



General Assembly

January Session, 2007

**Raised Bill No. 7100**

LCO No. 4085

\*04085 \_\_\_\_\_ GL\_\*

Referred to Committee on General Law

Introduced by:  
(GL)

**AN ACT CONCERNING THE ENFORCEMENT OF FUEL REGULATIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-329 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) The standard gallon shall be the unit of measurement for all sales  
4 of gasoline, kerosene, fuel oils or similar substances sold or offered for  
5 sale for the purpose of creating power or heat. Each delivery of  
6 gasoline in a quantity of fifty gallons or more and each delivery of  
7 kerosene, fuel oil or similar substance in a quantity of five gallons or  
8 more shall be the complete contents of a vehicle tank or it shall be  
9 through a meter. Each such tank or meter shall be sealed by a sealer of  
10 weights and measures before being used. The term "vehicle tank", as  
11 used herein, means a container, which may or may not be subdivided  
12 into two or more compartments, mounted upon a wagon or motor  
13 truck and used for the delivery of such fluids. The term "compartment"  
14 means the entire tank whenever the tank is not subdivided; otherwise  
15 it means any one of those subdivided portions of the tank which are  
16 designed to hold such fluids. Each delivery through a meter shall be

17 delivered through a meter equipped with a numeral reset counter, a  
18 register with a zero start or an accumulative ticket printer, which  
19 meters shall print an accurate record of all deliveries in gallons and  
20 tenths. Such ticket printer shall print the gallonage reading of the  
21 meter before and after delivery is made and each ticket shall be locked  
22 in the meter between readings so as to prevent fraud. Each delivery  
23 shall be accompanied by a delivery ticket and a duplicate thereof, on  
24 which shall be distinctly expressed in ink or other indelible substance,  
25 in gallons, or gallons and tenths when so required, the quantity and  
26 common name and grade of such fluid so delivered, with the name of  
27 the seller and the name and address of the purchaser of such fluid.  
28 One of such tickets shall be surrendered, upon demand, to the sealer of  
29 weights and measures, for his inspection, and such ticket or, when the  
30 sealer desires to retain the original ticket, a measure slip issued by the  
31 seller or his agent, shall be delivered to the purchaser or his agent or  
32 representative at the time of the delivery of such fluid. If the purchaser  
33 or his agent takes such fluid from the place of purchase, a delivery  
34 ticket showing the actual number of gallons, or gallons and tenths,  
35 delivered shall be given to the purchaser or his agent at the time of  
36 delivery. Delivery tickets shall bear the name or identification number  
37 of the seller's driver and shall be sequentially numbered. Copies of  
38 delivery tickets shall be retained by the seller for one year and shall be  
39 available for inspection during normal business hours. No seller, or  
40 agent of such seller, shall possess a delivery ticket which has been  
41 printed with a record of a delivery which has not occurred. The  
42 method of determining the number of gallons of any such fluid  
43 delivered shall be by measuring the same in measures that have been  
44 tested and sealed by a sealer of weights and measures.

45 (b) No person, firm or corporation shall sell at retail fuel oil or  
46 propane gas to be used for residential heating unless all of the  
47 purchaser's costs associated with such fuel oil or propane gas,  
48 including [, but not limited to,] unit price and any delivery surcharge,  
49 are disclosed to the purchaser, in writing, at the time the purchaser  
50 enters into a purchase contract with the seller or at the time of renewal

51 of such contract. Such disclosures shall be made by the seller when the  
52 purchaser places an order for such fuel oil or propane gas if there is no  
53 contract between the seller and purchaser.

54 (c) The provisions of this section shall not apply to barge, railroad  
55 tank car, drum or slow flow meter delivery.

56 (d) The provisions of this section requiring meters to print tenths of  
57 a gallon shall not apply to bulk plant deliveries to a reseller, or bulk  
58 delivery of gasoline to service stations for resale. On other high-speed,  
59 large volume deliveries, the Commissioner of Consumer Protection  
60 may waive the one-tenth gallon requirement, upon request. On all of  
61 these deliveries the meters shall print an accurate record in gallons.

62 (e) Any person who, by himself or by his agent or employee, or as  
63 the employee or agent of another, violates any provision of this section  
64 shall be subject to the penalties provided in chapter 750, concerning  
65 weights and measures, or chapter 296, concerning operation of fuel  
66 supply businesses, as applicable.

