

CHAPTER 239

WEIGHTS, MEASURES

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239.09 SPECIAL POLICE OFFICERS.

The division and all authorized employees under the provisions of sections 239.01 to 239.10 and 239.54 are hereby made special police officers and are authorized and empowered to arrest, without formal warrant, any violator of sections 325E.11 and 325E.115 or of the statute in relation to weights and measures, and to seize for use as evidence and without formal warrant, any false weight, measure, or weighing or measuring device or package or kind of commodity found to be used, retained, or offered or exposed for sale or sold in violation of law.

History: 1987 c 348 s 34

239.10 ANNUAL INSPECTION.

The department shall charge a fee to the owner for the costs of the regular inspection of scales, weights, measures, and weighing or measuring devices. The cost of any other inspection must be paid by the owner if the inspection is performed at the owner's request or if the inspection is made at the request of some other person and the scale, weight, measure, or weighing or measuring device is found to be incorrect. The department may fix the fees and expenses for regular inspections and special services by rule pursuant to section 16A.128, except that no additional fee may be charged for retail petroleum pumps, petroleum vehicle meters, and petroleum bulk meters that dispense petroleum products for which the petroleum inspection fee required by section 239.78 is collected. Money collected by the department for its regular inspections, special services, fees, and penalties must be paid into the state treasury and credited to the state general fund.

History: 1987 c 268 art 14 s 1

239.52 WEIGHTS AND MEASURES FEES.

The department of public service shall adjust the schedule of fees for regular and special weights and measures inspections to recover the amount of money appropriated for the weights and measures program, other than the cost of (1) checkweighing or the weighing of prepackaged goods to determine whether the content weight listed on the package is accurate, (2) testing for the quality of petroleum products, (3) inspections or investigations made as a result of a complaint received by the department, if the scale weight, measure, or weighing or measuring device is found to be correct, (4) court appearances by department personnel on behalf of other governmental agencies, and (5) enforcement of sections 325E.11 and 325E.115. The department of public service shall review and adjust its schedule of fees for regular and special inspections at the end of each six months and have all fees charged approved by the commissioner of finance before they are adopted, so as to insure that the fees charged shall be sufficient to pay all the recoverable costs connected with regular and special inspections during the fiscal year.

History: 1987 c 348 s 35

239.54 INSPECTION OF MOTOR OIL AND AUTOMOTIVE BATTERY RETAILERS.

The division shall produce, print, and distribute the notices required by sections

325E.11 and 325E.115 and shall inspect all places where motor oil is offered for sale by persons subject to section 325E.11 and where lead acid batteries are offered for sale at retail subject to section 325E.115 at least once every two years to determine compliance with those sections. In performing its duties under this section the division may inspect any place, building, or premises governed by sections 325E.11 and 325E.115. Authorized employees of the division may issue warnings and citations to persons who fail to comply with the requirements of those sections.

History: 1987 c 348 s 36

INSPECTION OF PETROLEUM PRODUCTS

239.75 INSPECTION OF PETROLEUM PRODUCTS.

Subdivision 1. Inspection to be made. The department of public service shall make inspection of petroleum products wherever processed, held, stored, or offered for sale or used, and shall secure samples periodically from importations in their original containers to determine their specifications when tested by the methods of the American Society for Testing Materials. Upon the request of the department of public service, a person holding, storing, offering for sale, or using petroleum products shall permit the department of public service to take for testing free samples, not to exceed 32 ounces each, of the products when necessary for the purposes of this chapter. The department of public service shall test samples of petroleum products received and submitted by any licensed distributor and shall inform the distributor of the results of the tests.

Subd. 2. When not meeting specifications. A record of the inspection shall be made. Any material not meeting the specifications under section 239.76 shall be sealed in the container from which the sample was secured or placed in separate storage under seal until a method of its disposition has been approved by the department of public service.

Subd. 3. Calibration or gauge charts. A person holding petroleum products in storage tanks for sale or for use as special fuel shall maintain a calibration or gauge chart for each tank.

Subd. 4. Entry upon premises. The department of public service may enter into or upon the premises of a distributor, bulk purchaser, or dealer of petroleum products to inspect the receptacles in which the products are stored. A distributor, bulk purchaser, or dealer shall keep the receptacles free from impurities. If the receptacles are found to contain impurities, they must be sealed until a method of disposition of the material has been approved by the department of public service.

