

- 28 (a) "Gasoline cargo tank" means a tank that:  
 29 (i) is intended to hold gasoline;  
 30 (ii) has a capacity of 250 gallons or more; and  
 31 (iii) is attached to or intended to be drawn by a motor vehicle.  
 32 (b) "Operator" means an individual who controls a motor vehicle:  
 33 (i) to which a gasoline cargo tank is attached; or  
 34 (ii) that draws a gasoline cargo tank.  
 35 (c) "Underground storage tank" means the same as that term is defined in Section  
 36 19-6-102.  
 37 (2) The operator of a gasoline cargo tank shall comply with requirements of this  
 38 section if the operator:  
 39 (a) permits the loading of gasoline into the gasoline cargo tank; or  
 40 (b) loads an underground storage tank with gasoline from the gasoline cargo tank.  
 41 (3) ~~H~~→ [The] Except as provided in Subsection (6), the ~~H~~← operator of a gasoline  
 41a cargo tank may load and permit the loading of gasoline  
 42 into a tank described in Subsection (2) ~~H~~→ only ~~H~~← if:  
 43 (a) emissions from the tank ~~H~~→ that dispenses 10,000 gallons or more in any one  
 43a calendar month ~~H~~← are controlled by the use of:  
 44 (i) a properly installed and maintained vapor collection and control system that is  
 45 equipped with fittings that:  
 46 (A) make a vapor tight connection; and  
 47 (B) prevent the release of gasoline vapors by automatically closing upon disconnection;  
 48 and  
 49 (ii) submerged filling or bottom filling methods; and  
 50 (b) the resulting vapor emitted into the air does not exceed the levels described in  
 51 Subsection (4).  
 52 (4) Vapor emitted into the air as a result of the loading of a tank under Subsection (3)  
 53 may not exceed 0.640 pounds per 1,000 gallons transferred.  
 54 (5) (a) The department ~~H~~→ [shall] may ~~H~~← fine an operator who violates this section:  
 55 (i) ~~H~~→ up to ~~H~~← \$1,000 for a first offense; or  
 56 (ii) ~~H~~→ up to ~~H~~← \$2,000 for a second offense.  
 57 (b) An operator who violates this section is guilty of a class C misdemeanor for a third  
 58 or subsequent offense.  
 58a ~~H~~→ (6) If a facility at which an underground storage tank is located does not have

58b the equipment necessary for an operator of a gasoline cargo tank to comply with Subsection  
58c (3), the operator is excused from the requirements of Subsections (3) and (4) and may not be  
58d fined or penalized under Subsection (5). ←H