

**IC 16-44**

**ARTICLE 44. PRODUCT LABELING AND INSPECTION**

**IC 16-44-1**

**Chapter 1. Labeling of Used or Reclaimed Lubricating Oil**

**IC 16-44-1-1**

**Labeling requirements; advertisements; violations**

Sec. 1. (a) A person who deals in retail in:

- (1) previously used or previously used and reclaimed;
- (2) refined;
- (3) recleaned; or
- (4) reconditioned:

lubricating oils, lubricants, or mixtures of lubricants shall at all times have every container or item of equipment in or through which any of those products are sold, kept for sale, displayed, or dispensed plainly labeled under subsection (b).

(b) The products described in subsection (a) must be plainly labeled in lettering:

- (1) as large as any other lettering on the product; or
- (2) in letters at least one-half (1/2) inch in height;

whichever is larger, stating that the contents comprise a previously used product.

(c) A person who publishes, displays, or circulates an advertisement offering for sale any:

- (1) previously used or previously used and reclaimed;
- (2) rerefined;
- (3) recleaned; or
- (4) reconditioned;

lubricating oils, lubricants, or mixtures of lubricants shall state in the advertisement, in letters at least as large as any other lettering in the advertisement, the fact that the products have been previously used.

(d) A person who recklessly violates this section commits a Class B misdemeanor.

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

**IC 16-44-1-2**

**Injunction**

Sec. 2. (a) A person who deals at retail:

- (1) in:
  - (A) previously used or previously used and reclaimed;
  - (B) refined;
  - (C) recleaned; or
  - (D) reconditioned;

lubricating oils, lubricants, or mixtures of lubricants; and

- (2) without:
  - (A) plainly labeling, as required by this chapter, each container or item of equipment in or through which any of the products described in subdivision (1) are sold, kept for

sale, displayed, or dispensed; or

(B) inserting in any advertisement of those products a statement required by this chapter that the products have been previously used, reclaimed, rerefined, recleaned, or reconditioned;

may be enjoined from selling or offering, displaying, or advertising for sale any of the products described in subdivision (1).

(b) An action for an injunction under this section may be brought in any court having jurisdiction to hear and decide cases in the county in which the defendant resides. The action for an injunction may be brought by the following:

(1) The attorney general.

(2) The prosecuting attorney for the county.

(c) The authority granted by this section is in addition to the authority to criminally prosecute a person for a violation of this chapter.

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

### **IC 16-44-1-3**

#### **Temporary injunction; prohibition; right to hearing**

Sec. 3. This chapter does not confer upon any court the right to grant temporary restraining orders or temporary injunctions under this chapter, and an injunction may not be issued until the defendant has had a day in court.

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

### **IC 16-44-1-4**

#### **Injunction; purpose**

Sec. 4. (a) The granting or enforcing of an injunction under this chapter is a preventive measure for the protection of the people of this state, not a punitive measure.

(b) The fact that a person has been charged or convicted of a violation of this chapter does not prevent the issuance of an injunction to prevent further unlawful dealing in previously used, reclaimed, rerefined, recleaned, or reconditioned lubricating oils, lubricants, or mixtures of lubricants.

(c) The fact that an injunction has been granted under this chapter does not preclude criminal prosecution.

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

## **IC 16-44-2**

### **Chapter 2. Inspection, Sale, and Delivery of Petroleum Products**

#### **IC 16-44-2-1**

##### **"Gasoline" defined**

Sec. 1. As used in this chapter, "gasoline" has the meaning set forth in IC 6-6-1.1-103.

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

#### **IC 16-44-2-2**

##### **"Kerosene" defined**

Sec. 2. As used in this chapter, "kerosene" means any light fuel oil:

- (1) with an A.P.I. gravity of at least thirty-nine (39) degrees Fahrenheit as determined by the ASTM D-287-55 method; and
- (2) having an end point of not greater than five hundred ninety (590) degrees Fahrenheit as determined by the ASTM D-86-56 distillation method.

*As added by P.L.2-1993, SEC.27. Amended by P.L.177-1993, SEC.3.*

#### **IC 16-44-2-2.4**

##### **"MTBE" defined**

Sec. 2.4. As used in this chapter, "MTBE" refers to the gasoline additive methyl tertiary butyl ether.

