

MOTOR VEHICLE FUEL

214A.1 Definitions.

The following definitions shall apply to the various terms used in this chapter:

1. "*A.S.T.M. international*" means the American society for testing and materials international.
2. "*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. The products commonly known as kerosene and distillate or petroleum products of lower gravity (Baume scale), when not used to propel a motor vehicle or for compounding or combining with a motor vehicle fuel, are exempt from this chapter except as provided in section 214A.2A.
3. "*Motor vehicle fuel storage tank*" means an aboveground or belowground container that is a fixture, used to keep an accumulation of motor vehicle fuel.
4. "*MTBE*" means methyl tertiary butyl ether.
5. "*Oxygenate octane enhancer*" means oxygen-containing compounds, including but not limited to alcohols, ethers, or ethanol.
6. "*Retail dealer*" shall mean and include any person, firm, partnership, association, or corporation who operates, maintains, or conducts, either in person, or by any agent, employee, or servant, any place of business, filling station, pump station, or tank wagon, from which any motor vehicle fuel, as defined herein, is sold or offered for sale, at retail, or to the final or ultimate consumer.
7. "*Sell*" means to sell or to offer for sale.
8. "*Wholesale dealer*" shall mean and include any person, firm, partnership, association, or corporation, other than retail dealers as defined in subsection 3 of this section, who sells, keeps, or holds, for sale, or purchase for the purpose of sale within this state, any motor vehicle fuel.

[C31, 35, § 5093-d1; C39, § **5095.01**; C46, 50, 54, 58, 62, 66, 71, § 323.1; C73, 75, 77, 79, 81, § 214A.1]

85 Acts, ch 76, §1; 86 Acts, ch 1146, § 1; 86 Acts, ch 1245, § 644; 89 Acts, ch 75, § 1; 2000 Acts, ch 1224, §27; 2004 Acts, ch 1086, §106

Footnotes

Further definitions, see § 189.1

214A.2 Tests and standards.

1. The secretary shall adopt rules pursuant to chapter 17A for carrying out 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 A.S.T.M. (American society for testing and materials) international, unless the secretary determines those specifications are inconsistent with this chapter or are not appropriate to the conditions which exist in this state.
2. Octane number shall conform to the average of values obtained from the A.S.T.M. international D-2699 research method and the A.S.T.M. international D-2700 motor method.

Octane number for regular grade leaded gasoline shall follow the specifications of A.S.T.M. international but shall not be less than eighty-eight.

Octane number for premium grade leaded gasoline shall follow the specifications of A.S.T.M. international but shall not be less than ninety-three.

Octane number for regular grade unleaded gasoline shall follow the specifications of A.S.T.M. international but shall not be less than eighty-seven.

Octane number for premium grade unleaded gasoline shall follow the specifications of A.S.T.M. international but shall not be less than ninety.

3. *a.* Gasoline with a mixture of ten percent or more ethanol, but not more than thirteen percent, shall be known as conventional blend ethanol.

b. Gasoline with a mixture of more than thirteen percent ethanol, but not more than twenty-five percent, shall be known as high blend ethanol. For purposes of chapters 323A, 422, and 452A, high blend ethanol shall be treated as conventional blend ethanol.

4. Motor vehicle fuel shall not contain more than trace amounts of MTBE, as provided in section 214A.18.

[C31, 35, § 5093-d2; C39, § **5095.02**; C46, 50, 54, 58, 62, 66, 71, § 323.2; C73, 75, 77, 79, 81, § 214A.2; 82 Acts, ch 1131, § 1, ch 1170, § 1]

84 Acts, ch 1083, § 1; 85 Acts, ch 76, § 25; 85 Acts, ch 195, § 23; 89 Acts, ch 75, § 2; 90 Acts, ch 1252, § 14; 91 Acts, ch 87, § 1; 2000 Acts, ch 1224, § 28; 2003 Acts, ch 167, § 1, 4; 2004 Acts, ch 1086, § 106

2003 strike of subsection 3, paragraph c, applies retroactively to January 1, 2002; 2003 Acts, ch 167, § 4

214A.2A Kerosene labeling.

Fuel which is sold or is kept, offered, or exposed for sale as kerosene shall be labeled as kerosene. The label shall include the word "kerosene" and a designation as either "K1" or "K2", and shall indicate that the kerosene is in compliance with the standard specification adopted by the A.S.T.M. in specification D-3699 (1982).

86 Acts, ch 1146, § 2

214A.3 False representations.

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.

