

§ 75-55-1. Title.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 55. GASOLINE AND PETROLEUM PRODUCTS

Current through 3/27/2018

§ 75-55-1. Title

This chapter shall be known as the "Petroleum Products Inspection Law of Mississippi."

Cite as Miss. Code § 75-55-1

Source: Codes, 1942, § 5081; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 1.

§ 75-55-3. Administration and enforcement of chapter.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

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§ 75-55-3. Administration and enforcement of chapter

- (1) The Commissioner of Agriculture and Commerce, hereinafter referred to as the "commissioner," is vested with power and authority and is charged with the duty of administering and enforcing the provisions of this chapter which pertain to signs; the labeling of pumps, tanks and other packages and containers; to trade names; and to scales, pumps and measuring equipment, and he shall have the authority to establish rules and regulations not inconsistent herewith in connection with its enforcement.
- (2) The State Chemist is vested with power and authority and is charged with the duty of administering the provisions of this chapter which authorize the analysis of samples and the operation of the petroleum products laboratory, and he shall have the authority to establish rules and regulations in connection with its enforcement.

- (3) The commissioner and the State Chemist shall have joint authority for setting specifications of petroleum products and shall have the authority to establish rules and regulations in connection with the enforcement of this chapter.

Cite as Miss. Code § 75-55-3

Source: Codes, 1942, § 5082; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 2 1980, ch. 561, § 25; Laws, 1981, ch. 468, § 72; Laws, 1986, ch. 395, § 6; Laws, 1988, ch. 482, § 1; Laws, 1990, ch. 450, § 1; Laws, 1994, ch. 403 § 1, eff. 3/15/1994.

§ 75-55-5. [Repealed effective 7/1/2020] Definitions; specifications; rules and regulations.

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§ 75-55-5. [Repealed effective 7/1/2020] Definitions; specifications; rules and regulations

- (1) The words, terms and phrases as used in this chapter shall have the following meanings, unless the context requires otherwise:
- (a) The term "commissioner" means the Commissioner of the Mississippi Department of Agriculture and Commerce, or his agents and employees.
 - (b) The term "State Chemist" means the Director of the Mississippi State Chemical Laboratory, or his agents and employees.
 - (c) The term "ASTM" means an international voluntary consensus standards organization formed for the development of standards on characteristics and performance of materials, products, systems, and services, and the promotion of related knowledge.
 - (d) The term "person" shall include any individual, firm, copartnership, joint venture, association, corporation, estate, trust or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.
 - (e) The term "illuminating oil" shall include coal oil, kerosene or other petroleum products used for illuminating purposes.

- (f) The term "lubricating oil" means all petroleum-based oils or synthetic lubricants intended for use in the crankcase of an internal combustion engine, either spark ignition or diesel type. The purpose of the lubricating oil is to reduce friction between two (2) solid surfaces moving relative to one another.
- (g) The term "gasoline pump" shall include pumps, meters and all measuring devices used for measuring gasoline and all oxygenated blended fuels; the term "diesel fuel pump" shall include pumps, meters and all measuring devices used for measuring diesel fuel; the term "kerosene pump" shall include pumps, meters and all measuring devices used for measuring kerosene; the term "liquefied compressed gas pump" shall include pumps, meters and all measuring devices used for measuring liquefied compressed gas.
- (h) The term "gasoline" shall include (i) all products commonly or commercially known or sold as gasoline (excluding casing head and absorption or natural gasoline) regardless of their classification or uses; and (ii) a volatile mixture of liquid hydrocarbons, generally containing small amounts of additives, suitable for use as a fuel in spark ignition, internal combustion engines.
- (i) The term "commercial gasoline" shall mean a liquid suitable for use as a fuel in spark ignition combustion engines, and shall be free of undissolved water, suspended matter and of any harmful ingredient or component and which, in addition, meets the following test requirements as set out in ASTM D4814, and it shall be the intent of this chapter that the state specifications may be kept current with ASTM D4814 as illustrated below:
 - (i) Corrosion ASTM D130. A clean copper strip shall not show more than extremely slight discoloration equivalent to ASTM Strip No. 1, when submerged in the gasoline for three (3) hours at one hundred twenty-two degrees (122 degrees) Fahrenheit, as determined by ASTM D130.
 - (ii) Distillation range. For each month the distillation range shall be that specified by the vapor pressure class requirement for that month. Distillation temperature limits shall be consistent with the corresponding vapor pressure class during the months affected by federal or state regulation which restrict vapor pressure. If the vapor pressure limit is between two (2) classes, the distillation temperature limits of the least restrictive class shall be acceptable. The method of test shall be ASTM D86.
 - (iii) Residue. The residue, after evaporation, shall not exceed two percent (2%), as determined by ASTM D86.
 - (iv) Gum test. The gum shall not exceed five (5) milligrams per one hundred (100) milliliters, after the extraction of the residue with a-heptane, as

determined by ASTM D381.

- (v) Sulphur. The sulphur content shall not exceed ten one-hundredths percent (0.10%) for unleaded gasoline or fifteen one-hundredths percent (0.15%) for leaded gasoline, as determined by ASTM D2622 or D4045.
- (vi) Vapor pressure. The vapor pressure during the months of July and August shall not exceed ten (10) pounds per square inch at one hundred degrees (100 degrees) Fahrenheit, and during the months of November, December, January, February and March shall not exceed thirteen and one-half (13-1/2) pounds per square inch at one hundred degrees (100 degrees) Fahrenheit.
The vapor pressure during the remaining months of the year shall not exceed eleven and five-tenths (11.5) pounds per square inch at one hundred degrees (100 degrees) Fahrenheit. The method of determination shall be ASTM D4953. Federal or state regulation restricting vapor pressure to lower levels shall preempt these standards during the applicable months.
- (vii) Vapor liquid equilibrium. A maximum value of twenty (20) for the vapor liquid equilibrium test during the months July and August shall be obtained at a temperature of one hundred thirty-three degrees (133 degrees) Fahrenheit; for the months of November, December, January, February and March it shall be obtained at a temperature of one hundred sixteen degrees (116 degrees) Fahrenheit; for the other months of the year it shall be obtained at one hundred twenty-four degrees (124 degrees) Fahrenheit. The method of determination shall be ASTM D2533 or ASTM D4814, appendix X2.
- (viii) Lead specifications. The unleaded gasoline shall contain less than five hundredths (0.05) gram of lead per gallon, and the leaded gasoline shall contain a minimum of five hundredths (0.05) gram of lead and less than four and two-tenths (4.2) grams of lead per gallon. The method of analysis should be ASTM D3237, (Atomic Absorption Spectrometry), ASTM D2599 (X-ray Spectrometry) or ASTM D2547 (Volumetric Chromate).
- (ix) Classification.
 1. "Leaded premium grade gasoline" shall have an (R + M)/2 octane antiknock index of at least ninety-three (93). The research octane number shall be at least ninety-six (96).
 2. "Unleaded premium grade gasoline" shall have an (R + M)/2 octane antiknock index of at least ninety-one (91). The research octane number shall be at least ninety-four (94).

