



February 16, 2021

SENATE BILL No. 303

DIGEST OF SB 303 (Updated February 15, 2021 7:11 pm - DI 55)

Citations Affected: IC 16-44.

Synopsis: Petroleum product inspection and dispenser notice. Revises certain specifications used in the testing of gasoline and gasohol. Requires that a statement advising customers to check their owner's manuals for compatibility and warranty requirements be displayed on a fuel dispenser from which retail customers dispense gasohol containing more than ten per cent alcohol by volume. Requires that the warning statement be put next to the place on the fuel dispenser where the fuel selection is made. Makes the failure of an owner or operator of a fuel dispenser to comply with this requirement a Class A infraction. Provides that the requirement to display the warning statement about checking owner's manuals for compatibility and warranty requirements remains in effect until the state department of health makes a finding that regulations of the United States Environmental Protection Agency: (1) require the display on gasohol fuel dispensers of a consumer warning about engine compatibility with gasohol or the potential effect of gasohol use on warranty coverage; or (2) no longer require the display on gasohol fuel dispensers of the federal warning label about the use of ethanol in certain vehicles and certain engines.

Effective: July 1, 2021.

Messmer

January 11, 2021, read first time and referred to Committee on Environmental Affairs.
February 15, 2021, amended, reported favorably — Do Pass.

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February 16, 2021

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

SENATE BILL No. 303

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-44-2-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) The inspections
3 and tests made by the state department under this chapter shall be
4 conducted in accordance with the methods outlined by the American
5 Society for Testing and Materials.
6 (b) The inspections and tests as to gasoline, gasohol, and kerosene
7 must reflect the following minimum specifications necessary for the
8 approval of the product:
9 (1) Gasoline or gasohol:
10 (A) Corrosion Test – Method ASTM D-130. A clean copper
11 strip may not show more than extremely slight discoloration
12 when submerged in the gasoline for three (3) hours at one
13 hundred twenty-two (122) degrees Fahrenheit.
14 (B) Distillation Range – Method ASTM D-86. When the
15 thermometer reads one hundred sixty-seven (167) degrees
16 Fahrenheit, not less than ten percent (10%) may be evaporated.
17 When the thermometer reads two hundred eighty-four (284)

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1 degrees Fahrenheit, not less than fifty percent (50%) may be
 2 evaporated. When the thermometer reads three hundred
 3 ninety-two (392) degrees Fahrenheit, not less than ninety
 4 percent (90%) may be evaporated. The residue may not exceed
 5 two percent (2%). Percent evaporated is found by adding the
 6 distillation loss to the amount collected in the receiver at each
 7 specification temperature.

8 (C) Sulphur – Method ASTM D-1266 or D-2622. Sulphur may
 9 not exceed twenty-five hundredths of one percent (0.25%).

10 (D) Vapor Pressure – Method ASTM D-4953, ASTM D-5191,
 11 or any other ASTM method to determine vapor pressure
 12 approved by the United States Environmental Protection
 13 Agency. For gasoline, the Reid vapor pressure at one hundred
 14 (100) degrees Fahrenheit may not exceed the following:

15 (i) Fifteen (15) pounds per square inch at the normal
 16 barometric pressure at the point of delivery during
 17 ~~November~~, December, January, February, and March.

18 (ii) ~~Fourteen (14)~~ **Thirteen and five-tenths (13.5)** pounds
 19 per square inch during April, ~~and~~ October, ~~and~~ **November.**

20 **(iii) Eleven and five-tenths (11.5) pounds per square inch**
 21 **during September 16 through September 30.**

22 ~~(iii) (iv) Twelve (12)~~ **Nine (9)** pounds per square inch
 23 during May, June, July, August, and September **1 through**
 24 **September 15, as regulated by the United States**
 25 **Environmental Protection Agency.**

26 **Compliant conventional gasoline under 326 IAC 13-3 is**
 27 **subject to more stringent vapor pressure requirements.**

28 (E) For gasohol (a blend of gasoline and alcohol), ~~permitted~~
 29 ~~under federal tax requirements~~), the vapor pressure may not
 30 exceed the following:

31 (i) Sixteen (16) pounds per square inch during ~~November~~,
 32 December, January, February, and March.