[C31, 35, § 5093-d3; C39, § **5095.03**; C46, 50, 54, 58, 62, 66, 71, § 323.3; C73, 75, 77, 79, 81, § 214A.3]

89 Acts, ch 75, § 3

214A.4 Intrastate shipments.

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 the motor vehicle fuel or oxygenate octane enhancer, a statement, verified by the oath of a competent chemist, employed by or representing the refiner or producer, showing the true standards and tests of the motor vehicle fuel or oxygenate octane enhancer, obtained by the methods referred to in section 214A.2. The verified tests are required and must accompany the bill of lading or shipping documents representing the shipment of the motor vehicle fuel or oxygenate octane enhancer into this state before the shipment can be received and unloaded.

[C31, 35, § 5093-d4; C39, § **5095.04**; C46, 50, 54, 58, 62, 66, 71, § 323.4; C73, 75, 77, 79, 81, § 214A.4]

89 Acts, ch 75, § 4

214A.5 Sales slip on demand.

Each wholesale dealer or retail dealer in this state shall, when making a sale of motor vehicle fuel, give to each purchaser upon demand a sales slip upon which must be printed the words "This motor vehicle fuel conforms to the standard of specifications required by the state of Iowa."

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."

[C31, 35, § 5093-d5; C39, § **5095.05**; C46, 50, 54, 58, 62, 66, 71, § 323.5; C73, 75, 77, 79, 81, § 214A.5]

89 Acts, ch 75, § 5

214A.6 Department tests fee.

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

[C31, 35, § 5093-d6; C39, § **5095.06**; C46, 50, 54, 58, 62, 66, 71, § 323.6; C73, 75, 77, 79, 81, § 214A.6]

89 Acts, ch 75, § 6

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 the inspectors have the right to enter upon the premises of any wholesale dealer or retail dealer of motor vehicle fuel or oxygenate octane enhancer within this state, and to take from any container a sample of the motor vehicle fuel or oxygenate octane enhancer, not to exceed eight fluid ounces.

The sample shall be sealed and appropriately marked or labeled by the inspector and delivered to the department. The department shall make, or cause to be made, complete analyses or tests of the motor vehicle fuel or oxygenate octane enhancer by the methods specified in section 214A.2.

[C31, 35, § 5093-d7; C39, § **5095.07**; C46, 50, 54, 58, 62, 66, 71, § 323.7; C73, 75, 77, 79, 81, § 214A.7]

89 Acts, ch 75, § 7

214A.8 Prohibition.

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 applicable standards and specifications set out in this chapter.

[C31, 35, § 5093-d8; C39, § **5095.08**; C46, 50, 54, 58, 62, 66, 71, § 323.8; C73, 75, 77, 79, 81, § 214A.8]

89 Acts, ch 75, § 8

214A.9 Poster showing analysis.

Any retail dealer who sells or holds for sale motor vehicle fuel, as defined in section 214A.2 hereof, may post upon any container or pump from which such motor vehicle fuel is being sold, a statement or notice in form to be prescribed by the department, showing the results of the tests of such motor vehicle fuel then being sold from such pumps or other containers.

[C31, 35, § 5093-d9; C39, § **5095.09**; C46, 50, 54, 58, 62, 66, 71, § 323.9; C73, 75, 77, 79, 81, § 214A.9]

214A.10 Transfer pipes.

A wholesale dealer, retail dealer, or other person shall not, within this state, use the same pipeline for transferring motor vehicle fuel, including gasoline, or oxygenate octane enhancer from one container to another, if the pipeline is used for transferring kerosene or other flammable product used for open flame illuminating or heating purposes.

[C31, 35, § 5093-d10; C39, § **5095.10**; C46, 50, 54, 58, 62, 66, 71, § 323.10; C73, 75, 77, 79, 81, § 214A.10]

89 Acts, ch 75, § 9; 92 Acts, ch 1163, §48

214A.11 Violations.

Any person violating the provisions of this chapter shall be guilty of a simple misdemeanor.

[C31, 35, § 5093-d11; C39, § **5095.11**; C46, 50, 54, 58, 62, 66, 71, § 323.11; C73, 75, 77, 79, 81, § 214A.11]

214A.12 Industrial petroleum permits.

Any wholesale dealer as herein defined may apply to the department for a permit to make importations of petroleum products for industrial use only and not intended to be used for internal combustion engines, on a form to be supplied by the department, and upon receiving such permission may make importations of petroleum products for industrial use only, exempt from the specifications of this chapter.

[C31, 35, § 5093-d12; C39, § **5095.12**; C46, 50, 54, 58, 62, 66, 71, § 323.12; C73, 75, 77, 79, 81, § 214A.12]

214A.13 Chemists employment of.

