

Amendment No. 969

Senate Amendment to Assembly Bill No. 453 First Reprint (BDR 51-689)

Proposed by: Senate Committee on Natural Resources

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

CAF/JRS



Date: 6/6/2011

A.B. No. 453—Requires a supplier of motor vehicle fuel to provide certain statements relating to the presence or possible presence of manganese in any motor vehicle fuel sold or distributed by the supplier. (BDR 51-689)



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 statements 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 statements 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 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:

Existing law provides for the regulation and inspection of petroleum products, including motor vehicle fuel, in this State by the State Board of Agriculture and the State Sealer of Weights and Measures. (NRS 590.010-590.150) This bill applies to motor vehicle fuel which contains or may contain manganese. **Section 1** of this bill requires a supplier of motor vehicle fuel to ensure that all documents relating to the transfer and sale of any such motor vehicle fuel include a disclosure concerning the presence or possible presence of manganese in the motor vehicle fuel. **Section 1** also requires a supplier to affix a label to each pump or handle of a pump from which any such motor vehicle fuel is drawn. **Finally, section 1 prohibits a person from prohibiting a supplier from entering any premises owned or operated by the person for the purpose of affixing the required label to a pump.** **Section 3** of this bill requires the State Sealer of Weights and Measures to adopt regulations to ensure compliance with **section 1** and to specify the format, size, wording and placement of the labels. At a minimum, **section 3** requires the labels to include a statement indicating the presence or possible presence of manganese in the motor vehicle fuel. **Section 3** authorizes the State Sealer of Weights and Measures to require by regulation that the label also include: (1) a statement that manganese may cause damage to a motor vehicle's engine or emission control

system; (2) a statement that the use of fuel containing manganese may void a manufacturer's warranty on a motor vehicle; and (3) 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:

1. A supplier shall:

~~1. (a)~~ *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. (b)~~ *Affix a 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 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.*

2. A person shall not prohibit a supplier from entering any premises owned or operated by the person for the purpose of complying with the provisions of paragraph (b) of subsection 1.

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.

5. "Grade" means:

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

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

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

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

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

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

3 8. "Petroleum products" means gasoline, diesel fuel, burner fuel kerosene,
4 lubricating oil, motor oil or any product represented as motor oil or lubricating oil.
5 The term does not include liquefied petroleum gas, natural gas or motor oil
6 additives.

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

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

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

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

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

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

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

22 ~~12.~~ 13. "Viscosity grade classification" means the measure of an oil's
23 resistance to flow at a given temperature according to the grade classification
24 system of the Society of Automotive Engineers or other grade classification.

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

26 590.100 The State Sealer of Weights and Measures is charged with the proper
27 enforcement of NRS 590.010 to 590.150, inclusive, *and section 1 of this act* and
28 has the following powers and duties:

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

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

37 3. The State Sealer of Weights and Measures, or the appointees thereof, or
38 any member of the Nevada Highway Patrol, may take such samples as he or she
39 deems necessary of any petroleum product or motor vehicle fuel that is kept,
40 transported or stored within the State of Nevada. It is unlawful for any person, or
41 any officer, agent or employee thereof, to refuse to permit the State Sealer of
42 Weights and Measures, or the appointees thereof, or any member of the Nevada
43 Highway Patrol, in the State of Nevada, to take such samples, or to prevent or to
44 attempt to prevent the State Sealer of Weights and Measures, or the appointees
45 thereof, or any member of the Nevada Highway Patrol, from taking them. If the
46 person, or any officer, agent or employee thereof, from which a sample is taken at
47 the time of taking demands payment, then the person taking the sample shall pay
48 the reasonable market price for the quantity taken.

49 4. The State Sealer of Weights and Measures, or the appointees thereof, may
50 close and seal the outlets of any unlabeled or mislabeled containers, pumps,
51 dispensers or storage tanks connected thereto or which contain any petroleum
52 product or motor vehicle fuel which, if sold, would violate any of the provisions of
53 NRS 590.010 to 590.150, inclusive, *and section 1 of this act* and shall post, in a

conspicuous place on the premises where those containers, pumps, dispensers or storage tanks have been sealed, a notice stating that the action of sealing has been taken in accordance with the provisions of NRS 590.010 to 590.150, inclusive, *and section 1 of this act* and giving warning that it is unlawful to break, mutilate or destroy the seal or seals thereof under penalty as provided in NRS 590.110.

5. The State Sealer of Weights and Measures, or the appointees 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 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 require that the labels include, without limitation, a statement that the motor vehicle fuel contains or may contain manganese. The regulations may require that the labels include, without limitation:*

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

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

(3) *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.

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

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

Sec. 7. This act becomes effective:

- 1 1. Upon passage and approval for the purposes of adopting regulations and
2 performing any other preparatory administrative tasks that are necessary to carry
3 out the provisions of this act; and
- 4 2. On October 1, 2011, for all other purposes.