

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 681

An Act to amend the Code of Virginia by adding a section numbered 59.1-155.1, relating to an antifreeze bittering agent; penalty.

[H 2629]

Approved March 30, 2009

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 59.1-155.1 as follows:

§ 59.1-155.1. Engine coolant and antifreeze bittering agent; penalty.

A. Any engine coolant or antifreeze manufactured after January 1, 2011, and sold within the Commonwealth that contains more than 10 percent ethylene glycol shall include not less than 30 parts per million and not more than 50 parts per million denatonium benzoate as a bittering agent in order to render the coolant or antifreeze unpalatable.

B. A manufacturer, processor, distributor, recycler or seller of an engine coolant or antifreeze that is required to contain an aversive agent under subsection A shall not be liable to any person for any personal injury, death, property damage, damage to the environment (including natural resources), or economic loss that results from the inclusion of denatonium benzoate in any engine coolant or antifreeze, provided that the inclusion of denatonium benzoate is present in concentrations mandated by subsection A. The limitation on liability does not apply to a particular liability to the extent that the cause of such liability is unrelated to the inclusion of denatonium benzoate in any engine coolant or antifreeze.

C. The provisions of this section shall not apply to (i) the sale of a motor vehicle that contains engine coolant or antifreeze, (ii) a wholesale container of engine coolant or antifreeze designed to contain 55 gallons or more of engine coolant or antifreeze, or (iii) engine coolant or antifreeze reformulated through on site recycling.

D. Any person violating any provision of this section shall be assessed a civil penalty of up to \$100 per violation. Each day of violation shall constitute a separate offense.

E. This section shall not apply to engine coolant or antifreeze that is purchased pursuant to military specifications.

2. That the provisions of this act shall become effective on January 1, 2011.