

JAN 20 2012

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE FUEL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to establish a pilot
2 program for random, unannounced testing of octane and ethanol
3 content in motor vehicle fuel sold in the State.

4 SECTION 2. (a) There is established a -year pilot
5 program to conduct random, unannounced tests of the octane and
6 ethanol levels of motor vehicle fuel sold in the State. The
7 program shall be administered by the department of agriculture
8 measurement and standards branch.

9 (b) The department shall collect samples and conduct
10 random, unannounced tests at any location where motor vehicle
11 fuel is kept, transferred, sold, or offered for sale, to verify
12 that the motor vehicle fuel complies with the nationally
13 recognized minimum standards established by:

14 (1) The American Society for Testing and Materials, as
15 those standards existed on July 1, 2012, for motor
16 fuels other than motor fuels blended with ethanol; and

17 (2) The National Institute of Standards and Technology, as
18 those standards existed on July 1, 2012, other than



1 the standard vapor to liquid ratio specification for
2 motor fuels blended with ethanol.

3 (c) On arriving at a facility to conduct random,
4 unannounced tests under subsection (b), a representative of the
5 department shall notify the owner or manager of the facility of
6 the representative's presence and purpose.

7 (d) Any person who refuses to allow a department
8 representative to collect samples or conduct random, unannounced
9 tests of motor vehicle fuel under subsection (b) may be assessed
10 a fine of \$; provided that the amount of the fine
11 shall be paid to the general fund and credited to the department
12 of agriculture to implement the random tests of the octane and
13 ethanol levels of motor vehicle fuel sold in the State.

14 (e) If the department has reason to believe that motor
15 vehicle fuel is in violation of the minimum standards under
16 subsection (b), the department may:

17 (1) Issue and enforce a written order to stop the sale of
18 the motor vehicle fuel; provided that the department
19 shall present the order to the person who is in
20 control of the motor vehicle fuel at the time the
21 motor vehicle fuel is tested; provided further that
22 the person who receives the order may not sell the



1 motor vehicle fuel until the department determines
2 that the motor vehicle fuel is in compliance with
3 minimum standards under subsection (b); and

4 (2) Assess a civil penalty of \$; provided that
5 the amount of the fine shall be paid to the general
6 fund and credited to the department of agriculture to
7 implement the random tests of the octane and ethanol
8 levels of motor vehicle fuel sold in the State.

9 (f) For the purposes of this section:

10 "Department" means the department of agriculture
11 measurement and standards branch.

12 "Motor vehicle fuel" shall have the same meaning as in
13 section 486H-1, Hawaii Revised Statutes.

14 (g) The department shall submit written reports to the
15 legislature as follows:

16 (1) No later than twenty days prior to the convening of
17 regular session of 2013, an interim report on the
18 implementation of the pilot program and projected
19 activities for the following year; and

20 (2) No later than twenty days prior to the convening of
21 regular session of 2014, a final report on the
22 implementation of the pilot program, including all



1 testing activities, their locations, and outcomes;
 2 problems or issues encountered during the pilot
 3 program; recommendations regarding whether the pilot
 4 program should become permanent, and if so, sources of
 5 revenue to fund the continuation and any legislation
 6 required for implementation.

7 SECTION 3. There is appropriated out of the general
 8 revenues of the State of Hawaii the sum of \$ or so
 9 much thereof as may be necessary for fiscal year 2012-2013 for
 10 the pilot program to conduct random, unannounced tests of the
 11 octane and ethanol levels of motor vehicle fuel sold in the
 12 State.

13 The sum appropriated shall be expended by the department of
 14 agriculture for the purposes of this Act.

15 SECTION 4. This Act shall take effect on July 1, 2012.

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Report Title:

Motor Vehicle Fuel; Pilot Program; Testing

Description:

Establishes a pilot program to be administered by the department of agriculture measurement and standards branch to conduct random, unannounced tests of the octane and ethanol levels of motor vehicle fuel sold in the State; establishes civil penalties; requires reports to the legislature in 2013 and 2014.

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