

By: Isaac

H.B. No. 1693

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on the sale of motor fuel mixed with ethanol; imposing civil and criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 17.051(a) and (b), Agriculture Code, are amended to read as follows:

(a) A dealer may not sell or offer for sale motor fuel from a motor fuel pump supplied by a storage tank into which motor fuel, in a mixture in which at least one percent of the mixture measured by volume is ~~[ethanol or]~~ methanol, has been delivered within the 60-day period preceding the date of sale or offer of sale unless the dealer prominently displays on the pump from which the mixture is sold a sign that complies with Subsection (b).

(b) A sign required by Subsection (a) must:

(1) be displayed on each face of the motor fuel pump on which the price of the motor fuel mixture sold from the pump is displayed;

(2) state ~~["Contains Ethanol" or]~~ "Contains Methanol" ~~[Methanol, "as applicable"]~~;

(3) appear in contrasting colors with block letters at least one-half inch high and one-fourth inch wide; and

(4) be displayed in a clear, conspicuous, and prominent manner, visible to customers using either side of the pump.

SECTION 2. Section 17.052(a), Agriculture Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a distributor, supplier, wholesaler, or jobber of motor fuel may not deliver to an outlet in this state a motor fuel mixture that contains [~~ethanol or~~] methanol exceeding one percent by volume of the mixture unless, at the time of the delivery of the mixture, the person also delivers to the outlet receiving the delivery a manifest, bill of sale, bill of lading, or other document evidencing delivery of the mixture, that includes a statement containing:

(1) the percentage of [~~ethanol or~~] methanol contained in the mixture; and

(2) the types and percentages of any associated cosolvents contained in the mixture.

SECTION 3. Subchapter B, Chapter 17, Agriculture Code, is amended by adding Section 17.056 to read as follows:

Sec. 17.056. SALE OF MOTOR FUEL AND ETHANOL MIXTURE PROHIBITED. A dealer may not sell or offer for sale motor fuel that is mixed with ethanol.

SECTION 4. Section 17.071(a), Agriculture Code, is amended to read as follows:

(a) The department by rule shall adopt minimum motor fuel quality and testing standards for motor fuel that is sold or offered for sale in this state. The standards must comply with the nationally recognized minimum standards established by [~~+~~

[~~(1)~~] the American Society for Testing and Materials [~~, for motor fuels other than motor fuels blended with ethanol, and~~

1 ~~[(2) the National Institute of Standards and~~
2 ~~Technology, for motor fuels blended with ethanol].~~

3 SECTION 5. Section 17.102, Agriculture Code, is amended to
4 read as follows:

5 Sec. 17.102. TESTING; RULES RELATING TO TESTING FREQUENCY.
6 To determine compliance with the standards and enforce rules
7 adopted under Sections 17.051, 17.052, 17.053, 17.055, 17.056, and
8 17.103, the commissioner or an authorized representative of the
9 commissioner may test any motor fuel sold in this state, regardless
10 of the existence of a complaint about the fuel. This section does
11 not prohibit the commissioner from adopting rules relating to the
12 frequency of testing motor fuels. In adopting the rules, the
13 commissioner shall consider:

- 14 (1) the nature of the violation;
15 (2) the history of past violations; and
16 (3) available funds under Section 17.104(d).

17 SECTION 6. Section 17.104(a), Agriculture Code, is amended
18 to read as follows:

19 (a) The commissioner may adopt rules consistent with this
20 chapter for the regulation of the sale of motor fuels, including
21 motor fuels that contain ~~[ethanol and]~~ methanol.

22 SECTION 7. Section 17.152(a), Agriculture Code, is amended
23 to read as follows:

24 (a) If a dealer or a distributor, supplier, wholesaler, or
25 jobber of motor fuel violates Section 17.051, 17.052, 17.053,
26 17.054, ~~[or]~~ 17.055, or 17.056, a motor fuel user who purchased the
27 motor fuel and sustained damages or who has a complaint about the

1 product may bring an action against the dealer, distributor,
2 supplier, wholesaler, or jobber.

3 SECTION 8. Section 17.153, Agriculture Code, is amended to
4 read as follows:

5 Sec. 17.153. CIVIL PENALTY. A dealer, distributor,
6 supplier, wholesaler, or jobber who violates Section 17.051,
7 17.052, 17.053, 17.054, ~~[or]~~ 17.055, or 17.056 is liable to this
8 state for a civil penalty of not less than \$200 and not more than
9 \$10,000.

10 SECTION 9. Section 17.154(a), Agriculture Code, is amended
11 to read as follows:

12 (a) A person commits an offense if the person knowingly
13 violates Section 17.051, 17.052, 17.053, 17.054, ~~[or]~~ 17.055, or
14 17.056 or a rule adopted by the commissioner to enforce or implement
15 those sections.

16 SECTION 10. This Act takes effect September 1, 2015.