3. "Mid-grade unleaded gasoline" shall have an $(R + M)/2$ octane antiknock index of at least eighty-nine (89). The research octane number shall be at least ninety-two (92).
4. "Leaded regular grade gasoline" shall have an $(R + M)/2$ octane antiknock index of at least eighty-nine (89). The research octane number shall be at least ninety (90).
5. "Unleaded regular grade gasoline" shall have an $(R + M)/2$ octane antiknock index of at least eighty-seven (87). The research octane number shall be at least ninety (90), and the motor octane number shall be at least eighty-two (82).
6. "Third-grade gasoline" shall have an $(R + M)/2$ octane antiknock of not more than eighty-seven (87).

The methods of octane determination shall be ASTM D2699 for the research octane number (R) and ASTM D2700 for the motor octane number (M), or ASTM D2885 for both the research octane number and the motor octane number. The $(R + M)/2$ octane antiknock index shall be the average of the research and motor octane numbers. All retail pumps or delivery devices shall be labeled with the appropriate $(R + M)/2$ octane antiknock index in accordance with the Federal Trade Commission Octane Posting and Certification Regulation 306. No commercial gasoline shall be colored mahogany.

- (j) The term "oxygenated fuel" means a liquid fuel which is a homogeneous blend of hydrocarbons and oxygenates. The term "oxygenate" means an oxygen containing ashless organic compound which may be used as a fuel supplement or additive and includes alcohols and ethers. "Gasoline-oxygenate blend" means a blend consisting primarily of gasoline and a substantial amount of one or more oxygenates. This definition includes, but is not limited to, the following designations:
 - (i) "Gasohol" meaning any motor fuel containing a nominal ten (10) volume percent anhydrous denatured alcohol and ninety (90) volume percent unleaded gasoline, regardless of other name, label or designation.
 - (ii) "Leaded gasohol" meaning any motor fuel containing a nominal ten (10) volume percent anhydrous, denatured ethanol and ninety (90) volume percent leaded gasoline, regardless of other name, label or designation.
 - (iii) Any gasoline-oxygenate blend which meets the United States Environmental Protection Agency's "substantially similar" rule, Section 211(f)(1) of the Clean Air Act, 42 USCS 7545(f)(1).

- (iv) Any gasoline-oxygenate blend for which there is an existing Clean Air Act waiver issued by the United States Environmental Protection Agency.
- (k) "Alcohol blended fuel" means gasohol or leaded gasohol.
- (l) "Anhydrous, denatured ethyl alcohol (ethanol)" means normal two hundred (200) proof ethanol to which has been added a maximum of five (5) volumes of approved denaturant(s) to one hundred (100) volumes of ethanol and containing not more than one and twenty-five hundredths percent (1.25%) water by weight as determined by ASTM E203.
- (m) "Approved denaturant(s)" means materials used for denaturing ethyl alcohol for use as a motor fuel which have been approved by the United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, and both the State Chemist and the Commissioner of Agriculture and Commerce. Gasoline-oxygenate blends shall meet the specifications set forth in the most recent edition of the Annual Book of ASTM standards and supplements thereto, and revisions thereof, except where amended or modified by the Commissioner and State Chemist.
- (n) The term "oil" as used in this chapter shall include diesel fuel, kerosene, fuel oil, distillate, gas oil, tractor fuel or any other product other than gasoline, as defined in this chapter, which is usable as fuel in an internal combustion engine, and any product which, on distillation in accordance with the method of test of the American Society for Testing and Materials shows not more than ten percent (10%) recovered when the thermometer shows two hundred sixty-one degrees (261 degrees) Fahrenheit; and not more than ninety-five percent (95%) recovered when the thermometer shows four hundred sixty-five degrees (465 degrees) Fahrenheit or more; provided that nothing in this paragraph shall be construed to include oils received or sold as lubricants when such oils cannot be used as a fuel in internal combustion engines.
- (o) "Diesel fuel" is any petroleum product intended for use or offered for sale as a fuel for engines in which the fuel is injected into the combustion chamber and ignited by pressure without the presence of an electric spark.
Specifications: The fuel oils herein specified shall be hydrocarbon oils free from acids, grit and fibrous or other foreign material. Three (3) grades of such oils are specified and these shall conform to the detailed requirements in the current American Society for Testing and Materials Specifications for Diesel Fuel Oils (ASTM D975), except for the sulphur content of Grade 2-D. All tests shall be in accordance with the applicable American Society for Testing and Materials method as set forth in the current ASTM Designation D975. Diesel fuel requirements are listed below:

	Grade 1-D	Grade 2-D	Grade 4-D
Flash point, degrees F. D93	Min. 100	Min. 125	Min. 130
Water & sediment,% by volume, D1796	Max. 0.05	Max. 0.05	Max. 0.5
Carbon residue on 10% residium, % D524	Max. 0.15	Max. 0.35	_____
Ash, % by weight, D482	Max. 0.01	Max. 0.01	Max. 0.1
Distillation, 90% point, degrees F., D86	_____	Min. 540	_____
	Max. 550	Max. 640	_____
Viscosity @ 100 degrees F.kinematic- centistokesD445	Min. 1.3	Min. 2.0	Min. 5.5
or	Max. 2.4	Max. 4.1	Max. 24.0
Viscosity @ 100 degrees F. Saybolt Universal Sec.	_____	Min. 32.6	Min. 45
	Max. 34.4	Max. 40.1	Max. 125

Sulphur, % by weight, D129	Max. 0.5	Max. 1.0	Max. 2.0
Copper strip corrosion, D130	Max. No. 3	Max. No. 3	_____
Cetane number, D613 or D976	Min. 40	Min. 40	Min. 30

