

The department may issue a permit, subject to conditions established by the department, which authorizes ~~the~~ patients of a substance abuse facility, residents of health care facilities licensed under chapter 135C, and persons cared for in juvenile shelter care homes as provided for in chapter 232 to fish without a license as a supervised group.

Approved May 1, 1989

CHAPTER 75

OXYGENATE OCTANE ENHANCERS

H.F. 254

AN ACT relating to the regulation of oxygenate octane enhancers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 214A.1, subsection 4, Code 1989, is amended to read as follows:

4. "Oxygenate octane enhancer" means oxygen-containing compounds, including but not limited to alcohols, and ethers, or ethanol.

Sec. 2. Section 214A.2, subsection 1, Code 1989, is amended to read as follows:

1. The secretary shall adopt rules pursuant to chapter 17A for carrying out ~~the provisions~~ of this chapter. The rules may include, but are not limited to, specifications relating to motor fuel or oxygenate octane enhancers. In the interest of uniformity, the secretary shall adopt by reference or otherwise specifications relating to tests and standards for motor fuel or oxygenate octane enhancers, established by the American society for testing and materials (A.S.T.M.), unless the secretary determines those specifications are inconsistent with this chapter or are not appropriate to the conditions which exist in this state. ~~References to A.S.T.M. specifications and standards are to the A.S.T.M. specifications and standards in effect on January 1, 1985.~~

Sec. 3. Section 214A.3, Code 1989, is amended to read as follows:

214A.3 FALSE REPRESENTATIONS.

~~No~~ A person for purposes of selling shall ~~not~~ falsely represent the quality or kind of any motor vehicle fuel or oxygenate octane enhancer or add coloring matter thereto for the purpose of misleading the public as to its quality.

Sec. 4. Section 214A.4, Code 1989, is amended to read as follows:

214A.4 INTRASTATE SHIPMENTS.

~~No~~ A wholesale dealer or retail dealer shall ~~not~~ receive or sell or hold for sale, within this state, any motor vehicle fuel or oxygenate octane enhancer for which specifications are prescribed in this chapter, unless the dealer first secures from the refiner or producer of ~~such~~ the motor vehicle fuel or oxygenate octane enhancer, a statement, verified by the oath of a competent chemist, employed by or representing ~~such~~ the refiner or producer, showing the true standards and tests of ~~such~~ the motor vehicle fuel or oxygenate octane enhancer, obtained by the methods referred to in section 214A.2 hereof. ~~Such~~ The verified tests ~~shall be~~ are required and must accompany the bill of lading or shipping documents representing the shipment of ~~such~~ the motor vehicle fuel or oxygenate octane enhancer into this state before ~~such~~ the shipment can be received and unloaded.

Sec. 5. Section 214A.5, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Each wholesale dealer in this state shall, when making a sale of oxygenate octane enhancer, give to each purchaser upon demand a sales slip upon which must be printed the words "This oxygenate octane enhancer conforms to the standard specifications required by the state of Iowa."

Sec. 6. Section 214A.6, Code 1989, is amended to read as follows:

214A.6 DEPARTMENT TESTS — FEE.

Any A wholesale dealer or retail dealer may, at the dealer's option, forward to the department for testing a sample taken in the manner here prescribed in this section. The dealer shall draw from such the original container, in the presence of some a reputable person, into a clean receptacle, suitable for shipping, a sample of such the motor vehicle fuel or oxygenate octane enhancer, not less than eight fluid ounces, and shall carefully seal such the receptacle and affix thereto to the receptacle a written label showing the car number or other identifying marks upon such the original container from which such the sample was taken, all. This procedure shall be performed in the presence of such the reputable person, and such the wholesale dealer or retail dealer and such. The reputable person shall make a statement, under oath, that such the sample was taken in the manner provided for herein in this section, referring and shall refer to the identifying marks upon such the label. At the same time such The sworn statement, together with a fee of two dollars for the making of such the test, shall be forwarded to the department. The department shall test such the sample by the methods provided for in section 214A.2 and shall forward to such the wholesale dealer or retail dealer a certified copy of the results of such the tests.

Sec. 7. Section 214A.7, Code 1989, is amended to read as follows:

214A.7 DEPARTMENT INSPECTION — SAMPLES TESTED.

The department, its agents or employees, shall, from time to time, make or cause to be made tests of any motor vehicle fuel or oxygenate octane enhancer which is being sold, or held or offered for sale within this state, and for such purposes such the inspectors shall have the right to enter upon the premises of any wholesale dealer or retail dealer in of motor vehicle fuels fuel or oxygenate octane enhancer within this state, and to take from any container a sample of such the motor vehicle fuel or oxygenate octane enhancer, not to exceed eight fluid ounces, which. The sample shall be sealed and appropriately marked or labeled by such the inspector and delivered to the department. The department shall make, or cause to be made, complete analyses or tests of such the motor vehicle fuel or oxygenate octane enhancer by the methods specified in section 214A.2.

Sec. 8. Section 214A.8, Code 1989, is amended to read as follows:

214A.8 PROHIBITION.

No A retail or wholesale dealer defined in this chapter shall not sell any motor vehicle fuel or oxygenate octane enhancer in the state that fails to meet the applicable standards and specifications applicable thereto as set out in this chapter.

Sec. 9. Section 214A.10, Code 1989, is amended to read as follows:

214A.10 TRANSFER PIPES.

No A wholesale dealer, retail dealer, or other person shall not, within this state, use the same pipeline, for transferring gasoline and similar motor vehicle fuel, including gasoline, or oxygenate octane enhancer from one container to another, as that if the pipeline is used for transferring kerosene or other inflammable product used for open flame illuminating or heating purposes.

Approved May 1, 1989