*As added by P.L.26-2002, SEC.2.*

#### **IC 16-44-2-3**

##### **"Petroleum products" defined**

Sec. 3. (a) As used in this chapter, "petroleum products" includes the following:

- (1) Gasoline.
- (2) Naphtha.
- (3) Kerosene.
- (4) Distillate.
- (5) Fuel oil.
- (6) Similar petroleum products, regardless of name, including benzol and other similar products that are or may be used in the blending of motor fuel.

(b) The term does not include the following:

- (1) Lubricating oils.
- (2) Any product having:
  - (A) a Saybolt universal viscosity at one hundred (100) degrees Fahrenheit of at least seventy (70) seconds; and
  - (B) a flash point of at least one hundred fifty (150) degrees Fahrenheit by the ASTM method.

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

#### **IC 16-44-2-4**

##### **Gasoline and kerosene for sale or use in Indiana; inspection of**

**samples; fee**

Sec. 4. (a) The state department or any authorized agent of the state department may inspect samples of gasoline or kerosene stored in any tank:

- (1) that is adjacent to a refinery or marine or pipeline terminal in Indiana; and
- (2) from which withdrawals are made for sale or use in Indiana or for transportation to destinations in Indiana other than transportation to other refineries or terminals in Indiana.

(b) Gasoline or kerosene inspected under subsection (a) is subject to the inspection fee specified in section 18 of this chapter whenever the stock in the tank is replenished.

*As added by P.L.2-1993, SEC.27. Amended by P.L.177-1993, SEC.4.*

**IC 16-44-2-5**

**Imported gasoline and kerosene; inspection of samples; fee**

Sec. 5. (a) The state department or any authorized agent of the state department may inspect samples of gasoline or kerosene imported into Indiana other than that placed in storage at refineries or marine or pipeline terminals in Indiana.

(b) Gasoline or kerosene inspected under subsection (a) is subject to the inspection fee specified in section 18 of this chapter.

(c) A person who receives gasoline or kerosene:

- (1) that is imported into Indiana (other than that placed in storage at refineries or marine or pipeline terminals in Indiana); and
- (2) on which the inspection fee has not been paid;

shall notify the state department of the receipt of the gasoline or kerosene.

*As added by P.L.2-1993, SEC.27. Amended by P.L.177-1993, SEC.5.*

**IC 16-44-2-6**

**Place of inspections**

Sec. 6. The state department may conduct inspections and tests on gasoline or kerosene at any place the gasoline or kerosene is offered for sale in Indiana.

*As added by P.L.2-1993, SEC.27. Amended by P.L.177-1993, SEC.6.*

**IC 16-44-2-7**

**Prohibition on sale of defective products**

Sec. 7. (a) If the state department's inspection of gasoline or kerosene under this chapter reveals that the gasoline or kerosene fails to meet the specifications prescribed by law for those products, the state department may prohibit the sale of those products.

(b) A person may not offer for sale any gasoline or kerosene that the state department has prohibited from sale.

*As added by P.L.2-1993, SEC.27. Amended by P.L.177-1993, SEC.7.*

**IC 16-44-2-8**

**Conduct of inspections; minimum specifications**

Sec. 8. (a) The inspections and tests made by the state department under this chapter shall be conducted in accordance with the methods outlined by the American Society for Testing and Materials.

(b) The inspections and tests as to gasoline, gasohol, and kerosene must reflect the following minimum specifications necessary for the approval of the product:

(1) Gasoline or gasohol:

(A) Corrosion Test – Method ASTM D-130. A clean copper strip may not show more than extremely slight discoloration when submerged in the gasoline for three (3) hours at one hundred twenty-two (122) degrees Fahrenheit.

(B) Distillation Range – Method ASTM D-86. When the thermometer reads one hundred sixty-seven (167) degrees Fahrenheit, not less than ten percent (10%) may be evaporated. When the thermometer reads two hundred eighty-four (284) degrees Fahrenheit, not less than fifty percent (50%) may be evaporated. When the thermometer reads three hundred ninety-two (392) degrees Fahrenheit, not less than ninety percent (90%) may be evaporated. The residue may not exceed two percent (2%). Percent evaporated is found by adding the distillation loss to the amount collected in the receiver at each specification temperature.

(C) Sulphur – Method ASTM D-1266 or D-2622. Sulphur may not exceed twenty-five hundredths of one percent (0.25%).

