

Amendment No. 555

Senate Amendment to Senate Bill No. 433 (BDR 51-1101)

Proposed by: Senate Committee on Natural Resources

Amendment Box: Replaces Amendment No. 521.

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

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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.

DPR/JRS



Date: 4/22/2013

S.B. No. 433—Revises provisions governing motor vehicle fuel. (BDR 51-1101)



SENATE BILL NO. 433—COMMITTEE ON NATURAL RESOURCES

MARCH 25, 2013

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing motor vehicle fuel. (BDR 51-1101)

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: No.

~

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

AN ACT relating to motor vehicle fuel; ~~making it unlawful for a person to sell or offer for sale~~ **requiring the State Board of Agriculture to adopt regulations that require a warning label to be affixed to any pump which dispenses** any motor vehicle fuel to which any manganese or manganese compound has been added; ~~providing a penalty;~~ **requiring a person who sells motor vehicle fuel that contains manganese or any manganese compound to provide certain documentation to the purchaser of that fuel;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Agriculture to adopt by regulation specifications for motor vehicle fuel in this State based upon certain criteria. (NRS 590.070) ~~This bill makes it unlawful for a person, or any officer or agent or employee of the person, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale, any motor vehicle fuel to which any manganese or manganese compound has been added.~~ **Section 3 of this bill requires the Board to adopt regulations requiring a warning label to be affixed to any pump from which is drawn any motor vehicle fuel that is sold to a consumer if the motor vehicle fuel contains manganese or any manganese compound, including, without limitation, methylcyclopentadienyl manganese tricarbonyl, and was delivered to the vendor within the immediately preceding 6 months.**

Section 4 of this bill requires a person, other than a retailer of motor vehicle fuel, who sells a motor vehicle fuel that contains manganese or any manganese compound to provide documentation to the purchaser stating that the motor vehicle fuel contains manganese or any manganese compound and stating the volume of the compound expressed in milligrams per liter.

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

Section 1. ~~[NRS 590.070 is hereby amended to read as follows:~~

~~590.070 1. [The] Except as otherwise provided in paragraph (b) of subsection 3, the State Board of Agriculture shall adopt by regulation specifications for motor vehicle fuel.~~

~~(a) Based upon scientific evidence which demonstrates that any motor vehicle fuel which is produced in accordance with the specifications is of sufficient quality to ensure appropriate performance when used in a motor vehicle in this State; or~~

~~(b) Proposed by an air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. As used in this paragraph, "air pollution control agency" means any federal air pollution control agency or any state, regional or local agency that has the authority pursuant to chapter 445B of NRS to regulate or control air pollution or air quality in any area of this State.~~

~~2. [The] Except as otherwise provided in paragraph (b) of subsection 3, the State Board of Agriculture shall adopt by regulation procedures for allowing variances from the specifications for motor vehicle fuel adopted pursuant to this section.~~

~~3. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale, any [petroleum].~~

~~(a) Petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture pursuant to this section.~~

~~(b) Motor vehicle fuel to which any manganese or manganese compound has been added, including, without limitation, the compound methylcyclopentadienyl manganese tricarbonyl.~~

~~4. This section does not apply to aviation fuel.~~

~~5. In addition to any criminal penalty that is imposed pursuant to the provisions of NRS 590.150, any person who violates any provision of this section may be further punished as provided in NRS 590.071.] (Deleted by amendment.)~~

Sec. 2. Chapter 590 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. The State Board of Agriculture shall adopt regulations:

1. Requiring a warning label to be affixed on each pump from which is drawn any motor vehicle fuel sold to a consumer if the motor vehicle fuel:

(a) Contains manganese or any manganese compound, including, without limitation, methylcyclopentadienyl manganese tricarbonyl; and

(b) Was delivered to the vendor within the immediately preceding 6 months.

2. Specifying the format, size, wording and placement of the warning label that a vendor is required to place on a pump pursuant to this section. The regulations must ensure that the warning labels measure at least 4 inches by 4 inches and include, without limitation:

(a) A notice advising the consumer to read the label before dispensing the motor vehicle fuel;

(b) A warning that the motor vehicle fuel contains manganese or a manganese compound, including, without limitation, methylcyclopentadienyl manganese tricarbonyl; and

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

1 **Sec. 4. Any person, other than a retailer of motor vehicle fuel, who sells,**
2 **offers for sale, assists in the sale of, delivers or transports motor vehicle fuel that**
3 **contains manganese or any manganese compound must provide the purchaser,**
4 **including without limitation, a retailer of motor vehicle fuel, with documentation**
5 **expressly stating that the fuel contains manganese or a manganese compound**
6 **and stating the volume of the compound expressed in milligrams per liter.**

7 **Sec. 5. NRS 590.020 is hereby amended to read as follows:**

8 590.020 As used in NRS 590.010 to 590.330, inclusive, **and sections 3 and 4**
9 **of this act**, unless the context otherwise requires:

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

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

14 3. "Alternative fuel" includes, without limitation, premium diesel fuel, B-5
15 diesel fuel, B-10 diesel fuel, B-20 diesel fuel, B-100 diesel fuel, M-85, M-100, E-
16 85, E-100, liquefied petroleum gas, natural gas, reformulated gasoline, gasohol and
17 oxygenated fuel.

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

20 5. "Grade" means:

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

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

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

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

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

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

33 8. "Petroleum products" means gasoline, diesel fuel, burner fuel kerosene,
34 lubricating oil, motor oil or any product represented as motor oil or lubricating oil.
35 The term does not include liquefied petroleum gas, natural gas or motor oil
36 additives.

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

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

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

45 12. "Viscosity grade classification" means the measure of an oil's resistance
46 to flow at a given temperature according to the grade classification system of the
47 Society of Automotive Engineers or other grade classification.

48 **Sec. 6. The State Board of Agriculture shall adopt the regulations**
49 **required by section 3 of this act on or before January 1, 2014.**

50 **Sec. 7. This act becomes effective upon passage and approval for the**
51 **purpose of adopting regulations and on January 1, 2014, for all other**
52 **purposes.**