67 (f) In accordance with the provisions of section 53a-11, any person  
68 who knowingly possesses a delivery ticket indicating an amount of  
69 fuel delivered prior to such delivery or who knowingly misrepresents  
70 a fuel delivery shall be guilty of a class A misdemeanor for a first  
71 violation, except that such person shall be guilty of a class D felony if  
72 such person: (1) Derives a financial benefit of one thousand dollars or  
73 more due to such violation, or (2) commits a second or subsequent  
74 violation. Any person who defrauds a person receiving energy  
75 assistance or a person sixty years of age or older as a result of a  
76 violation of this subsection, shall be guilty of a class C felony.

77 Sec. 2. Section 14-327a of the general statutes is repealed and the  
78 following is substituted in lieu thereof (*Effective October 1, 2007*):

79 As used in sections 14-327a to 14-327e, inclusive:

80 (1) "Commissioner" means the Commissioner of Consumer

81 Protection.

82 (2) The "American Society for Testing and Materials" or "ASTM"  
83 means the scientific and technical organization established for the  
84 development of standards of characteristics and performance of  
85 materials, products, systems and services and the promotion of related  
86 knowledge.

87 (3) "Distributor" means any person who imports or causes to be  
88 imported into this state motor fuel for sale or use in this state or any  
89 person who produces, refines, blends, manufactures or compounds  
90 motor fuels within this state for sale or use in this state and includes  
91 any affiliate of either such person who purchases motor fuel for sale,  
92 consignment or distribution to another or receives motor fuel on  
93 consignment for consignment or distribution to his own motor fuel  
94 accounts or to accounts of his supplier, but does not include any  
95 person who is an employee of, or merely transports motor fuel for,  
96 such supplier.

97 (4) "Retailer" means any person engaged in the business of selling  
98 motor fuel to the general public for ultimate consumption.

99 (5) "Motor fuel" means (A) all products commonly or commercially  
100 known or sold as gasoline, including casinghead and absorption or  
101 natural gasoline, regardless of their classification or uses, (B) any liquid  
102 prepared, advertised, offered for sale or sold for use, or commonly and  
103 commercially used, as a fuel in internal combustion engines, including  
104 any liquid commonly referred to as "gasohol" which is prepared,  
105 advertised, offered for sale or sold for use, or commonly and  
106 commercially used, as a fuel in internal combustion engines, but  
107 excluding aviation fuel and liquefied petroleum gases.

108 (6) "Person" means a natural person, company, partnership, foreign  
109 or domestic corporation, limited liability company, trust,  
110 unincorporated organization, association and any other legal entity.

111 (7) "Developmental engine fuel" means experimental automotive  
112 spark-ignition engine fuel or compression-ignition fuel that does not  
113 meet current standards established pursuant to this chapter, but has  
114 characteristics that may lead to an improved fuel standard or the  
115 development of an alternative fuel standard, as determined by the  
116 commissioner.

117 (8) "Antiknock index" or "AKI" means the arithmetic average of the  
118 Research Octane Number or "RON" and the Motor Octane Number or  
119 "MON". AKI = (RON+MON)/2. The AKI may also be referred to as  
120 "octane rating", "posted octane", and "(R+M)/2 octane".

121 (9) "Automotive fuel rating" means the automotive fuel rating  
122 required by the octane certification and posting rule or fuel rating rule,  
123 16 CFR, Part 306, as amended from time to time, which requires sellers  
124 of liquid automotive fuels, including alternative fuels, to determine,  
125 certify and post appropriate automotive fuel ratings. The automotive  
126 fuel rating for gasoline is the antiknock index or octane rating specified  
127 in subdivision (8) of this section. The automotive fuel rating for  
128 alternative liquid fuels consists of the common name of the fuel and  
129 the amount of the fuel, expressed as a minimum percentage by volume  
130 of the principal component of the fuel.

131 Sec. 3. Section 14-327b of the general statutes is repealed and the  
132 following is substituted in lieu thereof (*Effective October 1, 2007*):

133 (a) No distributor shall sell or offer to sell motor fuel in this state  
134 unless such distributor has first registered with the Department of  
135 Consumer Protection each type of motor fuel which he intends to sell  
136 and has received from the department a certificate of registration for  
137 each type of motor fuel which he intends to sell.

138 (b) Each distributor required to register with the department as  
139 provided in subsection (a) of this section shall apply annually to the  
140 commissioner, in writing on a form provided by the commissioner, for  
141 such certificate of registration.