(D) Vapor Pressure – Method ASTM D-4953, ASTM D-5191, or any other ASTM method to determine vapor pressure approved by the United States Environmental Protection Agency. For gasoline, the Reid vapor pressure at one hundred (100) degrees Fahrenheit may not exceed the following:

(i) Fifteen (15) pounds per square inch at the normal barometric pressure at the point of delivery during November, December, January, February, and March.

(ii) Fourteen (14) pounds per square inch during April and October.

(iii) Twelve (12) pounds per square inch during May, June, July, August, and September.

(E) For gasohol (a blend of gasoline and alcohol permitted under federal tax requirements), the vapor pressure may not exceed the following:

(i) Sixteen (16) pounds per square inch during November, December, January, February, and March.

(ii) Fifteen (15) pounds per square inch during April and October.

(iii) Thirteen (13) pounds per square inch during May, June, July, August, and September.

(F) After July 23, 2004, gasoline may not contain more than one-half percent (0.5%) of MTBE by volume.

(2) Kerosene:

(A) Flash Test – Method ASTM D-56. Flash point may not be lower than one hundred (100) degrees Fahrenheit.

(B) For the purpose of this chapter, any petroleum product designated by name or reference as "kerosene" must meet the federal specifications for kerosene VV-K-211d in effect on March 1, 1977.

(c) Gasoline, gasohol, and kerosene products that do not comply with the minimum specifications described in subsection (b) may not be sold, offered for sale, or used in Indiana.

(d) Petroleum products other than gasoline, gasohol, or kerosene shall be inspected and tested by the methods as are necessary to determine the contents and characteristics of the product.

*As added by P.L.2-1993, SEC.27. Amended by P.L.177-1993, SEC.8; P.L.151-1997, SEC.1; P.L.26-2002, SEC.3.*

**IC 16-44-2-9**

**Petroleum products containing ethanol or methanol; sale or delivery other than retail; instrument requirements**

Sec. 9. (a) A person who sells or delivers a petroleum product containing ethanol (ethyl alcohol) or methanol (methyl alcohol), or both, to a person other than a retail consumer must place on the instrument evidencing the sale or delivery of the petroleum product:

(1) the name of each alcohol; and

(2) the percentage (to the nearest whole percent), by volume, of each alcohol;

that is contained in the petroleum product sold or delivered by the person.

(b) A person who fails to comply with this section commits a Class A infraction.

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

**IC 16-44-2-10**

**Repealed**

*(Repealed by P.L.123-1994, SEC.3.)*

**IC 16-44-2-11**

**Samples; inspections and tests**

Sec. 11. (a) The state department or any authorized agent of the state department may take samples of petroleum products for tests, make inspections at any points inside or outside Indiana, open any original container containing petroleum products, and take a true sample of not less than sixteen (16) ounces of the contents, even though the original container may still be in the possession of a common or contract carrier if opening and sampling does not unduly inconvenience or hamper the transportation of the products. The state department or any authorized agent of the state department may not take a sample that exceeds sixty-four (64) fluid ounces.

(b) If an original container is opened and sampled under subsection (a), the container shall be resealed with seals furnished by

the state department or any authorized agent of the state department.  
*As added by P.L.2-1993, SEC.27. Amended by P.L.177-1993, SEC.10.*

#### **IC 16-44-2-12**

##### **Powers of law enforcement officers**

Sec. 12. The authorized agents or employees of the state department have the authority of law enforcement officers in the enforcement of this chapter, including the authority to arrest, with or without warrants, and to take offenders to courts for prosecution.  
*As added by P.L.2-1993, SEC.27. Amended by P.L.177-1993, SEC.11.*

#### **IC 16-44-2-13**

##### **Rules and regulations governing inspections, forms, and enforcement**

Sec. 13. The state department may adopt rules under IC 4-22-2 concerning the following:

- (1) Methods of inspections.
- (2) The providing of forms required.
- (3) Other matters necessary for the enforcement of this chapter.

*As added by P.L.2-1993, SEC.27. Amended by P.L.177-1993, SEC.12.*

#### **IC 16-44-2-14**

##### **Railroad and transportation companies; records; inspections**

Sec. 14. (a) Every agent and employee of any railroad company or other transportation company that has the custody of books or records showing the shipment or receipt of petroleum products shall give and permit the state department or the state department's agents and employees free access to those books and records for the purpose of determining the amount of those products shipped and received.