The secretary of agriculture shall employ one or more chemists and incur such other expense as shall be necessary for the purpose of carrying into effect the provisions of this chapter.

[C31, 35, § 5093-d13; C39, § **5095.13**; C46, 50, 54, 58, 62, 66, 71, § 323.13; C73, 75, 77, 79, 81, § 214A.13]

214A.14 Appropriation.

There is hereby appropriated out of any funds in the state treasury not otherwise appropriated funds sufficient to pay the expenses incurred as authorized by this chapter.

[C31, 35, § 5093-d14; C39, § **5095.14**; C46, 50, 54, 58, 62, 66, 71, § 323.14; C73, 75, 77, 79, 81, § 214A.14]

214A.15 Gasoline receptacles.

A person shall not place gasoline or any other petroleum product for public use having a flash point below 100 degrees F. into any can, cask, barrel or other similar receptacle having a capacity in excess of one pint unless the same is painted bright red and is plainly marked with the word "gasoline" or with the warning "flammable keep fire away" in contrasting letters of a height equal to at least one-tenth of the smallest dimension of such container. Gasoline or other petroleum products having a flash point below 100 degrees F. shall not be placed in bottles and plastic containers except those bottles and plastic containers which are approved by the state fire marshal and which are conspicuously posted with such approval. This section shall not apply to vehicle cargo or supply tanks nor to underground storage nor to storage tanks from which such liquids are withdrawn for manufacturing or agricultural purposes, or are loaded into vehicle cargo tanks, but all outlet faucets or valves from such excepted containers shall be suitably tagged to indicate the nature of the product to be withdrawn from such containers.

[C97, § 2505; S13, § 2510-1a, -2a, -j, -k; SS15, § 2505; C24, 27, 31, 35, 39, § **31943196**; C46, § 208.4208.6; C50, 54, 58, 62, 66, 71, 73, 75, § 208.6; C77, 79, 81, § 214A.15]

214A.16 Notice of blended fuel decal.

If motor vehicle fuel containing a renewable fuel is sold from a motor vehicle fuel pump, the pump shall have affixed a decal identifying the name of the renewable fuel. The decal may be different based on the type of renewable fuel used. The design and location of the decal shall be prescribed by rules adopted by the department. A decal identifying a renewable fuel shall be consistent with standards adopted pursuant to section 159A.6. The department may approve an application to place a decal in a special location on a pump or container or use a decal with special lettering or colors, if the decal appears clear and conspicuous to the consumer. The application shall be made in writing pursuant to procedures adopted by the department.

[82 Acts, ch 1170, § 2]

85 Acts, ch 76, § 6; 89 Acts, ch 296, § 21; 91 Acts, ch 254, § 14; 94 Acts, ch 1119, §23; 2000 Acts, ch 1224, §29

214A.17 Documentation in transactions.

Upon any delivery of motor vehicle fuel to a retailer, the invoice, bill of lading, shipping or other documentation shall disclose the presence, type, and amount of oxygenate octane enhancers over one percent by weight contained in the fuel.

85 Acts, ch 76, §7

214A.18 MTBE prohibition.

1. A person shall not do any of the following:

- a.* Sell motor vehicle fuel containing more than trace amounts of MTBE in this state.
- b.* Store motor vehicle fuel containing more than trace amounts of MTBE in a motor vehicle fuel storage tank located in this state.

2. As used in this section, "*trace amounts*" means not more than one-half of one percent by volume.

2000 Acts, ch 1224, §30

214A.19 Demonstration grants authorized.

1. The department of natural resources, conditioned upon the availability of funds, is authorized to award demonstration grants to persons who purchase vehicles which operate on alternative fuels, including but not limited to, high blend ethanol, compressed natural gas, electricity, solar energy, or hydrogen. A grant shall be for the purpose of conducting research connected with the fuel or the vehicle, and not for the purchase of the vehicle itself, except that the money may be used for the purchase of the vehicle if all of the following conditions are satisfied:

- a.* The department retains the title to the vehicle.
- b.* The vehicle is used for continuing research.
- c.* If the vehicle is sold or when the research related to the vehicle is completed, the proceeds of the sale of the vehicle shall be used for additional research.

2. The governor shall seek the cooperation of the governors of other states willing to cooperate to establish an alternative fuels consortium. The purposes of the consortium may include, but are not limited to, coordinating the research, production, and marketing of alternative fuels within the participating states. The consortium may also coordinate presentation of consortium policy on alternative fuels to automakers and federal regulatory authorities.

90 Acts, ch 1252, §15