142 (c) The application for a certificate of registration shall include: (1)  
143 The name and address of the person registering the motor fuel, (2) the  
144 name, brand or trademark under which the type of motor fuel will be  
145 sold, (3) the antiknock index or [Cetane] cetane number, as is  
146 applicable, at which the motor fuel will be sold, (4) a certification that  
147 each individual type of motor fuel registered shall conform to the  
148 provisions of sections 14-327a to 14-327e, inclusive, and (5) any other  
149 information required by the commissioner. A separate application  
150 shall be made for each type of motor fuel to be registered. Such  
151 application and its contents shall not be available to the public.

152 (d) The commissioner may grant a variance from the requirements  
153 of this chapter for developmental engine fuel to provide for  
154 development of information under controlled test conditions to assist  
155 in the creation of chemical and performance standards for engine fuels  
156 if all of the following conditions apply: (1) Such fuel will only be  
157 distributed or sold to fleet type, centrally fueled vehicle and  
158 equipment users, (2) the applicant will warn all parties in writing of  
159 any potential risk associated with the use of such fuel, (3) the applicant  
160 will report information when and as the department may prescribe so  
161 that the department may monitor the progress of such fuel technology  
162 evaluation, and (4) the applicant complies with all other requirements,  
163 terms and conditions contained in regulations adopted by the  
164 department to further the purposes and administration of this section.  
165 The department may withdraw a variance by giving written notice to  
166 the applicant, if the applicant does not adhere to the conditions of such  
167 variance or if the department recognizes a high probability of  
168 equipment harm with the continued use of such fuel or to protect  
169 public safety.

170 [(d)] (e) Each application for a certificate of registration shall be  
171 accompanied by a fee of one hundred dollars.

172 Sec. 4. Section 14-327c of the general statutes is repealed and the  
173 following is substituted in lieu thereof (*Effective October 1, 2007*):

174 The commissioner shall adopt regulations in accordance with the  
175 provisions of chapter 54 establishing standards for the quality of motor  
176 fuels sold or offered for sale in this state. The regulations shall be  
177 consistent with standards established by the American Society for  
178 Testing and Materials, unless otherwise required by federal statute or  
179 regulation. Where no ASTM standards exist, the commissioner may  
180 substitute other generally recognized national consensus standards  
181 concerning motor fuels offered for sale.

182 Sec. 5. Section 16a-15 of the general statutes is repealed and the  
183 following is substituted in lieu thereof (*Effective October 1, 2007*):

184 (a) Each person shall publicly display and maintain on each pump  
185 or other dispensing device from which any [gasoline] motor fuel or  
186 other product intended as a fuel for aircraft, motor boats or motor  
187 vehicles is sold by such person, such signs as the Commissioner of  
188 Consumer Protection, by regulation adopted pursuant to chapter 54,  
189 may require. [to inform the public of] Each such sign shall properly  
190 identify the type of fuel being dispensed, the octane, cetane or  
191 automotive fuel rating and the price of said fuel, together with a listing  
192 of any cosolvent, distillate, alcohol or other additive present in such  
193 [gasoline] motor fuel or other fuel product. Each person selling such  
194 gasoline or other product on both a full-serve and self-serve basis and  
195 displaying the price of such [gasoline] motor fuel or other fuel product  
196 at a location on the premises other than at a pump or other dispensing  
197 device shall include in such display both the full-serve and self-serve  
198 prices of such [gasoline] motor fuel or other fuel product, in such  
199 manner as the commissioner, by regulation, may require. All signs as  
200 to price shall be the per-gallon price and shall not be the price of less or  
201 more than one gallon.

202 (b) Each person shall publicly display and maintain on each pump  
203 or other dispensing device from which any [gasoline] motor fuel or  
204 other product containing more than one per cent by volume of ethanol,  
205 methanol or any other cosolvent, and intended as a fuel for aircraft,

206 motor boats or motor vehicles is sold by such person, such signs as the  
207 Commissioner of Consumer Protection, by regulation adopted  
208 pursuant to chapter 54, may require to inform the public of the amount  
209 of methanol, ethanol or any other cosolvent contained in such  
210 [gasoline] motor fuel or other product.