- (p) The word "kerosene" shall include lamp oil, illuminating oil and coal oil which shall conform to the detailed requirements set forth in the current American Society for Testing and Materials Specification for Kerosene (ASTM D3699). All tests shall be in accordance with the applicable American Society for Testing and Material Methods as set forth in ASTM D3699. The detailed requirements are listed below:
- (i) The oil shall be free of water and suspended matter.
 - (ii) The color shall not be darker than number plus sixteen (16) on the Saybolt scale, as determined by ASTM D156.
 - (iii) The flash point shall, by ASTM D56, not be lower than one hundred degrees (100 degrees) Fahrenheit when determined in Tagliabue closed type tester, as determined by ASTM D56.
 - (iv) The sulphur content shall not exceed four one-hundredths percent (0.04%) for No. 1-K kerosene and thirty one-hundredths percent (0.30%) for No. 2-K kerosene. The method of determination shall be ASTM D1266. No. 1-K kerosene is a special low-sulphur grade kerosene suitable for use in nonflue-connected kerosene burner appliances and in wick-fed illuminating lamps. No. 2-K kerosene is suitable for use in flue-connected burner appliances and in wick-fed illuminating lamps.
 - (v) The distillation ten percent (10%) point shall not be higher than four hundred one degrees (401 degrees) Fahrenheit, as determined by ASTM D86.
 - (vi) The distillation end point shall not be higher than five hundred seventy-two degrees (572 degrees) Fahrenheit, as determined by ASTM D86.
 - (vii) The oil shall not show a cloud point at five degrees (5 degrees) Fahrenheit, as determined by ASTM D2500.
 - (viii) The oil shall burn freely and steadily for sixteen (16) hours, as determined) by ASTM D187.

- (ix) The gravity shall not be less than degrees API 41, as determined by ASTM D1298.
- (x) The corrosion test results shall be No. 1 Maximum in a three-hour at two hundred twelve degrees (212 degrees) Fahrenheit test, as determined by ASTM D130.
- (q) Racing gasoline means any gasoline which is sold for racing purposes. Racing gasoline may be sold from retail dispensing equipment under the following conditions:
 - (i) The product brand name and octane number shall be registered with the Commissioner of Agriculture and Commerce and the State Chemist.
 - (ii) The manufacturer shall forward a list of marketers selling these product(s) and the product(s) being sold by each marketer.
 - (iii) Marketers shall register their retail outlets by location and provide a list of the product(s) sold for each retail outlet.
 - (iv) The dispensing equipment shall contain a conspicuous sign stating that the fuel is racing gasoline. The dispensing equipment shall not contain any kind of representation indicating that the product is suitable for vehicles other than for racing.
 - (v) The dispensing equipment shall be dedicated to and isolated from any other motor fuel dispensing equipment in a manner that a vehicle cannot access both the commercial gasoline and the racing gasoline at the same time.
 - (vi) Any violation shall result in revocation of the approval to market and/or confiscation of the product.
 - (vii) The Commissioner of Agriculture and Commerce (the "commissioner") and the State Chemist are hereby given authority to change the specifications set forth in this section to comply with the currently recommended ASTM or federally required specifications.

(2) This section shall stand repealed on July 1, 2020.

Cite as Miss. Code § 75-55-5

Source: Codes, 1942, § 5083; Laws, 1938, ch. 145; Laws, 1942, ch. 245; Laws, 1946, ch. 263, § 3; Laws, 1948, ch. 316, § 1; Laws, 1950, ch. 477, § 1; Laws, 1952, ch. 345, § 1; Laws, 1956, ch. 394; Laws, 1958, ch. 187; Laws, 1962, ch. 195; Laws, 1966, ch. 624, § 1; Laws, 1969, Ex Sess, ch. 24, § 1; Laws, 1978, ch. 357, § 1; Laws, 1980,

ch. 417, § 1; Laws, 1984, ch. 452, § 2; Laws, 1986, ch. 395, § 7; Laws, 1988, ch. 482, § 2; Laws, 1990, ch. 450, § 2; Laws, 2008, ch. 486, §1; Laws, 2010, ch. 397, §1, eff. 3/17/2010.

History. Amended by Laws, 2016, ch. 402, HB 1130, 1, eff. 7/1/2016.

Amended by Laws, 2013, ch. 372, HB 1161, 1, eff. 7/1/2013.

§ 75-55-6. Name and/or brand name; registration; octane rating; forms; motor fuel pumps; appeal from denial of registration; termination of registration; prohibitions.

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§ 75-55-6. Name and/or brand name; registration; octane rating; forms; motor fuel pumps; appeal from denial of registration; termination of registration; prohibitions

- (1) Products regulated under terms of the Petroleum Products Inspection Law or regulations sold in this state shall have a name and/or brand name and such name shall be registered with the Mississippi Department of Agriculture and Commerce. The octane rating or antiknock index $(R + M)/2$ of applicable motor fuels, covered by the Federal Trade Commission Octane Posting and Certification Rule, shall be included in the registration. The name of the establishment, address, city, state, zip code, county and telephone number shall also be included in the registration. Registration forms shall be provided by the Mississippi Department of Agriculture and Commerce.
- (2) The commissioner or his agent shall refuse the registration of any product under a name that is misleading to the purchaser of such a product.
The commissioner or his agent, in his discretion, may refuse to permit any name or brand of gasoline where a similar name or brand has already been permitted. The sale of any product under any brand name that is not registered with the department or does not meet the standards of the registration form shall not be permitted. Pumps shall be locked down until the product or products have been duly registered or brought up to specifications.
- (3) Every pump dispensing motor fuel at retail shall conspicuously display the name and/or brand name being sold therefrom exactly as such name and/or brand name that is registered with the department. Each pump shall conspicuously display the octane number of the product. The octane number designation shall be changed whenever the product is changed. Each diesel pump dispensing those products at retail shall display the words "No. 1 Diesel" or "No. 2 Diesel." Each kerosene pump or fuel oil pump dispensing those

products at retail shall display the words "No. 1-K Kerosene" or "No. 2-K Kerosene" or indicate the proper grade of fuel oil depending on the product dispensed.

