this act* and shall
37 post, in a conspicuous place on the premises where those containers,
38 pumps, dispensers or storage tanks have been sealed, a notice stating
39 that the action of sealing has been taken in accordance with the
40 provisions of NRS 590.010 to 590.150, inclusive, *and section 1 of*
41 *this act* and giving warning that it is unlawful to break, mutilate or
42 destroy the seal or seals thereof under penalty as provided in
43 NRS 590.110.

44 5. The State Sealer of Weights and Measures, or the appointees
45 thereof, shall, upon at least 24 hours' notice to the owner, manager,



operator or attendant of the premises where a container, pump, dispenser or storage tank has been sealed, and at the time specified in the notice, break the seal for the purpose of permitting the removal of the contents of the container, pump, dispenser or storage tank. If the contents are not immediately and completely removed, the container, pump, dispenser or storage tank must be again sealed.

6. The State Sealer of Weights and Measures shall adopt regulations ~~[which]~~ :

(a) Which are necessary for the enforcement of NRS 590.010 to 590.150, inclusive, *and section 1 of this act*, including standard procedures for testing petroleum products or motor vehicle fuel which are based on sources such as those approved by ASTM International, and may adopt specifications for any fuel for use in internal combustion engines which is sold or offered for sale and contains any alcohol or other combustible chemical that is not a petroleum product or motor vehicle fuel.

(b) Which specify the format, size, wording and placement of the warning labels for manganese that a supplier must place on a pump or handle of a pump pursuant to section 1 of this act. The regulations must ensure that the warning labels include, without limitation:

(1) A warning that the motor vehicle fuel contains or may contain manganese;

(2) A statement that the use of the motor vehicle fuel may damage the engine and emission control system of a vehicle;

(3) A warning that use of the motor vehicle fuel may void the manufacturer's warranty for a vehicle; and

(4) A recommendation to consult the owner's manual for a vehicle before using the motor vehicle fuel.

(c) To ensure compliance with section 1 of this act.

Sec. 4. NRS 590.140 is hereby amended to read as follows:

590.140 The district attorney of each county shall prosecute all violations of the provisions of NRS 590.010 to 590.150, inclusive, *and section 1 of this act* occurring within the county.

Sec. 5. NRS 590.150 is hereby amended to read as follows:

590.150 1. Any person, or any officer, agent or employee thereof, who violates any of the provisions of NRS 590.010 to 590.140, inclusive, *and section 1 of this act* is guilty of a misdemeanor.

2. Each such person, or any officer, agent or employee thereof, is guilty of a separate offense for each day during any portion of which any violation of any provision of NRS 590.010 to 590.140, inclusive, *and section 1 of this act* is committed, continued or permitted by such person, or any officer, agent or employee thereof, and shall be punished as provided in this section.



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1 3. The selling and delivery of any petroleum product or motor
2 vehicle fuel mentioned in NRS 590.010 to 590.140, inclusive, *and*
3 *section 1 of this act* is prima facie evidence of the representation on
4 the part of the vendor that the quality sold and delivered was the
5 quality bought by the vendee.

6 **Sec. 6.** The State Sealer of Weights and Measures shall adopt
7 any regulations required to carry out the amendatory provisions of
8 this act before October 1, 2011.

9 **Sec. 7.** This act becomes effective:

10 1. Upon passage and approval for the purposes of adopting
11 regulations and performing any other preparatory administrative
12 tasks that are necessary to carry out the provisions of this act; and

13 2. On October 1, 2011, for all other purposes.