211 (c) Each person shall publicly display and maintain, in a like  
212 manner, size and print, on each sign on display to the general public  
213 intended to inform the public of the price of [gasoline] motor fuel and  
214 each pump or other dispensing device from which any [gasoline]  
215 motor fuel intended as a fuel for motor vehicles is sold by such person,  
216 such signs as the Commissioner of Consumer Protection, by regulation  
217 adopted pursuant to chapter 54, may require to inform the public of  
218 the price for such [gasoline] motor fuel for such members of the public  
219 as any such sign that informs of the price of such [gasoline] motor fuel  
220 for members of any club, members of any retail membership  
221 organization or persons who qualify for any special discount offer.

222 (d) Any manufacturer, hauler, blender, agent, jobber, consignment  
223 agent, or distributor who distributes [gasoline,] motor fuel or other  
224 products intended for heating as fuel for aircraft, motor boats, or  
225 motor vehicles, which contain one per cent or more alcohol or other  
226 cosolvent by volume, shall state the percentage of alcohol or other  
227 cosolvent and the type of alcohol on any invoice, bill of lading,  
228 shipping paper, or other documentation used in normal and  
229 customary business practices. Such invoice, bill of lading, shipping  
230 paper or other documentation used in normal and customary business  
231 practices shall be maintained not less than one year by the  
232 manufacturer, hauler, blender, agent, jobber, consignment agent, or  
233 distributor and shall be available for inspection upon request by the  
234 commissioner or the commissioner's authorized agent.

235 (e) Any person who, by himself, his agent or employee, violates any  
236 provision of this section or such regulations shall be fined not less than  
237 fifty dollars nor more than two hundred fifty dollars.

238 (f) A violation of subsection (c) of this section shall constitute an  
239 unfair trade practice under subsection (a) of section 42-110b.

240 Sec. 6. Section 16a-23n of the general statutes is amended by adding  
241 subsection (f) as follows (*Effective October 1, 2007*):

242 (NEW) (f) Each person who sells or offers to sell prepaid heating  
243 fuel contracts shall submit, in a manner determined by the  
244 commissioner and upon the request of the commissioner or the  
245 commissioner's authorized agent, documentation indicating the  
246 method such person intends to secure such prepaid contracts,  
247 including, but not limited to, copies of contracts, bonds or sworn  
248 statements and customer or supplier lists.

249 Sec. 7. Section 16a-23p of the general statutes is repealed and the  
250 following is substituted in lieu thereof (*Effective October 1, 2007*):

251 The Department of Consumer Protection may suspend or revoke  
252 any registration issued under section 16a-23m if the holder of such  
253 registration is grossly incompetent, engages in malpractice or unethical  
254 conduct or knowingly makes false, misleading or deceptive  
255 representations regarding such holder's work, violates any provision  
256 of section 16a-23n or violates any regulations adopted under section  
257 16a-23q or fails to cooperate with the department in the course of an  
258 investigation. Before any such registration is suspended or revoked,  
259 such holder shall be given notice and opportunity for hearing as  
260 provided in regulations adopted by the Commissioner of Consumer  
261 Protection in accordance with the provisions of chapter 54.

262 Sec. 8. Section 16a-23r of the general statutes is repealed and the  
263 following is substituted in lieu thereof (*Effective October 1, 2007*):

264 (a) A violation of the provisions of section 16a-23m, 16a-23n or 16a-  
265 23o constitutes an unfair trade practice under subsection (a) of section  
266 42-110b.

267 (b) In accordance with the provisions of section 53a-11, any home

268 heating oil dealer who knowingly violates the provisions of subsection  
269 (c) of section 16a-23n shall [have committed] be guilty of a class A  
270 misdemeanor, except that such person shall be guilty of a class C  
271 felony if such person: (1) Derives a financial benefit of one thousand  
272 dollars or more as a result of such violation, or (2) commits a second or  
273 subsequent violation. If a person defrauds a person receiving energy  
274 assistance or a person sixty years of age or older as a result of such  
275 violation, such defrauding person shall be guilty of a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	14-329
Sec. 2	<i>October 1, 2007</i>	14-327a
Sec. 3	<i>October 1, 2007</i>	14-327b
Sec. 4	<i>October 1, 2007</i>	14-327c
Sec. 5	<i>October 1, 2007</i>	16a-15
Sec. 6	<i>October 1, 2007</i>	16a-23n
Sec. 7	<i>October 1, 2007</i>	16a-23p
Sec. 8	<i>October 1, 2007</i>	16a-23r

**Statement of Purpose:**

To protect purchasers of motor and home heating fuels.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*