

## CHAPTER 239

### WEIGHTS, MEASURES

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239.791 Oxygenated gasoline.

#### 239.101 INSPECTION FEES.

*[For text of subs 1 to 3, see M.S.1998]*

Subd. 4. **Reviewing weights and measures fees.** The department shall review its schedule of inspection fees at the end of each six months.

*[For text of subs 5 and 6, see M.S.1998]*

**History:** 1999 c 250 art 3 s 25

**NOTE:** The amendment to subdivision 4 by Laws 1999, chapter 250, article 3, section 25, is effective July 1, 2001. Laws 1999, chapter 250, article 3, section 29.

#### 239.752 STORAGE TANK MARKING; RETAIL LOCATION.

Subdivision 1. **Identification tag required.** A person responsible for the product shall securely affix a metal identification tag on the fill pipe of a petroleum product storage tank at a business where petroleum products are sold, offered for sale, or dispensed at retail into the storage tanks of motor vehicles. A bulk storage facility operator shall securely affix a metal identification tag on the fill pipe of each storage tank at the distributor's bulk storage facility. The identification tag must be constructed and printed according to subdivision 2 and installed according to subdivision 3. The identification tag must be printed with the appropriate product identification according to subdivision 4, 5, or 6. This section does not apply to storage tanks at petroleum refineries or terminals.

Subd. 2. **Identification tag; construction, printing.** The identification tag required in subdivision 1 must be constructed of one 3-1/2 inch by 3-1/2 inch piece of aluminum or stainless steel. All surfaces of the tag must be coated with a permanent enamel paint or powder coating. The coating must be light blue for gasoline and alcohol products and dark green for petroleum distillate products. Lettering must be at least three-eighths of one inch high, and printed on the tag with permanent enamel paint or powder coating. Lettering must be black for gasoline and alcohol products and white for petroleum distillate products.

Subd. 3. **Identification tag; installation.** The identification tag required in subdivision 1 must be securely affixed to a fill pipe by means of an adjustable steel band clamp. The display surface of the tag must be positioned so that the product information can be easily read by a person filling the storage tank.

Subd. 4. **Product identification; gasoline, oxygenated gasoline.** An identification tag placed on a storage tank containing gasoline or oxygenated gasoline must be marked with the word "GASOLINE" and with the correct octane number and the appropriate product name of the fuel stored in the tank. The product name must be selected from the following:

- (1) "REGULAR" for oxygenated gasoline of less than 88 octane;
- (2) "MID-GRADE" for oxygenated gasoline of at least 88 octane, but less than 91 octane;
- (3) "PREMIUM" for oxygenated gasoline of at least 91 octane;
- (4) "NON-OXY PREM" for nonoxygenated gasoline of at least 91 octane;
- (5) "AVIATION" for gasoline used solely as a fuel for aircraft;
- (6) "RACING" for a special racing gasoline intended to be sold for use in off-road motor vehicles; or
- (7) "SPECIAL" for gasoline blended with mineral oil or other additives and intended to be sold for use in boats, chainsaws, snowmobiles, or off-road equipment.

Subd. 5. **Product identification; alcohol, alcohol-based motor fuel.** An identification tag placed on a storage tank containing unblended alcohol or a predominantly alcohol-

based motor fuel must be marked with the word "ALCOHOL" and with the appropriate product name of the fuel stored in the tank. The product name must be selected from the following:

- (1) "ETHANOL" for denatured ethanol, as defined in section 296A.01;
- (2) "METHANOL" for methanol;
- (3) "E-85" for an ethanol-gasoline blend, as defined in section 296A.01; or
- (4) "M-85" for a methanol-gasoline blend, as defined in section 296A.01.

Subd. 6. **Product information; petroleum distillates.** Storage tanks containing diesel fuel, heating fuel, kerosene, or other petroleum distillate must be marked with the word "DISTILLATE" and with the correct product grade and appropriate tax status selected from the following:

- (1) "#1 DIESEL" "UNDYED" for #1 diesel fuel for which the motor fuel excise tax has been paid;
- (2) "#1" "DYED" for #1 heating fuel or #1 diesel fuel intended to be sold for use in off-road vehicles and equipment;
- (3) "#2 DIESEL" "UNDYED" for #2 diesel fuel for which the motor fuel excise tax has been paid;
- (4) "#2" "DYED" for #2 heating fuel or #2 diesel fuel intended to be sold for use in off-road vehicles and equipment;
- (5) "DIESEL" "PREMIUM" "UNDYED" for premium diesel fuel for which the motor fuel excise tax has been paid;
- (6) "DIESEL" "PREMIUM" "DYED" for premium diesel fuel intended to be sold off-road;
- (7) "KEROSENE" "UNDYED" for kerosene for which the federal motor fuel excise tax has been paid;
- (8) "KEROSENE" "DYED" for kerosene intended to be sold for use in off-road vehicles, heating equipment, and other off-road equipment; or
- (9) "JET/TURBINE" for jet fuel or turbine fuel.