History: 1987 c 268 art 14 s 2

239.76 SPECIFICATIONS OF PETROLEUM PRODUCTS.

Subdivision 1. Gasoline. No gasoline shall be sold for use in motor vehicles unless it is free from water, suspended matter, and impurities, and it conforms to the requirements in section 296.01, subdivision 3.

Subd. 2. Fuel oil; diesel fuel; kerosene. No fuel oil, diesel fuel, or kerosene shall be sold unless it conforms to section 296.01, subdivision 4, 4a, or 4b.

Subd. 3. Tests, how made. Tests must be made by the weights and measures division of the department of public service in accordance with the methods outlined in the American Society for Testing Materials specifications numbered D-396, D-439, D-910, D-975, and D-3699.

Subd. 4. Results of test supplied by shipper to distributor. Upon request of a licensed distributor, the shipper shall, at the time of shipment, supply the licensed distributor with the results of tests of the petroleum product shipped to the distributor at destination in Minnesota.

Subd. 5. Aviation gasoline. No aviation gasoline shall be received, sold, stored, or

withdrawn from storage in this state unless it conforms to the specifications set forth in American Society for Testing Materials specification number D-910.

Subd. 6. Sales of certain petroleum products on gross volume basis. The sale of gasoline, number one and number two diesel oils, and number one and number two fuel oils and kerosene from a supplier's terminal rack through retail on any other basis than gross volume is prohibited.

Subd. 7. Alcohol-blended fuels; disclosure. A manufacturer, hauler, blender, agent, jobber, consignment agent, importer, or distributor who distributes gasoline containing alcohol shall state on an invoice, bill of lading, shipping paper, or other documentation used in normal and customary business practices, the percentages by volume and the types, if more than one percent, of alcohols contained in the gasoline; except if the gasoline is distributed to the ultimate consumer, such as a bulk delivery to a farmer, only the types of alcohol must be disclosed. In determining compliance with this subdivision, the weights and measures division of the department of public service shall allow a one percent tolerance above or below the percentage stated on the documentation.

History: 1987 c 268 art 14 s 3

239.78 INSPECTION FEES.

An inspection fee shall be charged on petroleum products when received by the distributor, and on petroleum products received and held for sale or use by any person when the petroleum products have not previously been received by a licensed distributor. The department shall adjust the inspection fee to recover the amount appropriated for petroleum product quality inspection expenses and the amount appropriated for the inspection and testing of petroleum product measuring devices as required by this chapter. The department shall review and adjust the inspection fee as required by section 16A.128, except the review of the fee shall occur annually on or before January 1.

The commissioner of revenue shall credit the distributor for inspection fees previously paid in error or for any material exported or sold for export from the state upon filing of a report in a manner approved by the department. The commissioner of revenue is authorized to collect the inspection fees along with any taxes due under chapter 296.

History: 1987 c 268 art 14 s 4

239.79 PETROLEUM PRODUCTS; REQUIREMENTS.

Subdivision 1. Prices posted. A gasoline pump in this state shall have the total sales price per gallon posted on the pump in a conspicuous manner.

Subd. 2. Gasoline-alcohol blends; identification. When gasoline blended with alcohol is sold, offered for sale, or dispensed for use in motor vehicles, the dispenser shall be clearly marked to identify the type of alcohol, if more than one percent by volume, blended with the gasoline. The marking must consist of a white or yellow adhesive decal at least two inches by six inches with clearly printed black lettering at least one-half inch high and one-eighth inch in stroke. The marking shall be conspicuously displayed on both sides of the dispenser and state that the gasoline "CONTAINS ETHANOL" or "CONTAINS METHANOL" or has been "ETHANOL ENRICHED." This subdivision does not prohibit the posting of other alcohol or additive information.

History: 1987 c 268 art 14 s 5

239.80 VIOLATIONS; PENALTIES.

Subdivision 1. Violations; actions of department. The department, or any of its employees, shall condemn, seize, or destroy any petroleum products processed, held, stored, offered for sale, or used in violation of section 239.10, 239.76, 239.78, or 239.79. Storage tanks containing the petroleum products, and pumps attached to the storage tanks, shall be marked in a manner to be prescribed by the department

indicating a violation of this chapter. This marking shall remain on the tank or pump and prevent sale or use of product contained in it until the petroleum product conforms with sections 239.10 239.76, 239.78, and 239.79.

Subd. 2. **Penalty.** Any person who fails to comply with any provision of section 239.10, 239.76, 239.78, or 239.79 shall be guilty of a misdemeanor.

History: 1987 c 268 art 14 s 6