

BILL ANALYSIS

DATE: February 5, 2009

COMMITTEE: Consumer Protection and
Professional Licensure

BILL NO. SB 138

PRIME SPONSOR: Senator Greenleaf

PRINTER NO. 110

This legislation establishes an automotive fuel testing and disclosure program under the authority of the Pennsylvania Department of Agriculture to test for octane levels and gasoline quality. Section 4112 of the Pennsylvania Agriculture Code requires the inspection of weights and measures devices, which includes gasoline dispensers, but does not provide for testing of octane levels or gasoline quality.

This legislation creates the Automotive Fuel Test Act, providing powers to the Pennsylvania Department of Agriculture to establish standards, inspections and sample testing of automotive fuels. The program standards will be based on those devised by the American Society for Testing Materials (ASTM).

It provides for the Department to utilize existing inspectors that measure at the gas pumps to take samples of automotive fuel at a retailer, distributor, producer or refiner; to inspect the labeling on fuel dispensers and storage tanks; to take and to test a second sample, at the request and expense of the requestor; to enter into agreements with cities or counties where a sealer has been appointed for the enforcement provisions of this act; to conduct random and unannounced inspections during operating hours.

The Department will have the right of access to premises for inspection; and, to issue a stop sale notice that will allow for the Department to seize and seal dispensing systems that are not in compliance with the law.

The Department will provide the House and Senate Transportation Committees with an annual report detailing the data on and impact of the program. Annual reports would be due on May 1st of the following year.

The act would take effect July 1, 2009.