

SECOND REGULAR SESSION

# SENATE BILL NO. 885

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time February 3, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4848S.01I

## AN ACT

To repeal section 414.072, RSMo, and to enact in lieu thereof two new sections relating to motor fuel training and equipment.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 414.072, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 319.150 and 414.072, to read as follows:

**319.150. 1. If, after holding a public hearing and determining by vote that state action is required, the board of trustees of the petroleum storage tank insurance fund may create, fund, and maintain an underground storage tank operator training program. Any such training program created under this section shall:**

**(1) Be established by rule;**

**(2) Be developed in collaboration with the department of natural resources, the department of agriculture, and impacted portions of the private sector; and**

**(3) Satisfy at a minimum any federal requirements for such a training program.**

**2. The board shall offer the underground storage tank operator training program at no cost to required participants and may contract with one or more third parties to carry out the requirements of this section.**

**3. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers**

21 vested with the general assembly pursuant to chapter 536, to review, to  
22 delay the effective date, or to disapprove and annul a rule are  
23 subsequently held unconstitutional, then the grant of rulemaking  
24 authority and any rule proposed or adopted after August 28, 2010, shall  
25 be invalid and void.

414.072. 1. At least every six months, the director shall test and inspect  
2 the measuring devices used by any person selling an average of two hundred or  
3 more gallons of gasoline, gasoline-alcohol blends, diesel fuel, heating oil,  
4 kerosene, or aviation turbine fuel per month at either retail or wholesale in this  
5 state, except marine installations, which shall be tested and inspected at least  
6 once per year. **The department shall disregard the manufacturer's**  
7 **expiration date, if any, and shall require the replacement of motor fuel**  
8 **measuring devices and dispensing equipment only when they fail**  
9 **inspection. The manufacturer's expiration date on motor fuel**  
10 **measuring devices and dispensing equipment shall not impose any new**  
11 **or additional liability on motor fuel retailers and wholesalers.**

12 2. When the director finds that any measuring device does not correctly  
13 and accurately register and measure the monetary cost, if applicable, or the  
14 volume sold, he shall require the correction, removal, or discontinuance of the  
15 same.

16 3. Notwithstanding any other law or rule to the contrary, it has been and  
17 continues to be the public policy of this state to prohibit gasoline and diesel motor  
18 fuel in a retail sale transaction from being dispensed by any measuring device or  
19 equipment that is not approved by the department of agriculture or the National  
20 Type Evaluation Program (NTEP). **Any modification to the way motor fuel**  
21 **is measured or dispensed in a retail sale transaction is prohibited by**  
22 **state rule or the automatic adoption of national standards or rules**  
23 **unless the modification is first specifically authorized and mandated by**  
24 **state statute.**

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