- (4) The labeling of all petroleum products on pumps shall be on both sides of the dispensing device which faces the vehicle and shall be in a clear and conspicuous place in type of at least one-half (1/2) inch in height, and one-sixteenth (1/16) inch stroke (width of type).
- (5) Any application for registration that is denied may be appealed to the commissioner within thirty (30) days from the date of denial of such application.
- (6) Any person who registered a brand name for a motor fuel and fails or discontinues to sell or deliver a registered product shall notify the commissioner within sixty (60) days after date of registration or date of last invoice or delivery ticket. Failure to notify the commissioner shall automatically terminate and cancel the registration of the brand name and the quality specification.

The commissioner is further authorized and empowered following the terms of the Mississippi Administrative Procedures Act to make such reasonable rules and regulations, particularly in emergency situations, which, in his judgment, will contribute to a more efficient administration of this article. Such rules and regulations, when made, shall have the same binding force and effect as if incorporated in this article; provided further, that such rules and regulations made during the said emergency periods shall be withdrawn following cessation of any such emergencies.

The commissioner is hereby authorized to prohibit the sale of any taxable petroleum product which is not in compliance with the provisions of this chapter.

Cite as Miss. Code § 75-55-6

Source: Laws, 1990, ch. 450, § 3; Laws, 1994, ch. 403 § 2, eff. 3/15/1994.

§ 75-55-7. Exemptions from classification, specification, and coloring.

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§ 75-55-7. Exemptions from classification, specification, and coloring

- (1) Provided, however, that gasoline, as defined in Section 75-55-5, shall not be subject to

specifications required under such section, when such gasoline is purchased or received in this state for uses other than for sale or distribution to the consuming public. This exemption shall apply to gasoline that will not be used on the road.

- (2) The Commissioner of Agriculture and Commerce (the "commissioner") and the State Chemist shall have authority, but are not compelled, to establish specifications for aviation and other special gasolines when received in this state for any purpose other than for use in propelling motor vehicles on the highways, or for sale or distribution to the consuming public.
- (3) It is provided that the specifications adopted for gasoline shall not apply to "gas machine gasoline" prepared or received in this state for use in industrial equipment, when such gasoline is not used or not capable of use in propelling motor vehicles on the highways.
- (4) The commissioner and the State Chemist shall have authority but they are not compelled to establish specifications for fuel oils and oil for other engines.

Cite as Miss. Code § 75-55-7

Source: Codes, 1942, § 5084; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 4; Laws, 1966, ch. 624, § 2; Laws, 1969, Ex Sess, ch. 24, § 2; Laws, 1986, ch. 395, § 8; Laws, 1988, ch. 482, § 3; Laws, 1990, ch. 450, § 4, eff. 3/20/1990.

§ 75-55-9. Signs.

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§ 75-55-9. Signs

Any person selling at retail gasoline, alcohol blended fuel, diesel fuel or kerosene, as defined in this chapter, shall at all times display signs as herein defined:

- (a) All pumps and dispensing equipment for gasoline, alcohol blended fuel, diesel fuel or kerosene shall be marked conspicuously to show the total price per gallon of gasoline, alcohol blended fuel, diesel fuel or kerosene offered for sale, in figures of equal size and where fractional cents or figures are used therein, the combined height and width of the numerator and denominator shall be equal to the height and width of the other figures

used. Provided, however, that any sign provided by the manufacturer of the retail pump or dispensing equipment which shows the total price per gallon and is part of the computing mechanism of such pumps and dispensing equipment shall be considered as being in compliance with this subsection.

- (b) All signs placed on the premises of any service station and any highway, road, street or alley leading thereto advertising the price per gallon of gasoline, alcohol blended fuel, diesel fuel or kerosene offered for sale, shall show the registered brand name and total price in figures of equal size, and where fractional figures are used therein, the width of the numerator and denominator of the fraction shall be equal to one-third ($1/3$) of the width of the other figures, but the combined height of the numerator and denominator shall be the same as that of the other figures. Where a decimal is used, then the fraction shall be at least one-half ($1/2$) the height of the other figures used in the sign, and the fraction shall be at least one-third ($1/3$) of the width of the other figures used in the sign. All figures and fractional figures shall be painted the same color as the other figures used in the sign. The total price per gallon on signs located on all premises of any service station and on highways, roads, streets or alleys leading to the service station shall be in agreement as to the total price per gallon shown on the retail pump dispensing the same brand of gasoline, alcohol blended fuel, diesel fuel or kerosene as that being so advertised. All signs advertising the price per gallon of gasoline, alcohol blended fuel, diesel fuel or kerosene offered for sale through self-service operated pumps at retail service stations shall clearly indicate that the posted price per gallon and brand is offered for sale through self-service pumps.
- (c) Containers of gasoline below fifty (50) gallons capacity, or any product flashing below one hundred (100) degrees Fahrenheit, shall be painted red; provided that containers, not of metal and of a capacity of one (1) gallon or less, may carry a red label designating the product.
- (d) All filler pipes for petroleum bulk storage tanks and retail station storage tanks shall be identified by painting a sign on the intake pipe cap or within six (6) inches thereof in lettering not less than two (2) inches in height and not less than one-fourth ($1/4$) inch in width the following: for premium gasoline or alcohol blended fuel, the letter "P"; for regular leaded grade gasoline or alcohol blended fuel, the letter "R"; for third grade gasoline, the letters "3G"; for unleaded gasoline or alcohol blended fuel, the letters "UG"; for diesel fuel, the letter "D"; for kerosene, the letter "K"; for lubricating oil, the letters "LO"; for tractor fuel, the letters "TF"; the letter "S" for solvent; the letter "N" for naphtha; and for any other petroleum product classified as an oil not specifically specified in this subsection, the word "oil." In addition to existing requirements, all filler pipes for bulk and retail station tanks used for the storage of nonleaded gasoline shall be further identified as follows: for nonleaded premium gasoline, the letters "NLP"; and for nonleaded regular grade gasoline, the letters "NLR". Such lettering shall be painted on the intake pipe cap or within six (6) inches thereof, and shall be not less than two (2) inches in height and not less than one-

fourth (1/4) inch in width. Nothing in this subsection shall apply to bulk storage tanks located at marine or pipeline terminals, nor bulk storage tanks used for the storage of liquefied compressed gas, nor prohibit "color coding" in addition to the lettering, where desired.

