

AGRICULTURE: Scott, Chair; Fraise and Rensink

FILED JAN 27 1987

SENATE FILE 70  
BY PRIEBE

Passed Senate, Date 2-25/87 (p. 470) Passed House, Date 4-1  
Vote: Ayes 41 Nays 1 Vote: Ayes 96 Nays 0  
Approved May 4, 1987 (p. 1700)

A BILL FOR

1 An Act relating to the inspection, calibration, and sealing of  
2 gasoline pumps by the department of agriculture and land  
3 stewardship and providing a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF 70

1 Section 1. NEW SECTION. 214.11 INSPECTIONS -- PENALTY.

2 The department of agriculture and land stewardship shall  
3 provide for annual inspections of all gasoline pumps licensed  
4 under this chapter. Inspections shall be for the purpose of  
5 determining the accuracy of the pumps' measuring mechanisms,  
6 and for such purpose the department's inspectors may enter  
7 upon the premises of any wholesale dealer or retail dealer, as  
8 they are defined in section 214A.1, of gasoline or fuel oil  
9 within this state. Upon completion of an inspection, the  
10 inspector shall affix the department's seal to the measuring  
11 mechanism of the pump. The seal shall be appropriately  
12 marked, dated and recorded by the inspector. An owner of an  
13 inspected and sealed pump who is registered with the  
14 department as a servicer in accordance with section 215.23,  
15 may open the pump, break the department's seal, recalibrate  
16 the measuring mechanism if necessary, and reseal the pump as  
17 long as the department is notified of the recalibration within  
18 ten days. A person violating a provision of this section is,  
19 upon conviction, guilty of a simple misdemeanor.

20 EXPLANATION

21 This bill provides for periodic inspections of gasoline  
22 pumps by the department of agriculture and land stewardship.

23 The bill also allows owners of inspected pumps who are  
24 registered with the department as servicers to open and  
25 recalibrate them as necessary between departmental  
26 inspections, provided that the department is notified within  
27 ten days of any such change.

28 A penalty of a simple misdemeanor is provided for a viola-  
29 tion of the bill's provisions.

30  
31  
32  
33  
34  
35

SENATE FILE 70

3053

1 Amend Senate File 70 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 214.1, subsection 2, Code  
5 1987, is amended to read as follows:

6 2. "Gasoline Motor vehicle fuel pump" ~~shall mean~~  
7 any means a pump, meter, or similar measuring device  
8 used for measuring gasoline motor vehicle fuel.

9 Sec. 2. Section 214.1, Code 1987, is amended by  
10 adding the following new subsection:

11 NEW SUBSECTION. 3. "Motor vehicle fuel" means a  
12 substance or combination of substances which is  
13 intended to be or is capable of being used for the  
14 purpose of propelling or running by combustion any  
15 internal combustion engine and is kept for sale or  
16 sold for that purpose.

17 Sec. 3. Section 214.2, Code 1987, is amended to  
18 read as follows:

19 214.2 LICENSE.

20 Every person who ~~shall use~~ uses or ~~display~~ displays  
21 for use any public scale, pump, or meter used in  
22 measuring the quantity of gasoline motor vehicle fuel  
23 or fuel oil sold to consumer customers shall secure a  
24 license for ~~said~~ the scale, pump, or meter from the  
25 department.

26 Sec. 4. Section 214.3, Code 1987, is amended to  
27 read as follows:

28 214.3 FEE.

29 The license for a public scale shall expire on  
30 December 31 of each year, and for a gasoline motor  
31 vehicle fuel pump or meter on June 30 of each year.

32 A ~~The~~ fee for each ~~said~~ license shall be four  
33 dollars per annum provided, however, except that the  
34 fee for gasoline motor vehicle fuel pumps and meters  
35 shall be two dollars per annum if paid within one  
36 month from the date said the license fee is due.

37 A license fee on every gasoline motor vehicle fuel  
38 pump and meter is due the day any-such the pump or  
39 meter is placed in operation.

40 Sec. 5. Section 214.9, Code 1987, is amended to  
41 read as follows:

42 214.9 SELF-SERVICE GASOLINE MOTOR VEHICLE FUEL  
43 PUMPS.

