

SENATE AMENDMENTS

2nd Printing

By: Gerdes

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. Sections 2310.203(a) and (c-1), Occupations Code, are 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]~~.

(c-1) The commission shall adopt rules regulating the

1 methods and procedures applicable to motor fuel testing under this
2 section. The rules adopted under this subsection must provide that
3 the applicable standard for motor fuel testing is ASTM
4 International's most recently adopted or amended standard on the
5 date of the test.

6 SECTION 6. Subchapter E, Chapter 2310, Occupations Code, is
7 amended by adding Section 2310.2031 to read as follows:

8 Sec. 2310.2031. EXCEPTIONS TO MOTOR FUEL QUALITY STANDARDS.

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

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

25 (c) Gasoline blended with up to 15 volume percent ethanol is
26 granted a vapor pressure tolerance waiver of 1.0 pound per square
27 inch except for gasoline blends sold or offered for sale beginning

1 May 1 and ending October 1 each year in counties required to comply
2 with low emissions motor fuel standards.

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

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

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

13 SECTION 7. Section 2310.202, Occupations Code, is repealed.

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

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

ADOPTED

MAY 29 2025

Letsy Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *C. J. Bl*

1 Amend H.B. No. 4690 (senate committee report) in SECTION 6 of
2 the bill, as follows:

3 (1) In added Section 2310.2031(a), Occupations Code (page
4 2, line 19), strike "adjacent to" and substitute "within this state
5 on either side of".

6 (2) In added Section 2310.2031(b), Occupations Code (page
7 2, lines 27 through 33), strike Subsection (b) and substitute the
8 following:

9 (b) Gasoline sold or offered for sale in this state conforms
10 with the Driveability Index provided in the Vapor Pressure and
11 Distillation Class Requirements in the most recently adopted
12 version of ASTM International's publication D4814, "Standard
13 Specification for Automotive Spark-Ignition Engine Fuel," if it
14 meets or exceeds vapor pressure and distillation class AAA, AA, or
15 A.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 29, 2025

TO: Honorable Dustin Burrows, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4690 by Gerdes (Relating to motor fuel measuring, quality, and testing standards.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: JMc, SD, RStu, TUf, BFa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 19, 2025

TO: Honorable Charles Schwertner, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4690 by Gerdes (Relating to motor fuel measuring, quality, and testing standards.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

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Local Government Impact

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Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: JMc, RStu, TUf, BFa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 6, 2025

TO: Honorable Dade Phelan, Chair, House Committee on Licensing & Administrative Procedures

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4690 by Gerdes (relating to motor fuel measuring, quality, and testing standards.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: JMc, TUf, BFa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 14, 2025

TO: Honorable Dade Phelan, Chair, House Committee on Licensing & Administrative Procedures

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4690 by Gerdes (Relating to motor fuel measuring, quality, and testing standards.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: JMc, TUf, BFa