

By: Gerdes

H.B. No. 4690

Substitute the following for H.B. No. 4690:

By: Phelan

C.S.H.B. No. 4690

A BILL TO BE ENTITLED

AN ACT

relating to motor fuel measuring, quality, and testing standards.

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

SECTION 1. Section 2310.060(a-1), Occupations Code, is amended to read as follows:

(a-1) In implementing this section, the department or an authorized representative of the department shall:

(1) follow the standards and procedures described by Section 2310.203 ~~[adopted by the department]~~ for collecting, sampling, and handling motor fuel;

(2) obtain the approval of the executive director or the executive director's designee before taking any action under this section; and

(3) place a tag or other notice on each motor fuel dispensing device subject to an order issued by the department under this section.

SECTION 2. Section 2310.107, Occupations Code, is amended to read as follows:

Sec. 2310.107. TOLERANCES. The commission shall by rule set the specifications ~~[Specifications]~~ and tolerances for motor fuel metering devices to ~~[shall]~~ be the same as the most recently adopted or amended standards ~~[those]~~ recommended by the National Institute of Standards and Technology at the time the device is used.

SECTION 3. Subchapter E, Chapter 2310, Occupations Code, is amended by adding Section 2310.2016 to read as follows:

Sec. 2310.2016. MOTOR FUEL QUALITY STANDARDS. (a) The commission shall by rule set the minimum quality standards for motor fuel sold or offered for sale in this state to the most recently adopted or amended petroleum standards on the date of the sale by ASTM International.

(b) The commission shall adopt rules to ensure that, except as provided by Section 2310.2031, gasoline or gasoline blended with ethanol that is sold or offered for sale in this state meets the standard specification requirements applicable to the period and region, as described in the most recent edition of ASTM International's publication D4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

SECTION 4. The heading to Section 2310.203, Occupations Code, is amended to read as follows:

Sec. 2310.203. ~~[TESTING OF]~~ MOTOR FUEL QUALITY TESTING STANDARDS AND PROCEDURES.

SECTION 5. Section 2310.203(a), Occupations Code, is amended to read as follows:

(a) The department or an authorized representative of the department may collect samples and conduct testing at any location where motor fuel is kept, transferred, sold, or offered for sale to verify that the motor fuel complies with the motor fuel quality ~~[minimum]~~ standards described ~~[required]~~ by Section 2310.2016 ~~[2310.202]~~.

SECTION 6. Subchapter E, Chapter 2310, Occupations Code, is

amended by adding Section 2310.2031 to read as follows:

Sec. 2310.2031. EXCEPTIONS TO MOTOR FUEL QUALITY STANDARDS.

(a) Gasoline or gasoline blended with ethanol that is sold or offered for sale in this state during periods when areas adjacent to the meridian of 99° 00' west longitude line on opposite sides of the line have different volatility classes under the most recently adopted Schedule of U.S. Seasonal and Geographic Volatility Classes in ASTM International's publication D4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel," conforms with this chapter and commission rules if it complies with the volatility class for either area.

(b) Gasoline sold or offered for sale in this state conforms with this chapter and rules set by the commission if it meets or exceeds the most recently adopted Driveability Index prescribed by the Vapor Pressure and Distillation Class Requirements for vapor pressure or distillation classes AAA, AA, or A under ASTM International's publication D4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(c) Gasoline blended with up to 15 volume percent ethanol is granted a vapor pressure tolerance waiver of 1.0 pound per square inch except for gasoline blends sold or offered for sale beginning May 1 and ending October 1 each year in counties required to comply with low emissions motor fuel standards.

(d) Seasonal specifications for vapor pressure may be extended for a maximum period of 15 days to allow for the distribution of existing stocks. New stocks of a higher volatility classification may not be offered for retail sale in this state

1 before the effective date of the higher volatility classification.

2 (e) The vapor-to-liquid ratio specification under this
3 section does not apply to gasoline or gasoline ethanol blends.

4 (f) This section may not be construed to interfere with
5 regulations for low emissions motor fuels adopted by this state to
6 comply with federal law.

7 SECTION 7. The following provisions of the Occupations Code
8 are repealed:

9 (1) Section 2310.202; and

10 (2) Section 2310.203(c-1).

11 SECTION 8. The changes in law made by this Act apply only to
12 a violation committed on or after the effective date of this Act. A
13 violation committed before the effective date of this Act is
14 governed by the law in effect when the violation was committed, and
15 the former law is continued in effect for that purpose. For
16 purposes of this section, a violation was committed before the
17 effective date of this Act if any element of the violation was
18 committed before that date.

19 SECTION 9. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2025.