

Sub. H.B. 62  
LSC 133 0002-5

\_\_\_\_\_ moved to amend as follows:

In line 2 of the title, after "505.71," insert "1327.70," 1

In line 19 of the title, after "321.50," insert "1327.71," 2

In line 35, after "505.71," insert "1327.70," 3

In line 48, after "321.50," insert "1327.71," 4

After line 1043, insert: 5

"**Sec. 1327.70.** (A) As used in this section and section 6  
1327.71 of the Revised Code: 7

(1) "Diesel fuel" has the same meaning as in section 5735.01 8  
of the Revised Code. 9

(2) "Motor fuel" means gasoline, ethanol extended fuel, or 10  
diesel fuel that is sold by a retailer. 11

(3) "Ethanol extended fuel" means a mixture of gasoline and 12  
ethanol. 13

(B) The director of agriculture may adopt rules in accordance 14  
with Chapter 119. of the Revised Code establishing a motor fuel 15  
quality testing program that is uniform throughout the state. 16

(C) For purposes of section 1327.71 of the Revised Code, the 17  
director shall adopt rules in accordance with Chapter 119. of the 18  
Revised Code that establish all of the following: 19

(1) Standards for octane levels in gasoline that are consistent with standards adopted by the American society for testing and materials (ASTM); 20  
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(2) Standards that prohibit the depth of water in a motor fuel storage tank from exceeding the following, as applicable: 23  
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(a) One quarter of one inch of water if the storage tank stores ethanol extended fuel; 25  
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(b) Two inches of water if the storage tank stores gasoline or diesel fuel. 27  
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(3) Standards for allowable amounts of sediment in motor fuel and motor fuel storage tanks that are consistent with standards adopted by ASTM; 29  
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(4) Procedures and requirements for the imposition of administrative fines for violations of section 1327.71 of the Revised Code. The procedures shall require a county auditor to inform the director of violations that occur in the auditor's county. 32  
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(5) The amount of fines for purposes of division (B)(4) of this section. 37  
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**Sec. 1327.71.** (A) Until a testing program is implemented by the director of agriculture under division (B) of section 1327.70 of the Revised Code, a county auditor may establish in the auditor's county a motor fuel quality testing program. 39  
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(B) If a county auditor establishes a motor fuel quality testing program, all of the following apply: 43  
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(1) In accordance with standards established in rules adopted under division (C) of section 1327.70 of the Revised Code, the county auditor or the auditor's designated inspector may test both 45  
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of the following:

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(a) The octane level of and sediment in motor fuel from the motor fuel pumps of a retailer located in the auditor's county; and

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(b) The amount of water and sediment in the motor fuel storage tanks of a retailer located in the auditor's county.

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(2) Upon request, a retailer shall immediately allow the county auditor or the auditor's designated inspector to conduct a test. The retailer shall provide any necessary samples free of charge in containers provided by the auditor or inspector. The auditor or inspector shall pump any such samples.

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(3) For testing purposes under this section, the county auditor shall use testing equipment that meets standards established by the American society for testing and materials (ASTM);

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(4) If the test results determine that the motor fuel or the amount of water or sediment in the motor fuel storage tanks of a retailer located in the auditor's county does not comply with standards established in rules adopted under division (C) of section 1327.70 of the Revised Code, the county auditor or the auditor's designated inspector shall issue a stop-sale order and a written citation for a violation detected at each pump, hose, or motor fuel storage tank located on the same premises of a retailer. Each seven-day period during which noncompliance continues constitutes a separate violation.

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(5) Any administrative fines imposed in accordance with rules adopted under division (C) of section 1327.70 of the Revised Code shall be deposited in the applicable county's general fund.

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(C) No county shall charge any inspection or registration

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fees to perform motor fuel quality testing. 77

(D) If a county auditor establishes a motor fuel quality testing program, the county auditor is responsible for any costs incurred by the auditor to implement the program. 78  
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(E) If the director establishes a motor fuel quality testing program under division (B) of section 1327.70 of the Revised Code, and if, at any time thereafter, the director suspends that program, a county auditor may implement a motor fuel quality testing program in accordance with this section during the period of suspension. 81  
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(F) Any county that has adopted a charter under Article X of the Ohio Constitution and that has implemented a motor fuel quality testing program prior to the effective date of this section may continue to implement and maintain its motor fuel quality testing program notwithstanding any conflict with this section or rules adopted under division (C) of section 1327.70 of the Revised Code." 87  
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In line 11443, after "505.71," insert "1327.70," 94

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Motor fuel quality testing program** 95

**R.C. 1327.71 and 1327.70** 96

Authorizes a county auditor, until a motor fuel testing program is implemented by the Director of Agriculture under current law, to establish in the auditor's county a motor fuel 97  
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quality testing program. 100

    Authorizes the county auditor or the auditor's designated 101  
inspector to test for octane levels of and sediment in motor fuel 102  
and the amount of water and sediment in the motor fuel storage 103  
tanks; 104

    Requires the auditor or designated inspector to determine as 105  
part of the testing whether a sample is in compliance with 106  
standards established in rules adopted by the Director of 107  
Agriculture under the amendment (see below); 108

    Establishes enforcement procedures if the test results 109  
determine that the motor fuel or the amount of water or sediment 110  
in the motor fuel storage tanks of a retailer located in the 111  
auditor's county does not comply with standards. 112

    Authorizes the imposition of administrative fines and 113  
requires such fines to be deposited in the relevant county's 114  
general fund. 115

    Prohibits a county from charging any inspection or 116  
registration fees to perform motor fuel quality testing, and 117  
states that a county auditor is responsible for any additional 118  
costs incurred by the auditor to implement a program. 119

    If the Director establishes a motor fuel quality testing 120  
program under current law, and if, at any time thereafter, the 121  
Director suspends inspections of motor fuel under the program, 122  
authorizes a county auditor to implement a motor fuel quality 123  
testing program during the suspension period. 124

    Requires the Director to adopt rules establishing: 125

        --Standards for octane levels in gasoline, the depth of water 126  
allowable in motor fuel storage tanks, and allowable amounts of 127  
sediment in motor fuel and motor fuel storage tanks; and 128

--Procedures and requirements for the issuance of fines for	129
violations of the bill, including notification procedures for a	130
county auditor to inform the Director of violations.	131