44 Self-service gasoline motor vehicle fuel pumps and  
45 self-service-special-fuel-pumps at service stations  
46 may be equipped with automatic latch-open devices on  
47 the fuel dispensing hose nozzle only if the nozzle  
48 valve is the automatic closing type."

2. Page 1, line 3, by striking the word  
"gasoline" and inserting the words "motor vehicle

S-3053 pg. 2

- 1 fuel".  
2 3. Page 1, line 8, by striking the word  
3 "gasoline" and inserting the words "motor vehicle  
4 fuel".  
5 4. Page 1, lines 17 and 18, by striking the words  
6 "within ten days" and inserting the following:  
7 "immediately, on a form provided by the department".  
8 5. Title page, line 2, by striking the word  
9 "gasoline" and inserting the following: "motor  
10 vehicle fuel".  
11 6. By renumbering as necessary.

S-3053

Filed February 19, 1987

*Adopted & amended by 3066  
3/25/87 (p. 475)*

BY COMMITTEE ON AGRICULTURE  
BERL E. PRIEBE, Chairperson

SEVENTY-SECOND GENERAL ASSEMBLY  
1987 REGULAR SESSION

DAILY  
SENATE CLIP SHEET

FEBRUARY 25, 1987

SENATE FILE 70

S-3066

- 1 Amend the Committee amendment, S-3053, to Senate  
2 File 70 as follows:  
3 1. Page 1, by inserting after line 39 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 214.5, Code 1987, is amended to  
6 read as follows:  
7 214.5 ~~LICENSE-TO-BE-DISPLAYED~~ INSPECTION STICKERS.  
8 For each scale, pump, or meter licensed, the  
9 department shall issue an inspection sticker, which  
10 shall not exceed two inches by two inches in size.  
11 The license-plate inspection sticker shall be  
12 displayed prominently on the front of the scale, or  
13 pump or meter, and the defacing or wrongful removal of  
14 such-plate the sticker shall be punished as provided  
15 in chapter 189. Absence of license-plate-shall-be an  
16 inspection sticker is prima-facie evidence that the  
17 weighing-or-measuring-device scale, pump, or meter is  
18 being operated contrary to law."  
19 2. Page 1, line 45, by inserting after the word  
20 "stations" the following: "and gas stations".  
21 3. Page 2, by inserting after line 4 the  
22 following:  
23 "\_\_\_\_\_. Page 1, by striking lines 12 through 14 and  
24 inserting the following: "marked, dated, and recorded  
25 by the inspector. If the owner of an inspected and  
26 sealed pump is registered with the department as a  
27 servicer in accordance with section 215.23, or employs  
28 a person so registered as a servicer, the owner or  
29 other servicer".  
30 4. Page 2, by inserting after line 7 the  
31 following:  
32 "\_\_\_\_\_. Page 1, by inserting after line 19 the  
33 following:  
34 "Sec. \_\_\_\_\_. Section 214.4, Code 1987, is  
35 repealed."  
36 5. Page 2, by striking lines 8 through 10 and  
37 inserting the following:  
38 "\_\_\_\_\_. Title page, by striking lines 1 and 2 and  
39 inserting the following: "An Act relating to motor  
40 vehicle fuel pumps and public scales by revising  
41 provisions governing licensing, inspection,  
42 calibration, and sealing by the department of  
43 agriculture and land".  
44 6. By renumbering as necessary.

S-3066

Filed February 24, 1987

BY JIM LIND

(caption 2/25/87 (p 475))



1 Section 1. Section 214.1, subsection 2, Code 1987, is  
2 amended to read as follows:

3 2. "Gasoline Motor vehicle fuel pump" shall-mean-any means  
4 a pump, meter, or similar measuring device used for measuring  
5 gasoline motor vehicle fuel.

6 Sec. 2. Section 214.1, Code 1987, is amended by adding the  
7 following new subsection:

8 NEW SUBSECTION. 3. "Motor vehicle fuel" means a substance  
9 or combination of substances which is intended to be or is  
10 capable of being used for the purpose of propelling or running  
11 by combustion any internal combustion engine and is kept for  
12 sale or sold for that purpose.

13 Sec. 3. Section 214.2, Code 1987, is amended to read as  
14 follows:

15 214.2 LICENSE.

