

_____ moved to amend as follows:

In line 1 of the title, after "1317.07" insert ", 1327.70" 1

In line 32, after "1317.07" insert ", 1327.70" 2

After line 187, insert: 3

"Sec. 1327.70. (A) As used in this section: 4

~~(1) "Biodiesel" and "blended biodiesel" have the same~~ 5
meanings as in section 125.831 of the Revised Code. 6

"Conventional fuel" means gasoline and diesel fuel. 7

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

~~(2) "Ethanol extended fuel" means a mixture of gasoline~~ 10
and ethanol. 11

"Fuel inspector" means a county auditor or any person who 12
is designated by the county auditor to perform motor fuel 13
quality testing under this section. 14

"Motor fuel" means ~~gasoline or diesel~~ any of the following 15



<u>types of fuel that is sold by a retailer retail dealer:</u>	16
<u>(1) Conventional fuel;</u>	17
<u>(2) Biodiesel or blended biodiesel fuel;</u>	18
<u>(3) Ethanol extended fuel.</u>	19
<u>"Retail dealer" has the same meaning as in section 5735.01</u>	20
<u>of the Revised Code.</u>	21
<u>"Retail service station" has the same meaning as in</u>	22
<u>section 5735.01 of the Revised Code.</u>	23
(B) The director of agriculture may adopt rules in	24
accordance with Chapter 119. of the Revised Code establishing a	25
motor fuel quality testing program that is uniform throughout	26
the state.	27
<u>(C) (1) Unless a motor fuel quality testing program is</u>	28
<u>established in rules under division (B) of this section and is</u>	29
<u>funded and implemented by the department of agriculture, a</u>	30
<u>county auditor may implement a motor fuel quality testing</u>	31
<u>program in the auditor's county whereby a fuel inspector may</u>	32
<u>test motor fuel quality for octane level, sediment, and water in</u>	33
<u>the fuel. No fuel inspector shall charge any inspection or</u>	34
<u>registration fees to perform motor fuel quality testing.</u>	35
<u>(2) A county auditor who implements a motor fuel quality</u>	36
<u>testing program under this section shall acquire testing</u>	37
<u>equipment or ensure that testing equipment is available for the</u>	38
<u>county's program. The county auditor shall ensure that the</u>	39
<u>testing equipment meets the most recent standards established by</u>	40
<u>the American society for testing and materials (ASTM)</u>	41
<u>international. A county auditor may contract with another county</u>	42
<u>to use that county's testing equipment so long as the contract</u>	43

provides that the testing is performed by a fuel inspector from 44
the county that owns the testing equipment. A county auditor 45
shall not allow the county's testing equipment to be used in any 46
other county for fuel quality testing purposes unless a fuel 47
inspector for the county that owns the equipment is conducting 48
the testing. 49

(D) If a county auditor implements a fuel quality testing 50
program under this section, a retail dealer in the applicable 51
county shall do all of the following when requested by a fuel 52
inspector: 53

(1) Allow the fuel inspector to test the octane level and 54
sediment from the retail dealer's motor fuel pumps; 55

(2) Allow the fuel inspector to test the water and 56
sediment in the retail dealer's motor fuel storage tanks; 57

(3) Allow the fuel inspector to pump a sample of motor 58
fuel, free of charge and in containers provided by the fuel 59
inspector, in an amount required by the fuel inspector for 60
testing. 61

(E) A fuel inspector shall do all of the following when 62
performing motor fuel quality testing: 63

(1) Use testing equipment that meets the most recent 64
standards established by the American society for testing and 65
materials (ASTM) international; 66

(2) Adhere to any standard or guideline set forth by the 67
director of agriculture, in accordance with division (F)(3) of 68
this section, relating to petroleum product quality and sampling 69
and testing methods that are consistent with the ASTM; 70

(3) Except as otherwise provided in division (E)(2) of 71

this section, adhere to the following motor fuel quality testing 72
compliance standards: 73

(a) Fuel storage tanks shall not exceed one-quarter inch 74
of water for ethanol extended fuel and shall not exceed two 75
inches of water for conventional fuel. 76

(b) Gasoline and ethanol extended fuel octane levels 77
tested at the pump shall be within one octane point of the 78
octane level listed on the pump. 79

(c) Gasoline and ethanol extended fuel tested at the pump, 80
per ASTM requirements, shall be visually free of undissolved 81
water, sediment, and suspended matter and shall be clear and 82
bright at either an ambient temperature or seventy degrees 83
Fahrenheit, whichever is higher. 84

(d) Diesel fuel tested at the pump shall meet the 85
standards defined by the ASTM. 86

(F) (1) For a violation of a motor fuel quality standard 87
detected at a retail service station, a fuel inspector shall 88
issue to the applicable retail dealer an order to stop selling 89
fuel until the fuel is in compliance with this section as 90
determined by the fuel inspector. 91

(2) A fuel inspector, when issuing an order to stop 92
selling fuel under division (F) (1) of this section, may impose a 93
civil penalty on the retail dealer in accordance with rules 94
adopted by the director of agriculture under division (F) (3) of 95
this section. If the director does not adopt such rules, the 96
county auditor shall not adopt civil penalties for that county. 97
All civil penalties collected under division (F) (2) of this 98
section shall be deposited into the applicable county general 99
fund. 100

(3) For purposes of a county auditor-implemented motor fuel quality testing program, the director of agriculture may adopt rules in accordance with Chapter 119. of the Revised Code establishing civil penalties for violations of motor fuel quality standards. The rules shall include procedures by which a retail dealer may appeal a civil penalty. Not later than ninety days after the effective date of this section, the director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish procedures by which a retail dealer may appeal an order issued under division (F) of this section.

(G) A fuel inspector shall transmit data collected from motor fuel quality testing to the director of agriculture. The director shall compile such data, including dates, locations, and results received from fuel inspectors, and make the data accessible to the public via the department of agriculture's web site.

(H) Any county that lawfully implemented a motor fuel quality testing program prior to the effective date of this section is exempt from divisions (C) to (G) of this section. Such a county may continue to implement the motor fuel quality testing program as that program existed prior to the effective date of this section.

(I) Whenever the department of agriculture is notified of a United States environmental protection agency waiver of standards that applies to federal fuel standards, the department shall notify every county auditor's office. Any auditor participating in a fuel quality testing program under this section, or a fuel quality testing program implemented prior to the effective date of this section, shall only test for water and sediment during the waiver period."

In line 7911, after "1317.07" insert ", 1327.70" 131

The motion was _____ agreed to.

SYNOPSIS 132

Motor fuel quality testing programs 133

R.C. 1327.70 134

Authorizes a county auditor to implement a motor fuel 135
quality testing program. 136

Requires a county auditor that implements a motor fuel 137
quality testing program to ensure that proper testing equipment 138
is used by a fuel inspector. 139

Specifies various duties a fuel inspector must perform 140
when testing the quality of motor fuel. 141

Requires a motor fuel retail dealer (for example, a gas 142
station owner) to allow the fuel inspector to perform various 143
tests of the retail dealer's motor fuel pumps and storage tanks. 144

Establishes enforcement procedures for violations of a 145
county's program standards. 146

Allows any county that lawfully implemented a motor fuel 147
quality testing program prior to the bill's effective date to 148
continue that program, thus exempting that county from the 149
bill's provisions. 150