

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 842

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR PARSON.

Read 1st time February 6, 2014, and ordered printed.

Read 2nd time February 27, 2014, and referred to the Committee on Governmental Accountability and Fiscal Oversight.

Reported from the Committee April 1, 2014, with recommendation that the bill do pass.

Taken up for Perfection April 15, 2014. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

5856S.02P

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## AN ACT

To repeal section 142.941, RSMo, and to enact in lieu thereof one new section relating to diesel fuel inspections.

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

Section A. Section 142.941, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 142.941, to read as follows:

142.941. 1. The director, his **or her** agents or appointees, including federal government employees or persons operating under contract with this state, upon presenting appropriate credentials may conduct inspections and remove samples of fuel to determine the coloration of diesel fuel, or to identify shipping paper violations at any place where motor fuel is or may be produced, stored or loaded into transport vehicles. Inspections shall be performed in a reasonable manner consistent with the circumstances, but in no event is prior notice required. Inspectors may physically inspect, examine or otherwise search any tank, reservoir, or other container that can or might be used for the production, storage, or transportation of fuel. Inspections may be made of any equipment used for, or in connection with, the production, storage, or transportation of fuel. Upon demand by the inspectors all shipping papers, documents and records required to be kept by a person transporting fuel shall be produced for immediate inspection. The places where inspections may occur include, but are not limited to:

(1) A terminal;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

- 17 (2) A fuel storage facility that is not a terminal;  
18 (3) A retail fuel facility;  
19 (4) Highway rest stops; or  
20 (5) A designated inspection site. For purposes of this section, a  
21 "designated inspection site" means any state highway or waterway inspection  
22 station, weigh station, agricultural inspection station, mobile station, or other  
23 location designated by the director, either fixed or mobile.

24 **2. Notwithstanding the provisions of subsection 1 of this section**  
25 **to the contrary, in no event shall the director, his agents or appointees,**  
26 **including federal government employees or persons operating under**  
27 **contract with this state, conduct inspections and remove samples of**  
28 **fuel to determine the coloration of diesel fuel from any individual who**  
29 **is not holding the fuel for wholesale or retail sale, and who is not**  
30 **located at a terminal, a fuel storage facility that is not a terminal, a**  
31 **retail fuel facility, a highway rest stop, or a designated inspection site,**  
32 **unless the director, his or her agents or appointees, including federal**  
33 **government employees or persons operating under contract with this**  
34 **state, have reasonable suspicion to believe that violations under this**  
35 **chapter are being committed at a location not listed in this subsection.**

36 **3.** Inspections to determine violations under this chapter may be  
37 conducted by the agents and appointees of the director, the Missouri department  
38 of public safety, the Missouri department of agriculture, and motor carrier  
39 inspectors in this state in addition to their duties otherwise defined, and any  
40 other law enforcement officer through procedures established by the  
41 director. Agents and appointees of the director have the same power and  
42 authority provided to authorized personnel under the applicable statute.

43 **[3.] 4.** Inspectors may reasonably detain any person or equipment  
44 transporting fuel in or through this state for the purpose of determining whether  
45 the person is operating in compliance with the provisions of this chapter and any  
46 rules and regulations promulgated pursuant to this chapter. Detainment may  
47 continue for such time only as is necessary to determine whether the person is in  
48 compliance.

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