Cite as Miss. Code § 75-55-9

Source: Codes, 1942, § 5086; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 6; Laws, 1950, ch. 477, § 2; Laws, 1952, ch. 345, § 2; Laws, 1954, ch. 339; Laws, 1966, ch. 624, § 3; Laws, 1969, Ex Sess, ch. 24, § 3; Laws, 1970, ch. 274, § 1; Laws, 1978, ch. 357, § 2; Laws, 1980, ch. 417, § 2; Laws, 1990, ch. 450, § 5, eff. 3/20/1990.

§ 75-55-11. Standard required.

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§ 75-55-11. Standard required

No person shall sell as gasoline any product which fails to meet the standard as defined in this chapter, nor sell any gasoline at retail without exhibiting the proper signs as required in this chapter, and provided further, that all gasoline offered for sale shall always be as high octane number as advertised to be.

Cite as Miss. Code § 75-55-11

Source: Codes, 1942, § 5087; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 7.

§ 75-55-13. Lubricating oils.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 55. GASOLINE AND PETROLEUM PRODUCTS

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§ 75-55-13. Lubricating oils

It shall be unlawful to sell, offer or keep for sale, any lubricating oils, lubricants or mixtures of lubricants which are adulterated or falsely labeled in any particular. Reclaimed, recleaned, rerefined or previously used oils shall be plainly labeled and sold as such. The labeling and advertising appearing on any container used to store a previously used lubricating oil shall be strictly in accord with the kind of product contained therein. On the face of each sealed container containing a previously used motor or lubricating oil, the wording or sign used to indicate that the product has been previously used must be in well-balanced letters.

Labels on containers of reclaimed, recleaned, rerefined or recycled oil which meet the Society of Automotive Engineers (SAE) and American Petroleum Institute (API) classifications for current (one (1) of the previous two (2) chronological API service classifications) model year automotive engines shall be at least one-eighth ($1/8$) inch high on containers of one (1) gallon or less, and at least one-fourth ($1/4$) inch high on containers larger than one (1) gallon.

Reclaimed, recleaned, rerefined or previously used motor or lubricating oils, lubricants or mixtures of lubricants not meeting the classifications described in the preceding paragraph shall be labeled as follows: On one (1) quart containers the lettering shall not be less than three-eighths ($3/8$) inches high; on one-half ($1/2$) gallon containers the lettering shall be at least one-half ($1/2$) inch high; on one (1) gallon containers the lettering shall be at least three-fourths ($3/4$) inch high; and on five (5) gallon containers at least one (1) inch high; and on any storage can larger than five (5) gallons, a well-proportioned sign or lettering must appear with letters not less than two (2) inches high, indicating that the product has been previously used.

All tanks used for the storage of gasoline, alcohol blended fuel, other motor fuel, diesel fuel, kerosene or liquefied compressed gas, for wholesale or retail sales, shall be constructed and equipped in such manner as to allow the Commissioner of Agriculture and Commerce or his agents and employees to safely take an accurate physical inventory of the contents of such tanks at all reasonable hours.

All above ground tanks, drums or other containers used to store previously used motor or lubricating oils, before being rerefined or reprocessed, shall be marked "used oil" on a contrasting background with well-balanced letters not less than two (2) inches high.

Any person guilty of violating any of the provisions of this section shall be subject to a fine of not less than One Hundred Dollars (\$ 100.00) nor more than Five Hundred Dollars (\$ 500.00) for the first offense, and for a second or subsequent such offense, such person shall be enjoined from

selling or distributing previously used motor or lubricating oil in any manner in this state for a period of not less than one (1) year nor more than five (5) years, and any judge or chancellor now authorized to grant injunctions, shall grant an injunction without notice, enjoining such person from continuing in the business, as prescribed by this section.

Cite as Miss. Code § 75-55-13

Source: Codes, 1942, § 5088; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 8; Laws, 1956, ch. 375, §§ 1, 2; Laws, 1969, Ex Sess, ch. 24, § 4; Laws, 1978, ch. 357, § 3; Laws, 1980, ch. 417, § 3; Laws, 1986, ch. 395, § 9; Laws, 1988, ch. 482, § 4; Laws, 1990, ch. 450, § 6; Laws, 1995, ch. 331, § 1; Laws, 1995, ch. 436, § 1, eff. 7/1/1995.

§ 75-55-15. Container or distributing device to indicate manufacturer or distributor or trade name of product; penalties.

Mississippi Statutes

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Chapter 55. GASOLINE AND PETROLEUM PRODUCTS

Current through 3/27/2018

§ 75-55-15. Container or distributing device to indicate manufacturer or distributor or trade name of product; penalties

No person shall store, keep, expose for sale, offer for sale, or sell from any tank or container or from any pump or other distributing device or equipment, any gasoline, alcohol blended fuel, diesel fuel, kerosene, illuminating oil, or lubricating oils or other similar products than those indicated by the name, trade name, symbol, or sign of the manufacturer or distributor of the trademark or trade name of the product appearing upon the tank, container, pump, or other distributing equipment from which the same are sold, offered for sale or distributed; provided that the product of any manufacturer may be sold from distributing equipment not bearing the name, trade name, symbol or sign of any manufacturer. Provided further, that no distributor or other person shall deliver any gasoline, alcohol blended fuel, diesel fuel, kerosene, illuminating oils, or other similar products when such products are for resale to the consuming public and place said products in storage tanks, containers, or other devices when such storage tanks, containers, or other devices are labeled contrary to the true nature of the products being delivered or when such storage tanks, containers, or other devices bear any sign, symbol, trademark, or label not reflecting the true sign, symbol, trademark or name of the product being delivered.

All distributors or other persons receiving, storing, selling or distributing gasoline, alcohol blended fuel or oil in the State of Mississippi shall have plainly marked on the tanks, pumps, or other containers in which gasoline, alcohol blended fuel or oil is kept, words designating whether the product is gasoline, alcohol blended fuel or oil. No distributor or other person shall place any gasoline in a container marked oil or alcohol blended fuel, or any oil in a container marked gasoline or alcohol blended fuel, or alcohol blended fuel in any container marked gasoline or oil, nor shall there be any pipe or other connections between oil, gasoline and alcohol blended fuel containers. Provided, however, that nothing in this or any other law shall be construed to prohibit the use at common carrier pipeline terminals, of the same unloading lines to and between gasoline, alcohol blended fuel, and oil bulk storage stations, where adequate precautions have been taken to prevent contamination or adulteration of either oil, gasoline or alcohol blended fuel. No distributor or other person shall receive, store or distribute oil as gasoline or alcohol blended fuel nor gasoline as oil or alcohol blended fuel, nor alcohol blended fuel as oil or gasoline nor shall any distributor or other person make a false statement to the commissioner or his successor or any of his employees with reference to products received, stored, sold or delivered by such distributor or other person.

