

IC 16-44-3

Chapter 3. Inspection, Labeling, and Registration of Motor Fuel and Motor Fuel Outlets

IC 16-44-3-1

Accuracy of octane labeling; program

Sec. 1. To ensure uniformity among the requirements for motor fuels in Indiana, this chapter establishes a program to assure the accuracy of the octane labeling of motor fuels.

As added by P.L.2-1993, SEC.27.

IC 16-44-3-1.5

Outlets selling aviation fuels only; applicability of chapter

Sec. 1.5. This chapter does not apply to motor fuel outlets where only aviation fuels are distributed or sold.

As added by P.L.177-1993, SEC.18.

IC 16-44-3-2

"Motor fuel" defined

Sec. 2. As used in this chapter, "motor fuel" means gasoline or gasoline-oxygenate blends suitable for use as a fuel in a motor vehicle.

As added by P.L.2-1993, SEC.27.

IC 16-44-3-3

"Motor fuel outlet" defined

Sec. 3. As used in this chapter, "motor fuel outlet" means a location where motor fuel is sold at retail to the public.

As added by P.L.2-1993, SEC.27.

IC 16-44-3-4

Enforcement and administration of chapter

Sec. 4. The state department shall enforce and administer this chapter.

As added by P.L.2-1993, SEC.27.

IC 16-44-3-5

Inspections; rules and regulations

Sec. 5. (a) The state department shall establish a motor fuel inspection program that provides for the:

- (1) inspection; and
- (2) analysis;

of octane levels of motor fuels sold at motor fuel outlets.

(b) The state department shall adopt rules under IC 4-22-2 to use the test standards and tolerances set forth in the Annual Book of ASTM Standards and Supplements, except as amended or modified by the state department.

As added by P.L.2-1993, SEC.27.

IC 16-44-3-6

Adoption of rules

Sec. 6. The state department may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.2-1993, SEC.27.

IC 16-44-3-7

Inspection program; powers of department

Sec. 7. In establishing the inspection program, the state department shall collect samples of motor fuel on a random basis for testing and analysis. The state department may do the following:

- (1) Obtain access to motor fuel outlets during normal business hours for the following purposes:
 - (A) Examination.
 - (B) Inspection.
 - (C) Investigation.
- (2) Issue a stop sale order for violation of this chapter or for a motor fuel found not to be in compliance with the standards set forth in this chapter.
- (3) Rescind a stop sale order under subdivision (2) if the motor fuel is brought into full compliance with this chapter.
- (4) Refuse to issue, revoke, or suspend the registration of a motor fuel that is not in full compliance with this chapter.

As added by P.L.2-1993, SEC.27.

IC 16-44-3-8

Motor fuel sellers; registration

Sec. 8. (a) A person who sells a motor fuel at a motor fuel outlet shall do the following:

- (1) Separately register each motor fuel outlet with the state department.
- (2) Pay the registration fee set under section 9 of this chapter.

(b) The registration required under subsection (a) must include the following:

- (1) The name and address of the principal business address of the person registering the motor fuel.
- (2) The name and address of the motor fuel outlet where the motor fuel is sold.
- (3) The name, brand, or trademark and the antiknock motor fuel to be marketed at the motor fuel outlet.

As added by P.L.2-1993, SEC.27.

IC 16-44-3-9

Motor fuel outlets; registration and penalty fees

Sec. 9. (a) The state department shall collect an annual registration fee of fifty dollars (\$50) for each motor fuel outlet registered under this chapter.

(b) In addition to the fee in subsection (a), a penalty fee of fifty dollars (\$50) may be imposed by the state department for an application for registration renewal filed after the previous registration has expired. The state department may waive the penalty

fee for a showing of good cause.

As added by P.L.2-1993, SEC.27. Amended by P.L.168-2003, SEC.4.

IC 16-44-3-10

Motor fuel inspection fund

Sec. 10. (a) The motor fuel inspection fund is established for the purpose of facilitating compliance with and enforcement of this chapter. The state department shall administer the fund.

(b) The fund consists of the fees collected under section 9 of this chapter.

(c) The expenses of administering the fund shall be paid from the money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.2-1993, SEC.27.

IC 16-44-3-11

Violation of chapter

Sec. 11. A person violates this chapter if the person does any of the following:

(1) Markets a motor fuel without properly labeling the octane number (antiknock index) of the motor fuel in conformance with the octane posting requirements contained in 16 CFR Part 306 and issued under the Petroleum Marketing Practices Act of 1978 (15 U.S.C. 2801).

(2) Submits:

(A) incorrect;

(B) misleading; or

(C) false information;

regarding the registration of a motor fuel or a motor fuel outlet.

(3) Hinders or obstructs the state department in the enforcement of this chapter.

(4) Markets a motor fuel that is not in compliance with this chapter.

(5) Markets a motor fuel at an outlet that is not registered by the person under this chapter.

As added by P.L.2-1993, SEC.27.