

ACT 239

H.B. NO. 2997-74

A Bill for an Act Relating to Petroleum Products.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Findings and purpose. The legislature finds that the petroleum industry is a paramount industry of this State and that the production and marketing of petroleum products is an enterprise of significant importance to the economy of the State. The legislature further finds that the safety and welfare of consumers should be adequately protected within the constraints of supply and demand and the life style of the consumer of this State not be disrupted needlessly, by assuring that petroleum products are accounted for in an accurate and definitive manner through the establishment of an equitable and uniform base to facilitate such accurate accountability.

The purpose of this chapter is to compel such accountability by establishing the units of measurement to be used for all purposes, public and private, in matters relating to petroleum products.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
PETROLEUM PRODUCT ACCOUNTING ACT**

Sec. -1 Definitions. As used in this chapter unless the context otherwise requires:

- (1) "Petroleum product" includes automotive gasoline, diesel fuels, fuel oils, liquefied petroleum gas both liquid and vapor, residuals, distillates and fractions, kerosene, aviation fuels, turbine fuels, solvents, hydrocarbons or synthetics, crude oil, lubricating oil, or any other oil or distillate of blends of the above or any other product or by-product normally considered a petroleum product, and synthetic natural gas or natural gas and manufactured gas, or blends thereof.
- (2) "U.S. petroleum gallon" means that amount of petroleum product which occupies 231 cubic inches, exactly, when its temperature is sixty degrees fahrenheit.
- (3) "Cubic foot" means that amount of liquefied petroleum product, vapor, or natural gas vapor, or synthetic natural gas vapor, or any blend of the above, which will occupy 1728 cubic inches, exactly, when its temperature is sixty degrees fahrenheit at a pressure of 760 mm of Hg. The density of the Hg shall be 13.5951 grams per cubic centimeter at an acceleration due to gravity of 980.665 centimeters per second, per second.
- (4) "Director" and "deputy director" mean, respectively, the state director of weights and measures and the state deputy director of weights and measures, as provided for in section 486-6.
- (5) "Division" means the state division of weights and measures.

Sec. -2 Applicability. This chapter shall apply to the blending, charging, dealing, dispensing, distributing, exchanging, exporting, handling, importing, labeling, loaning, manufacturing, marketing, measuring, packaging, piping, processing, reprocessing, producing, refining or rerefining, retailing, selling, transporting, taxing, or wholesaling, or to any of the variant forms of the above or to the person, equipment, measurements, and calculations incident to such actions or activities.

Sec. -3 Measurement standard. (a) Any petroleum product which is in a liquid state under conditions of 760 millimeters of Hg at sixty degrees fahrenheit shall be measured in terms of U.S. petroleum gallons; its multiple or decimal, submultiples, or compatible units of the SI, in addition to any measurement in terms of other units.

(b) Any petroleum product which is in a vapor state under conditions of 258.575 millimeters or less of Hg at sixty degrees fahrenheit shall be measured in terms of cubic feet or its multiple or decimal submultiples, or compatible units of the SI, in addition to any measurement in terms of other units.

Sec. -4 General powers and duties of director. The director shall enforce this chapter, through the division of weights and measures. He shall keep accurate records of all petroleum transactions and report on them annually to the governor.

Sec. -5 Specific powers and duties of director. (a) The director shall, in accordance with chapter 91, adopt from time to time such rules as are necessary to implement and enforce this chapter.

(b) The director may delegate any of his duties or authority to the deputy director as he deems necessary for the efficient enforcement of this chapter.

(c) The director may exempt any person from compliance with this chapter if he finds compelling reasons for so doing and that such action is in the public's best interest.

Sec. -6 Violations; penalties. Any person who commits any of the prohibited acts or omits any of the prescribed acts, herein required or required in any rule adopted by the director shall be guilty of a misdemeanor. Each day that a violation exists, or is continued, or continues to exist, shall be construed as a separate punishable offense.

Sec. -7 Investigations. The director may, upon his own initiative, investigate suspected violations of this chapter and shall investigate each complaint registered under this chapter. The director may resort to suitable warnings rather than prosecution for minor offenses or those offenses which have been discontinued should he so elect.”

SECTION 3. This Act shall take effect upon its approval.

(Approved June 14, 1974.)