No distributor or other person shall sell or distribute or offer for sale or distribution gasoline and oil, or either, when such gasoline or oil, or either, is mixed, blended, or adulterated in this state in any manner or with any other product. Provided, however, this section shall not be construed to prevent any purchaser of gasoline and oil, or either, to adulterate such products after purchase to meet requirements of his individual uses and purposes, but in no event shall such purchaser sell or distribute such adulterated products, and it is not intended to levy a tax on crude oil produced in this state. Provided further, that blending pumps from which gasoline and lubricating oil are dispensed at the same time into a fuel tank or other container as marine fuel, may be installed by a distributor upon the prior issuance of a permit so to do by the commissioner or his successor, when said pumps shall have been approved by the Underwriter's Laboratories, Inc. Provided further, that nothing in this paragraph shall be construed to prohibit the manufacture of alcohol blended fuel.

Blending of grades of gasoline, additives, and compounds shall be limited to refineries, terminals, and blending pumps, and no person other than those employed at aforesaid facilities shall be permitted to blend any of the above-named products. Provided, however, that gasoline may be blended with alcohol to form alcohol blended fuel at other locations in the State of Mississippi as may be designated and licensed by the commissioner.

Any person guilty of violating any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Twenty-five Dollars (\$ 25.00) nor more than One Hundred Dollars (\$ 100.00) for the first such offense and not less than One Hundred Dollars (\$ 100.00) nor more than Five Hundred Dollars (\$ 500.00) for each such offense thereafter, and the penalty shall extend to principal and agent alike.

Cite as Miss. Code § 75-55-15

Source: Codes, 1942, § 5089; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 9; Laws, 1966, ch. 624, § 4; Laws, 1969, Ex Sess, ch. 24, § 5; Laws, 1980, ch. 417, § 4; Laws, 1990, ch. 450, § 7, eff. 3/20/1990.

§ 75-55-17. I.C.C. regulations.

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§ 75-55-17. I.C.C. regulations

No person or carrier, selling or transporting for hire, any gasoline, benzine, naphtha or other highly inflammable substances made from petroleum, shall fail to plainly mark the packages containing the same in accordance with the regulations of the Interstate Commerce Commission.

Cite as Miss. Code § 75-55-17

Source: Codes, 1942, § 5090; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 10.

§ 75-55-19. Scales, measuring and dispensing equipment.

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§ 75-55-19. Scales, measuring and dispensing equipment

No person shall use any scales, measure or measuring device in the handling or sale of petroleum products, unless the same is true and accurate; and the standards of weights and measures shall

be those most recently adopted by the Division of Institute of Standards and Technology of the United States Department of Commerce, except that in no event shall gasoline, alcohol blended fuel, diesel fuel, or kerosene be dispensed for sale through visible or bowl pumps with outside indicators, and in no event shall any such bowl be drained by any device except through the regular dispensing hose.

Cite as Miss. Code § 75-55-19

Source: Codes, 1942, § 5091; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 11; Laws, 1966, ch. 624, § 5; Laws, 1980, ch. 417, § 5; Laws, 1990, ch. 450, § 8, eff. 3/20/1990.

§ 75-55-20. Calibrating equipment to be transferred to Department of Agriculture and Commerce.

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§ 75-55-20. Calibrating equipment to be transferred to Department of Agriculture and Commerce

Any calibrating equipment in the possession of the State Tax Commission heretofore used by the tax commission to carry out its responsibilities under this chapter shall be transferred by the tax commission to the Department of Agriculture and Commerce on July 1, 1988.

Cite as Miss. Code § 75-55-20

Source: Laws, 1988, ch. 482, § 7, eff. 7/1/1988.

§ 75-55-21. Imitation of tradename.

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§ 75-55-21. Imitation of tradename

- (1) It shall be unlawful to entice into a service station, store, expose for sale, or sell petroleum products so as to deceive or tend to deceive the purchaser as to the nature, quality or identity of the same by false representation or by substitution, mixing, blending, or adulteration, or by the use of disguised signs, camouflaged or falsely labeled containers, tanks, pumps, or other dispensing equipment, or by imitating the design, symbol, or trade name under which recognized brands of such products are generally marketed. It is provided, however, that nothing in this chapter shall prevent a person, firm, association, or corporation, or their agents or servants from storing, exposing for sale, or selling any such petroleum products under the trade name, sign, symbol, or distinguishing mark adopted and used by such person, firm, association, or corporation in good faith, if such trade name, sign, symbol, or distinguishing mark is not deceitfully similar to that already in general use by any manufacturer or seller of such products.
- (2) Persons claiming to offer for sale gasoline or other petroleum products of a higher standard than any legal or customary standard shall label the container or dispensing equipment completely with reference to the special standard claimed and such label shall constitute a full guaranty that the product sold will meet the standards claimed in every particular.
- (3) Any person guilty of violating any of the provisions of this section shall be subject to a fine of not less than Five Hundred Dollars (\$ 500.00) nor more than One Thousand Dollars (\$ 1,000.00) for such offense, or imprisonment not to exceed twelve (12) months, or both, and such person shall be enjoined from selling or distributing gasoline, alcohol blended fuel, diesel fuel, kerosene, or oil, in any manner in this state for a period of not less than one (1) year nor more than five (5) years, and any judge or chancellor now authorized to grant injunctions shall grant an injunction enjoining such person from continuing in the gasoline, alcohol blended fuel, diesel fuel, kerosene, or oil business, as prescribed by this section.

Cite as Miss. Code § 75-55-21

Source: Codes, 1942, § 5092; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 12; Laws, 1966, ch. 624, § 6; Laws, 1969, Ex Sess, ch. 24, § 6; Laws, 1980, ch. 417, § 6; Laws, 2009, ch. 487, §1, eff. 7/1/2009.

§ 75-55-22. Permit authorizing engaging in business as producer of alcohol blended fuel.

