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**HOUSE BILL NO. 2446**

House Amendments in [ ] - February 3, 2009

A *BILL to amend and reenact §§ 59.1-149, 59.1-151, 59.1-153, 59.1-155, 59.1-156, and 59.1-163 of the Code of Virginia, relating to motor fuels and lubricating oils.*

Patron Prior to Engrossment—Delegate Sickles

Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 59.1-149, 59.1-151, 59.1-153, 59.1-155, 59.1-156, and 59.1-163 of the Code of Virginia are amended and reenacted as follows:**

§ 59.1-149. Definitions.

As used in this chapter:

"Commissioner" means the Commissioner of Agriculture and Consumer Services or his designated representative.

"Gasoline" shall be construed to include naphtha, benzine and other like liquids and fluids derived from petroleum or other sources and used, or intended to be used, for power purposes, except kerosene.

"Lubricating oil" means lubricating oils used in internal combustion engines.

"Motor fuel" means any liquid ~~product or gaseous matter~~ used for the generation of power in an internal combustion ~~or turbine engine and includes, but is not necessarily limited to, gasoline, diesel fuel, and gasoline-alcohol blends.~~

§ 59.1-151. Statements to be filed by manufacturers, wholesalers and jobbers.

All manufacturers, wholesalers, and jobbers, before selling or offering for sale in this Commonwealth any ~~gasoline motor fuel~~ for the purposes above defined, shall file with the Commissioner a statement that they desire to do business in this Commonwealth, and furnish the brand name, trade name, or trademark of the motor fuel which they desire to sell.

§ 59.1-153. Methods of making inspection.

In making any inspection and test of a motor fuel or lubricating oil under this chapter, the Commissioner shall follow the specifications for the inspection and testing of that motor fuel or for the lubricating oil established by *ASTM International, formerly the American Society for Testing and Materials, and incorporated into the ASTM specifications for motor fuels, which are adopted by the National Conference on Weights and Measures and published by the National Institute of Standards and Technology in Handbook 130, "Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality,"* as the same now are or may be hereafter amended. [ *For purposes of this section, such specifications shall apply to methods of inspection and testing only, and shall not apply to methods of sale, including automatic temperature compensation.* ] For cause after an informational proceeding under § 2.2-4007.01, such specifications may be amended by the Board of Agriculture and Consumer Services.

§ 59.1-155. Prohibiting sale of defective motor fuel.

The Commissioner may prohibit the sale of ~~gasoline motor fuel~~ that does not meet the specifications as provided in this chapter or regulations adopted thereunder.

§ 59.1-156. Rules and regulations.

A. The Board of Agriculture and Consumer Services may make all necessary rules and regulations for (i) the inspection and testing of motor fuel and lubricating oil; (ii) assuring that motor fuels dispensed in this Commonwealth comply with any oxygenation requirement specified by the federal Clean Air Act or any other federal environmental requirement pertaining to motor fuels; and (iii) the enforcement of this chapter.

B. Oxygenated gasoline regulations pursuant to clause (ii) of subsection A may be adopted, amended or repealed without observing the requirements of the Administrative Process Act (§ 2.2-4000 et seq.) and shall, unless a later effective date is specified in the regulation, amendment or repeal, take effect upon adoption by the Board of Agriculture and Consumer Services and filing with the Registrar of Regulations.

C. No agency of the Commonwealth may enforce the provisions of "Regulations Governing the Oxygenation of Gasoline" (2 VAC 5-480-10 et seq.), or any successor regulation, requiring the use or sale of oxygenated gasoline, unless, and only to the extent, the regulation is required by federal law or regulation. For purposes of this subsection "oxygenated gasoline" ~~means gasoline that contains a minimum of 2.7 percent oxygen by weight shall have the same meaning as "Gasoline-Oxygenate Blend" as defined in Handbook 130 published by the National Institute of Standards and Technology.~~

ENGROSSED

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59 § 59.1-163. Penalty for violation.

60 Any person, ~~firm or corporation~~ selling any motor fuel or lubricating oil which does not comply with  
61 the specifications provided in this chapter, or violating any of the provisions of the chapter, shall be  
62 guilty of a Class 1 misdemeanor. Any dealer in any motor fuel who receives motor fuel meeting the  
63 requirements of this chapter and who thereafter adulterates any such ~~gasoline~~ *motor fuel* or mixes it with  
64 inferior motor fuel, so that the resulting product does not meet the requirements of this chapter, shall be  
65 guilty of a Class 1 misdemeanor.