(b) All clerks, bookkeepers, express agents, railroad agents or officials, employees of common carriers or contract carriers, or other persons shall assist the state department or the state department's employees or authorized agents, when so requested, in tracing, finding, and inspecting shipments.

*As added by P.L.2-1993, SEC.27. Amended by P.L.177-1993, SEC.13.*

#### **IC 16-44-2-15**

##### **Receipt of kerosene or gasoline; definition**

Sec. 15. For the purposes of this chapter, gasoline or kerosene is considered to be received in Indiana as follows:

- (1) If stored in tanks adjacent to a refinery or a marine or pipeline terminal in Indiana, the gasoline or kerosene is considered to be received when withdrawn from storage for sale or use in Indiana or for transportation to destinations in Indiana other than for transfer to other refineries or marine or pipeline terminals in Indiana and not before. When so withdrawn, the

gasoline or kerosene is considered to be received by the person who is the owner of the gasoline or kerosene at the time of withdrawal unless the gasoline or kerosene is withdrawn for transportation or delivery to or for the account of a person who is bonded under the gasoline tax law (IC 6-6-1.1), in which case the gasoline or kerosene is considered to be received by the person to or for whose account the gasoline or kerosene is transported or delivered.

(2) If imported into Indiana (other than to a refinery or marine or pipeline terminal in Indiana), the gasoline or kerosene is considered to be received at the time and by the person who is the owner of the gasoline or kerosene when the gasoline or kerosene is spotted or placed for unloading in Indiana.

(3) If produced, blended, or compounded in Indiana other than at a refinery or a marine or pipeline terminal, the gasoline or kerosene is considered to be received when produced, blended, or compounded.

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

#### **IC 16-44-2-16**

##### **Records of tests and inspections**

Sec. 16. The state department shall keep the records necessary for the purposes of this chapter of all tests and inspections under this chapter.

*As added by P.L.2-1993, SEC.27. Amended by P.L.177-1993, SEC.14.*

#### **IC 16-44-2-17**

##### **Certificate of inspection**

Sec. 17. (a) The state department shall furnish to the person for whom inspections are made under this chapter a certificate of inspection covering each receipt by that person of gasoline or kerosene with respect to which an inspection is made. The certificate must indicate the following:

- (1) The date of the inspection.
- (2) The identity of the container from which the sample was taken.
- (3) The kind and quantity of the product received.
- (4) The identity of the conveyance by which the product was received.
- (5) The result of the test and inspection.

(b) To enable the state department to make certificates covering withdrawals from storage at a refinery or marine or pipeline terminal and the receipt of gasoline or kerosene at other points in Indiana, the records of withdrawals and receipts shall be available to the state department during all reasonable business hours.

*As added by P.L.2-1993, SEC.27. Amended by P.L.177-1993, SEC.15.*

#### **IC 16-44-2-18**

**Inspection fees; surety bonds; failure to pay tax; penalty and interest**

Sec. 18. (a) Except as provided in subsection (b), fees for the inspection of gasoline or kerosene shall be at the rate of fifty cents (\$0.50) per barrel (fifty (50) gallons) on all gasoline or kerosene received in Indiana less deductions provided in this section.

(b) A fee for inspection of gasoline or kerosene may not be charged for the following:

- (1) On transport or tank car shipments direct to the federal government.
- (2) On gasoline or kerosene received and subsequently exported from Indiana or returned to refineries or marine or pipeline terminals in Indiana.

(c) Fees shall be paid to the state department by the person receiving gasoline or kerosene in Indiana at the time gasoline or kerosene products are received, unless the person receiving the gasoline or kerosene is licensed as a distributor under the gasoline tax law (IC 6-6-1.1). In that case, the person in receipt of the gasoline or kerosene shall do the following:

- (1) Include in the person's monthly gasoline tax report a statement of all gasoline and kerosene received during the preceding calendar month on which inspection fees are due.
- (2) Remit the amount of the inspection fees at the same time the monthly motor fuel tax report is due.