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§ 75-55-22. Permit authorizing engaging in business as producer of alcohol blended fuel

Any person located in Mississippi, except the holder of a refiner or a processor's permit, who blends or mixes alcohol blended fuel for sale, delivery, exchange or use in Mississippi shall obtain from the commissioner a permit authorizing him to engage in business as a producer of alcohol blended fuel. Each producer of alcohol blended fuel shall have the necessary equipment to insure a complete and homogeneous mixture. The finished product shall meet all of the state's standards and specifications and shall not be transferred, sold, exchanged, delivered, used or disposed of by any other means until approved by the commissioner and the State Chemist.

All alcohol blended fuel transported or imported into the State of Mississippi shall comply with all specifications and standards adopted by this state for such use.

All gasoline, leaded or unleaded, kept, offered, or exposed for sale, or sold, at retail containing one percent (1%) or more by volume of ethanol, methanol or an ethanol/methanol mixture, shall be identified as "with" or "containing" (or similar wording) "ethanol," "methanol" or "ethanol/methanol" on the upper fifty percent (50%) of the dispenser front panels in a position clear and conspicuous from the driver's position, in a type at least one-half (1/2) inch in height, and one-sixteenth (1/16) inch stroke (width of type). All letters shall be black with a contrasting background.

All distributors, processors, refiners, and any other persons receiving, storing, selling, distributing or transporting gasoline that contains one percent (1%) by volume or more of methanol, ethanol or other alcohol shall identify the type or chemical name and percentage of such alcohol on any invoice, bill of lading, shipping paper or on any other type of documentation which is used in normal and customary practice in the petroleum industry.

Cite as Miss. Code § 75-55-22

Source: Laws, 1990, ch. 450, § 9; Laws, 1994, ch. 403 § 3, eff. 3/15/1994.

§ 75-55-23. Administration; right of inspection, access, etc.

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Chapter 55. GASOLINE AND PETROLEUM PRODUCTS

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§ 75-55-23. Administration; right of inspection, access, etc

The Commissioner of Agriculture and Commerce (the "commissioner") and his agents and employees shall have full access, ingress and egress, at all reasonable hours, to any place or building wherein internal combustion engine fuels, lubricating oils or other like products are stored, transported, sold, offered or exposed for sale. The commissioner and his agents or employees may open for inspection any case, package or other container, tank, pump, tank car, storage tank, stationary engine or tractor, and enter upon any barge, vessel or other vehicle of transportation and, with instruments conforming to the standards of weights and measures most recently adopted by the Division of Institute of Standards and Technology of the United States Department of Commerce, check any measuring device of the volume or weight of contents of any container. Furthermore, the commissioner and his agents or employees may take samples, not exceeding one (1) gallon, for analysis.

Any distributor or other person failing or refusing to permit the commissioner and his agents and employees to exercise any right or authority granted the Mississippi Department of Agriculture and Commerce under the provisions of this section, shall be guilty of a misdemeanor for the first offense, and, upon conviction, shall be punishable by a fine of not less than Two Hundred Dollars (\$ 200.00) nor more than Five Hundred Dollars (\$ 500.00), or by imprisonment in the county jail for sixty (60) days, or by both such fine and imprisonment. Any person guilty of a second violation of this section shall, in addition to the other penalty provided herein, be enjoined from continuing in the gasoline, alcohol blended fuel, diesel fuel, kerosene or oil business in this state for a period of not less than one (1) year nor more than five (5) years, and any judge or chancellor now authorized to grant injunctions shall grant an injunction enjoining said distributor or other person from continuing in the gasoline, alcohol blended fuel, diesel fuel, kerosene or oil business for the period prescribed by this section, provided that no injunction shall be issued unless not less than five (5) days' notice is given in the manner prescribed by law.

Any room, house, building, boat, vehicle, structure or place where any petroleum product is received, stored, manufactured, refined, distilled, blended, compounded, sold or distributed in violation of this chapter, and any such petroleum product and all property kept and used in maintaining the same, is hereby declared to be a common nuisance. If such nuisance be found to exist, any judge or chancellor authorized to issue injunctions may issue an injunction, enjoining and restraining the continuance of such nuisance for a period of not less than three (3) months, nor more than one (1) year.

Cite as Miss. Code § 75-55-23

Source: Codes, 1942, § 5093; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 13; Laws, 1966, ch. 624, § 7; Laws, 1969, Ex Sess, ch. 24, § 7; Laws, 1980, ch. 417, § 7; Laws, 1986, ch. 395, § 10; Laws, 1988, ch. 482, § 5; Laws, 1990, ch. 450, § 10, eff. 3/20/1990.

§ 75-55-25. Repealed.

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§ 75-55-25. Repealed

Cite as Miss. Code § 75-55-25

History. Repealed by Laws, 1986, ch. 395, § 29, eff. 7/1/1986.

Prior History: (Codes, 1942, § 5094; Laws, 1938, ch. 145; 1946, ch. 263, § 14.)

§ 75-55-27. General requirements.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 55. GASOLINE AND PETROLEUM PRODUCTS

Current through 3/27/2018

§ 75-55-27. General requirements

- (1) No retail station pump shall dispense more than one (1) product and station pipelines for gasoline, alcohol blended fuel, diesel fuel, kerosene, fuel oils, or other products shall be entirely separate.
- (2) No requirements or provisions of this chapter shall prevent or abridge the use of gasoline,

alcohol blended fuel, diesel fuel, kerosene, liquefied compressed gases or other petroleum products for heating or illuminating purposes through the use of special devices approved by the commissioner when not used on a highway.

- (3) The provisions of this chapter are not to apply to products unloaded in this state and intended for shipment into another state; provided no portion be offered for sale, and provided further, that all petroleum products so unloaded be reported to the commissioner.
- (4) It shall be unlawful for any person to obstruct or hinder in any way the commissioner or his agents in the performance of his duties.

Where self-service pumps and attendant-operated pumps are both operated at the same retail service station, there shall be attached or painted on each such self-service pump or equipment the words "SELF-SERVICE" in letters of not less than one (1) inch in height and not less than seven (7) inches across, on a contrasting background.

Cite as Miss. Code § 75-55-27

Source: Codes, 1942, § 5095; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 15; Laws, 1950, ch. 477, § 3; Laws, 1952, ch. 349; Laws, 1956, ch. 376; Laws, 1966, ch. 624, § 8; Laws, 1969, Ex Sess, ch. 24, § 8; Laws, 1970, ch. 274, § 2; Laws, 1980, ch. 417, § 8; Laws, 1982, ch. 438, § 17; Laws, 1990, ch. 450, § 11, eff. 3/20/1990.