16 Every person who shall-use uses or display displays for use  
17 any public scale, pump, or meter used in measuring the  
18 quantity of gasoline motor vehicle fuel or fuel oil sold to  
19 consumer customers shall secure a license for said the scale,  
20 pump, or meter from the department.

21 Sec. 4. Section 214.3, Code 1987, is amended to read as  
22 follows:

23 214.3 FEE.

24 The license for a public scale shall expire on December 31  
25 of each year, and for a gasoline motor vehicle fuel pump or  
26 meter on June 30 of each year.

27 A The fee for each said license shall be four dollars per  
28 annum provided, however, except that the fee for gasoline  
29 motor vehicle fuel pumps and meters shall be two dollars per  
30 annum if paid within one month from the date said the license  
31 fee is due.

32 A license fee on every gasoline motor vehicle fuel pump and  
33 meter is due the day any-such the pump or meter is placed in  
34 operation.

35 Sec. 5. Section 214.5, Code 1987, is amended to read as

1 follows:

2 214.5 LICENSE-TO-BE-DISPLAYED INSPECTION STICKERS.

3 For each scale, pump, or meter licensed, the department  
4 shall issue an inspection sticker, which shall not exceed two  
5 inches by two inches in size. The license-plate inspection  
6 sticker shall be displayed prominently on the front of the  
7 scale, or pump or meter, and the defacing or wrongful removal  
8 of such-plate the sticker shall be punished as provided in  
9 chapter 189. Absence of license-plate-shall-be an inspection  
10 sticker is prima-facie evidence that the weighing-or-measuring  
11 device scale, pump, or meter is being operated contrary to  
12 law.

13 Sec. 6. Section 214.9, Code 1987, is amended to read as  
14 follows:

15 214.9 SELF-SERVICE GASOLINE MOTOR VEHICLE FUEL PUMPS.

16 Self-service gasoline motor vehicle fuel pumps and self-  
17 service-special-fuel-pumps at service stations and gas  
18 stations may be equipped with automatic latch-open devices on  
19 the fuel dispensing hose nozzle only if the nozzle valve is  
20 the automatic closing type.

21 Sec. 7. NEW SECTION. 214.11 INSPECTIONS -- PENALTY.

22 The department of agriculture and land stewardship shall  
23 provide for annual inspections of all motor vehicle fuel pumps  
24 licensed under this chapter. Inspections shall be for the  
25 purpose of determining the accuracy of the pumps' measuring  
26 mechanisms, and for such purpose the department's inspectors  
27 may enter upon the premises of any wholesale dealer or retail  
28 dealer, as they are defined in section 214A.1, of motor  
29 vehicle fuel or fuel oil within this state. Upon completion  
30 of an inspection, the inspector shall affix the department's  
31 seal to the measuring mechanism of the pump. The seal shall  
32 be appropriately marked, dated, and recorded by the inspector.  
33 If the owner of an inspected and sealed pump is registered  
34 with the department as a servicer in accordance with section  
35 215.23, or employs a person so registered as a servicer, the

1 owner or other servicer may open the pump, break the  
2 department's seal, recalibrate the measuring mechanism if  
3 necessary, and reseal the pump as long as the department is  
4 notified of the recalibration immediately, on a form provided  
5 by the department. A person violating a provision of this  
6 section is, upon conviction, guilty of a simple misdemeanor.

7 Sec. 8. Section 214.4, Code 1987, is repealed.

8  
9

SENATE FILE 70

H-3676

1 Amend Senate File 70, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, lines 17 and 18, by striking the words  
4 "service stations and gas stations" and inserting the  
5 following: "service motor vehicle fuel stations".

6 2. Page 3, line 4, by striking the word  
7 "immediately" and inserting the following: "within  
8 forty-eight hours".

H-3676 FILED APRIL 8, 1987 BY COMMITTEE ON AGRICULTURE  
*Adopted 4/13/87 (j. 1274)*

HOUSE AMENDMENT TO

SENATE FILE 70

S-3601

1 Amend Senate File 70, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, lines 17 and 18, by striking the words  
4 "service stations and gas stations" and inserting the  
5 following: "service motor vehicle fuel stations".

6 2. Page 3, line 4, by striking the word  
7 "immediately" and inserting the following: "within  
8 forty-eight hours".

