

Chapter 33

Motor Fuel Inspection Act

4-33-1 Short title.

This chapter shall be known as the "Motor Fuel Inspection Act."

Enacted by Chapter 8, 1981 General Session

4-33-2 Purpose of chapter.

It is the purpose of this chapter to promote the safety and welfare of users of motor fuels in this state and also to promote the orderly marketing of motor fuels.

Enacted by Chapter 8, 1981 General Session

4-33-3 Definition.

As used in this chapter, "motor fuel" means any combustible gas, liquid, matter, or substance which is used in an internal combustion engine for the generation of power.

Enacted by Chapter 8, 1981 General Session

4-33-4 Administrative and enforcement powers of department.

The department shall administer and enforce this chapter and may:

- (1) make and enforce such rules, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as it considers necessary for the effective administration and enforcement of this chapter;
- (2) acquire and test motor fuel samples to determine compliance with this chapter;
- (3) maintain and staff a laboratory to test motor fuel samples;
- (4) enter public or private premises during normal working hours to enforce this chapter;
- (5) stop and detain any commercial vehicle transporting motor fuel to inspect its contents and applicable documents or to acquire motor fuel samples; and
- (6) require that records applicable to this chapter be available for examination and review upon request by the department.

Amended by Chapter 382, 2008 General Session

4-33-5 Prohibitions.

It is unlawful for any person in this state:

- (1) to offer for sale, sell, or deliver any motor fuel which fails to meet the standards prescribed by the department;
- (2) to advertise or display the price of motor fuel without advertising or displaying the grade of the motor fuel and the type of service when both self service and full service are offered;
- (3) to haul or transport motor fuel for the purpose of sale or delivery in this state without an invoice or bill of lading stating the name and address of the owner or person consigning the fuel for transport, the Utah grade of the motor fuel, and the number of gallons consigned.

Enacted by Chapter 8, 1981 General Session

4-33-6 Octane rating determination and posting.

The determination of octane ratings and the posting of the octane on dispensing devices shall be in accord with Federal Trade Commission requirements.

Enacted by Chapter 8, 1981 General Session

4-33-7 Inspection, sampling, testing and analysis of fuels by department.

- (1) The department shall periodically sample, inspect, analyze and test motor fuels dispensed in this state and may enter any public premises or vehicle for the purpose of determining compliance with this chapter.
- (2) Methods of sampling, testing, analyzing and designating motor fuels shall accord with those specified and published by the American Society for Testing and Materials. The department shall use the latest published standards of the American Society for Testing and Materials.
- (3) Upon request the department shall pay the posted price for samples and the person from whom the sample is taken shall give a signed receipt evidencing payment.
- (4) Tests and analyses conducted by the department shall be prima facie evidence of the facts shown by such tests in any court proceeding.

Enacted by Chapter 8, 1981 General Session

4-33-8 Locking and sealing of pumps in violation of chapter -- Posting notice -- Removal of sealed fuel -- Resealing.

- (1) The department may lock and seal any pump or other dispensing device which is in violation of this chapter. If such action is taken, the department shall post a notice in a conspicuous place on the pump or other dispensing device stating that the device has been sealed by the department and that it is unlawful to break or destroy the seal or to mutilate or alter the notice.
- (2) Any person who is aggrieved by the action of the department may advise the department that such person intends to remove the balance of the motor fuel from the tank or other container which contains the sealed fuel. The department, within two working days after the receipt of such notice, shall break the seal or lock for the container to be emptied.
- (3) If the aggrieved party fails to remove the sealed motor fuel within 24 hours after the department breaks the seal, the department may reseal the dispensing device. The seal may not be broken nor the contents of any container removed, except after a subsequent written notice of intent to remove is filed with the department and upon the payment of a service charge determined by the department pursuant to Subsection 4-2-2(2). A notice of intent to remove may be filed on paper or electronically.

Amended by Chapter 9, 2002 General Session

4-33-9 Warrant to enter premises for inspection or sampling.

If admittance is refused to the department either for sampling or for inspection of transport invoices or bills of lading, the department may obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for the purpose of inspection or taking samples or to examine transport documents.

Enacted by Chapter 8, 1981 General Session

4-33-10 Interstate commerce -- Chapter inapplicable to fuel in transit through state.

This chapter is inapplicable to motor fuel being transported through this state in interstate commerce; provided, that none of the motor fuel is consigned or destined for delivery in the state.

Enacted by Chapter 8, 1981 General Session