**History:** 1999 c 203 s 7

**NOTE:** The amendment to this section by Laws 1999, chapter 203, section 7, is effective June 1, 2000. Laws 1999, chapter 203, section 10.

## 239.761 PETROLEUM PRODUCT SPECIFICATIONS.

*[For text of subs 1 to 12, see M.S.1998]*

Subd. 13. **E85.** A blend of ethanol and gasoline, containing at least 60 percent ethanol and not more than 85 percent ethanol, produced for use as a motor fuel in alternative fuel vehicles as defined in section 296A.01, subdivision 5, must comply with ASTM specification D 5798-96.

Subd. 14. **M85.** A blend of methanol and gasoline, containing at least 85 percent methanol, produced for use as a motor fuel in alternative fuel vehicles as defined in section 296A.01, subdivision 5, must comply with ASTM specification D 5797-96.

**History:** 1999 c 86 art 1 s 52,53

## 239.791 OXYGENATED GASOLINE.

Subdivision 1. **Minimum oxygen content required.** Except as provided in subdivisions 10 to 14, a person responsible for the product shall comply with the following requirements:

- (a) After October 1, 1995, gasoline sold or offered for sale at any time in a carbon monoxide control area must contain at least 2.7 percent oxygen by weight.
- (b) After October 1, 1997, all gasoline sold or offered for sale in Minnesota must contain at least 2.7 percent oxygen by weight.

*[For text of subs 3 to 11, see M.S.1998]*

Subd. 12. **Exemption for collector vehicle and off-road use.** (a) A person responsible for the product may offer for sale, sell, or dispense at a retail gasoline station for use in collector vehicles or vehicles eligible to be licensed as collector vehicles, off-road vehicles, motorcycles, boats, snowmobiles, or small engines, gasoline that is not oxygenated in accordance with subdivision 1 if the person meets the conditions in paragraphs (b) to (e). If the nonoxygenated gasoline is for use in a small engine, it must be dispensed into a can with a capacity of six or fewer gallons.

(b) The nonoxygenated gasoline must be unleaded premium grade as defined in section 239.751, subdivision 4.

(c) No more than one storage tank on the premises of the retail gasoline station may be used for storage of the nonoxygenated gasoline offered for sale, sold, or dispensed by the station.

(d) The pump stands must be posted with a permanent notice stating: "NONOXYGENATED GASOLINE. FOR USE IN COLLECTOR VEHICLES OR VEHICLES ELIGIBLE TO BE LICENSED AS COLLECTOR VEHICLES, OFF-ROAD VEHICLES, MOTORCYCLES, BOATS, SNOWMOBILES, OR SMALL ENGINES ONLY."

(e) For a retail gasoline station located in the county of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, or Wright, a person responsible for the product must annually register with the director, on forms provided by the director, an intent to sell nonoxygenated gasoline during the period of October 1 through January 31. Such person must register on or before August 1 of each year, and must report to the director before April 1 of the following year the total number of gallons of nonoxygenated premium grade gasoline sold during the period of October 1 through January 31. Data submitted to the department under this paragraph shall be considered nonpublic data as defined in section 13.02, subdivision 13.

Subd. 13. **Exemption for certain riparian landowners.** (a) A person responsible for the product may offer for sale, sell, and deliver directly to a bulk fuel storage tank gasoline that is not oxygenated in accordance with subdivision 1 if the conditions in paragraphs (b) to (e) are met.

(b) The nonoxygenated gasoline must be unleaded premium grade as defined in section 239.751, subdivision 4.

(c) The bulk fuel storage tank must be stationary or permanent.

(d) The bulk fuel storage tank must be under the control of an owner of littoral or riparian property and located on that littoral or riparian property.

(e) The nonoxygenated gasoline must be purchased for use in vehicles that would qualify for an exemption under subdivision 12, paragraph (a).

Subd. 14. **Exemption for aircraft operator.** A person responsible for the product may offer for sale, sell, and deliver directly to a bulk fuel storage tank gasoline that is not oxygenated in accordance with subdivision 1 for use in aircraft if the nonoxygenated gasoline is unleaded premium grade as defined in section 239.751, subdivision 4.

**History:** 1999 c 231 s 174-177

**NOTE:** The amendment to subdivision 12 by Laws 1999, chapter 231, section 175, is effective the day after a notice is published in the Federal Register by the United States Environmental Protection Agency redesignating the Twin Cities nonattainment area for carbon monoxide to attainment for carbon monoxide. Laws 1999, chapter 231, section 208.