S-3601

Filed April 15, 1987 RECEIVED FROM THE HOUSE  
*Senate concurred 4/23/87 (j. 1477)*

32  
33  
34  
35

SENATE FILE 70

AN ACT  
RELATING TO MOTOR VEHICLE FUEL PUMPS AND PUBLIC SCALES BY  
REVISING PROVISIONS GOVERNING LICENSING, INSPECTION,  
CALIBRATION, AND SEALING BY THE DEPARTMENT OF AGRICULTURE  
AND LAND STEWARDSHIP AND PROVIDING A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 214.1, subsection 2, Code 1987, is amended to read as follows:

2. "Gasoline Motor vehicle fuel pump" ~~shall mean any means~~ a pump, meter, or similar measuring device used for measuring gasoline motor vehicle fuel.

Sec. 2. Section 214.1, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 3. "Motor vehicle fuel" means a substance or combination of substances which is intended to be or is capable of being used for the purpose of propelling or running by combustion any internal combustion engine and is kept for sale or sold for that purpose.

Sec. 3. Section 214.2, Code 1987, is amended to read as follows:

214.2 LICENSE.

Every person who ~~shall use~~ uses or ~~display~~ displays for use any public scale, pump, or meter used in measuring the quantity of gasoline motor vehicle fuel or fuel oil sold to consumer customers shall secure a license for ~~said~~ the scale, pump, or meter from the department.

Sec. 4. Section 214.3, Code 1987, is amended to read as follows:

214.3 FEE.

The license for a public scale shall expire on December 31 of each year, and for a gasoline motor vehicle fuel pump or meter on June 30 of each year.

A ~~The~~ fee for each ~~said~~ license shall be four dollars per annum ~~provided; however, except~~ that the fee for gasoline motor vehicle fuel pumps and meters shall be two dollars per annum if paid within one month from the date ~~said~~ the license fee is due.

A license fee on every gasoline motor vehicle fuel pump and meter is due the day ~~any such~~ the pump or meter is placed in operation.

Sec. 5. Section 214.5, Code 1987, is amended to read as follows:

214.5 ~~LICENSE-70-98-DISPLAYED~~ INSPECTION STICKERS.

For each scale, pump, or meter licensed, the department shall issue an inspection sticker, which shall not exceed two inches by two inches in size. The ~~license-plate~~ inspection

sticker shall be displayed prominently on the front of the scale, or pump or meter, and the defacing or wrongful removal of such plate the sticker shall be punished as provided in chapter 189. Absence of license-plate shall be an inspection sticker is prima-facie evidence that the weighing-or-measuring device scale, pump, or meter is being operated contrary to law.

Sec. 6. Section 214.9, Code 1987, is amended to read as follows:

214.9 SELF-SERVICE GASOLINE MOTOR VEHICLE FUEL PUMPS.

Self-service gasoline motor vehicle fuel pumps and self-service-special-fuel-pumps at service motor vehicle fuel stations may be equipped with automatic latch-open devices on the fuel dispensing hose nozzle only if the nozzle valve is the automatic closing type.

Sec. 7. NEW SECTION. 214.11 INSPECTIONS -- PENALTY.

The department of agriculture and land stewardship shall provide for annual inspections of all motor vehicle fuel pumps licensed under this chapter. Inspections shall be for the purpose of determining the accuracy of the pumps' measuring mechanisms, and for such purpose the department's inspectors may enter upon the premises of any wholesale dealer or retail dealer, as they are defined in section 214A.1, of motor vehicle fuel or fuel oil within this state. Upon completion of an inspection, the inspector shall affix the department's seal to the measuring mechanism of the pump. The seal shall be appropriately marked, dated, and recorded by the inspector. If the owner of an inspected and sealed pump is registered with the department as a servicer in accordance with section 215.23, or employs a person so registered as a servicer, the owner or other servicer may open the pump, break the department's seal, recalibrate the measuring mechanism if necessary, and reseal the pump as long as the department is notified of the recalibration within forty-eight hours, on a form provided by the department. A person violating a

provision of this section is, upon conviction, guilty of a simple misdemeanor.

Sec. 8. Section 214.4, Code 1987, is repealed.

---

JO ANN ZIMMERMAN  
President of the Senate

---

DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 70, Seventy-second General Assembly.

---

JOHN F. DWYER  
Secretary of the Senate

Approved May 4, 1987

---

TERRY E. BRANSTAD  
Governor