(d) A refiner or other person supplying gasoline or kerosene to the first receiver in Indiana may elect to pay the fees monthly on all gasoline or kerosene supplied to persons in Indiana not licensed as distributors under the gasoline tax law (IC 6-6-1.1). If the supplier is not licensed as a distributor under the gasoline tax law of Indiana (IC 6-6-1.1), the supplier shall, as a condition precedent to such election, file with the state department a corporate surety bond that meets the following conditions:

- (1) Is in the form and amount that the state department determines, not to exceed two thousand dollars (\$2,000).
- (2) Is conditioned that the supplier does the following:
  - (A) Reports all gasoline and kerosene supplied by the supplier to persons in Indiana not licensed as distributors under the gasoline tax law (IC 6-6-1.1).
  - (B) Pays inspection fees monthly on or before the twenty-fifth day of each calendar month for the preceding calendar month.

(e) A person taking credit for gasoline or kerosene exported or returned to a refinery or terminal shall substantiate that credit in the manner that the state department reasonably requires by rule.

(f) A distributor who fails to file a monthly report and pay the tax due as required by this chapter is subject to a penalty of five percent (5%) of the amount of unpaid tax due and interest on the unpaid tax and penalty at the rate of eight percent (8%) annually. However, if a delay not exceeding ten (10) days is due to a mistake, an accident, or an oversight without intent to avoid payment, the administrator may

waive the penalty and interest.

*As added by P.L.2-1993, SEC.27. Amended by P.L.177-1993, SEC.16; P.L.28-1997, SEC.29; P.L.214-2005, SEC.60.*

#### **IC 16-44-2-18.5**

##### **Special fuel inspection fee; collection; refunds**

Sec. 18.5. (a) As used in this section, "special fuel" has the meaning set forth in IC 6-6-2.5-22, except that the term does not include kerosene.

(b) Except as provided in subsection (c), fees for the inspection of special fuel shall be at the rate of fifty cents (\$0.50) per barrel (fifty (50) gallons) on all special fuel sold or used in producing or generating power for propelling motor vehicles in Indiana less deductions provided in this section.

(c) A fee for the inspection of special fuel may not be charged with respect to special fuel that is exempt from the special fuel tax under IC 6-6-2.5-30.

(d) The fee imposed by this chapter on special fuel sold or used in producing or generating power for propelling motor vehicles in Indiana shall be collected and remitted to the state at the same time, by the same person, and in accordance with the same requirements for collection and remittance of the special fuels tax under IC 6-6-2.5-35.

(e) Fees collected under this section shall be deposited by the department in the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1.

(f) A person who receives a refund of special fuel tax under IC 6-6-2.5 is also entitled to a refund of fees paid under this section if:

- (1) the fees were paid with respect to special fuel that was used for an exempt purpose described in IC 6-6-2.5-30; and
- (2) the person submits to the department of state revenue a claim for a refund, in the form prescribed by the department of state revenue, that includes the following information:
  - (A) Any evidence requested by the department of state revenue concerning the person's:
    - (i) payment of the fee imposed by this section; and
    - (ii) receipt of a refund of special fuel taxes from the department of state revenue under IC 6-6-2.5.
  - (B) Any other information reasonably requested by the department of state revenue.

The department of state revenue may make any investigation it considers necessary before refunding fees to a person.

*As added by P.L.214-2005, SEC.61. Amended by P.L.1-2006, SEC.307.*

#### **IC 16-44-2-19**

##### **Disposition of funds collected**

Sec. 19. All money collected for inspections under this chapter shall be deposited in the underground petroleum storage tank excess

liability trust fund established by IC 13-23-7-1.  
*As added by P.L.2-1993, SEC.27. Amended by P.L.1-1996, SEC.78;  
P.L.2-1998, SEC.61.*

#### **IC 16-44-2-20**

##### **Inspectors; conflict of interest**

Sec. 20. A person employed by the state department to make inspections under this chapter may not do any of the following:

- (1) Directly or indirectly engage in the business of dealing in petroleum products.
- (2) Engage in any other business of a nature that prevents proper attention to the details and duties of the necessary inspections as prescribed by this chapter.

*As added by P.L.2-1993, SEC.27. Amended by P.L.177-1993,  
SEC.17.*

#### **IC 16-44-2-21**

##### **False or altered mark or brand**

Sec. 21. A person may not knowingly mark or brand falsely a container of petroleum products or change, alter, or deface the mark or brand of such a container.

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

#### **IC 16-44-2-22**

##### **Violations**

Sec. 22. Except as provided in sections 9 and 10 of this chapter, a person who recklessly violates this chapter commits a Class B misdemeanor.

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

### **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.*