33 (ii) ~~Fifteen (15)~~ **Fourteen and five-tenths (14.5)** pounds per
 34 square inch during April, ~~and~~ October, ~~and~~ **November.**

35 **(iii) Twelve and five-tenths (12.5) pounds per square inch**
 36 **during September 16 through September 30.**

37 ~~(iii) (iv) Thirteen (13)~~ **Ten (10)** pounds per square inch
 38 during May, June, July, August, and September **1 through**
 39 **September 15, as regulated by the United States**
 40 **Environmental Protection Agency.**

41 **Compliant conventional gasoline under 326 IAC 13-3 and**
 42 **federal reformulated gasoline is subject to more stringent**



- 1 **vapor pressure requirements.**
 2 (F) After July 23, 2004, gasoline may not contain more than
 3 one-half percent (0.5%) of MTBE by volume.
 4 (2) Kerosene:
 5 (A) Flash Test – Method ASTM D-56. Flash point may not be
 6 lower than one hundred (100) degrees Fahrenheit.
 7 (B) For the purpose of this chapter, any petroleum product
 8 designated by name or reference as "kerosene" must meet the
 9 federal specifications for kerosene VV-K-211d in effect on
 10 March 1, 1977.
 11 (c) Gasoline, gasohol, and kerosene products that do not comply
 12 with the minimum specifications described in subsection (b) may not
 13 be sold, offered for sale, or used in Indiana.
 14 (d) Petroleum products other than gasoline, gasohol, or kerosene
 15 shall be inspected and tested by the methods as are necessary to
 16 determine the contents and characteristics of the product.
 17 SECTION 2. IC 16-44-2-9.5 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2021]: **Sec. 9.5. (a) As used in this section, "gasohol" means a
 20 blend of gasoline and alcohol.**
 21 **(b) Subject to subsection (c), there must be displayed on a fuel
 22 dispenser from which a retail customer dispenses gasohol that
 23 contains more than ten percent (10%) alcohol by volume, next to
 24 the place on the fuel dispenser where the fuel selection is made, as
 25 a part of or in addition to the label required to be affixed to the
 26 dispenser under 40 CFR 80.1501 as in effect on January 1, 2021, a
 27 printed statement setting forth the following text in 14 point, black,
 28 Helvetica Bold font: "Check owner's manual for compatibility and
 29 warranty requirements."**
 30 **(c) Subsection (b) remains in effect until the state department:
 31 (1) makes a finding that the regulations of the United States
 32 Environmental Protection Agency:
 33 (A) require the display on gasohol fuel dispensers of a
 34 consumer warning related to:
 35 (i) engine compatibility with gasohol; or
 36 (ii) the potential effect of gasohol use on warranty
 37 coverage; or
 38 (B) no longer require a label to be affixed to gasohol fuel
 39 dispensers under 40 CFR 80.1501; and
 40 (2) publishes its finding in the Indiana Register under
 41 IC 4-22-7-7.**
 42 **(d) A person who:**



1 **(1) owns or operates a fuel dispenser to which subsection (b)**
2 **applies; and**
3 **(2) fails to comply with subsection (b);**
4 **commits a Class A infraction.**

5 SECTION 3. IC 16-44-2-22 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 22. Except as provided
7 in sections 9 and ~~10~~ **9.5** of this chapter, a person who recklessly
8 violates this chapter commits a Class B misdemeanor.



COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 303, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 20, delete "ethanol that includes, by volume, more than" and insert "**alcohol.**".

Page 3, delete lines 21 through 22.

Page 3, line 24, delete "gasohol," and insert "**gasohol that contains more than ten percent (10%) alcohol by volume, next to the place on the fuel dispenser where the fuel selection is made,**".

Page 3, delete lines 31 through 36, begin a new line block indented and insert:

"(1) makes a finding that the regulations of the United States Environmental Protection Agency:

(A) require the display on gasohol fuel dispensers of a consumer warning related to:

(i) engine compatibility with gasohol; or

(ii) the potential effect of gasohol use on warranty coverage; or

(B) no longer require a label to be affixed to gasohol fuel dispensers under 40 CFR 80.1501; and".

and when so amended that said bill do pass.

(Reference is to SB 303 as introduced.)

MESSMER, Chairperson

Committee Vote: Yeas 10, Nays 0.