§ 75-55-29. Analysis of samples by State Chemist; fees; use of analyses as evidence.

Mississippi Statutes

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Chapter 55. GASOLINE AND PETROLEUM PRODUCTS

Current through 3/27/2018

§ 75-55-29. Analysis of samples by State Chemist; fees; use of analyses as evidence

The State Chemist at the Mississippi State University or his assistants provided for herein shall analyze all samples of internal combustion engine fuels, lubricating oils and other like products provided by any person desiring an analysis of said product or provided by the Mississippi Department of Agriculture and Commerce after an inspection. Any person desiring an analysis of a sample of internal combustion engine fuel, lubricating oil or similar products shall pay to the State Chemist the actual cost of such analysis. All funds collected by the State Chemist under the provisions of this chapter shall be paid into a special account to the credit of the Industrial and Agricultural Services Division of the Mississippi State Chemical Laboratory. The cost of analysis of

those samples taken by the Mississippi Department of Agriculture and Commerce shall be paid for out of the General Fund, upon appropriation by the Legislature. The certification of such analysis properly certified by affidavit of said chemist or his assistants shall be competent evidence in any court of this state.

Cite as Miss. Code § 75-55-29

Source: Codes, 1942, § 5096; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 16; Laws, 1969, Ex Sess, ch. 24, § 9; Laws, 1986, ch. 395, § 11; Laws, 1988, ch. 482, § 6; Laws, 1990, ch. 450, § 12, eff. 3/20/1990.

§ 75-55-31. Appeals.

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§ 75-55-31. Appeals

Any person aggrieved by the reasonableness of the limits of tolerance set up by the State Chemist with respect to specifications, or with respect to the method used in, or the accuracy of, any test made by the State Chemist, of any petroleum product, or any substitute therefor, may, within sixty (60) days after such test was made, appeal to the circuit court of any county of this state. The appeal shall be taken by filing with the clerk of the circuit court a declaration stating the test or ruling with respect to which the plaintiff feels aggrieved. In all such cases, it shall be the duty of the Attorney General to defend such appeals.

Cite as Miss. Code § 75-55-31

Source: Codes, 1942, § 5097; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 17; Laws, 1981, ch. 468, § 73; Laws, 1986, ch. 395, § 12, eff. 7/1/1986.

§ 75-55-33. Employment of assistant chemists, octane machine operators, and others; purchase of equipment and supplies.

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§ 75-55-33. Employment of assistant chemists, octane machine operators, and others; purchase of equipment and supplies

The State Chemist is authorized to employ assistant chemists, octane machine operators, and other employees to assist him in the proper performance of duties assigned him under the provisions of this chapter, or under the provisions of any other law or laws assigned to him for administration. The State Chemist is hereby authorized and directed to purchase such chemical apparatus, machines, and other equipment as may be necessary for performing the tests of all products included in this chapter, and to provide suitable housing for the same at the State Chemical Laboratory, and to purchase from time to time such chemicals and general supplies and equipment as may be necessary for the maintenance of the laboratory in which such tests are carried out.

Cite as Miss. Code § 75-55-33

Source: Codes, 1942, § 5098; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 18; Laws, 1948, ch. 316, § 2; Laws, 1954, ch. 327; Laws, 1966, ch. 624, § 9; Laws, 1969, Ex Sess, ch. 24, § 10; Laws, 1980, ch. 417, § 9; Laws, 1986, ch. 395, § 13; Laws, 1990, ch. 450, § 13, eff. 3/20/1990.

§ 75-55-35. Repealed.

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Current through 3/27/2018

§ 75-55-35. Repealed

Cite as Miss. Code § 75-55-35

History. Repealed by Laws, 1986, ch. 395, § 30, eff. 7/1/1986.

§ 75-55-37. [Repealed effective 7/1/2020] Penalty.

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Current through 3/27/2018

§ 75-55-37. [Repealed effective 7/1/2020] Penalty

- (1) The commissioner or his duly appointed representatives shall have the right to request an inspection of any pump, truck, or other equipment, and if upon such inspection any such pump, truck, or other equipment is found to be inaccurate to the extent that a test thereof shows a deficiency of more than twenty-five (25) cubic inches on a five (5) gallon measurement, or if the right to inspect any such pump, truck, or other equipment is refused or denied the commissioner, or his duly authorized representatives, he or they shall have the right to immediately close and lock said pump and other equipment or to seal same with the commissioner's seal. If such pump, truck, or other equipment is found to be inaccurate but the deficiency is twenty-five (25) cubic inches or less on a five (5) gallon measurement, then the commissioner or his representative shall give the owner or operator thereof forty-eight (48) hours within which to correct such inaccuracy and if such person fails or refuses to correct same within said period then the commissioner or his representative shall have the right to lock and seal such pump or other equipment in the same manner as provided above.

It shall be prima facie presumed upon any refusal to allow the right to inspect that the pump, truck, or other equipment sought to be inspected is inaccurate to the extent set forth above, or is operating in violation of this chapter. When any such pump or other equipment is locked or sealed, it may not be unlocked or the seal thereon broken except in the presence of a mechanic or other person called for the purpose of repairing the inaccuracy in the machinery of such pump or other equipment, and such inaccuracy shall be immediately thereafter repaired, and the pump or other equipment properly regulated. The commissioner may, in his discretion, require an affidavit from the mechanic repairing such pump or other equipment, or any other proof which he may deem advisable to the effect that said pump was unlocked or the seal thereon broken in the presence of such mechanic, and that the inaccuracies therein were thereupon completely repaired or regulated.

When a state or factory seal is broken on the measuring adjustment device on a retail

pump, it shall be the duty of the station operator to notify the commissioner by United States mail, within twenty-four (24) hours, after the breaking of said seal. After the commissioner has received written notice as herein provided and he or his agent has resealed the measuring adjustment device on the pump or pumps at this station, it shall be unlawful for the owner or operator of the station or any of his employees to break a state or factory seal on the measuring adjustment device on any pump at the station during the ensuing ninety (90) days without the prior approval of the commissioner or his agent.

The State of Mississippi shall have a lien on all pumps, trucks, and other equipment used by any distributor, or other person, in the operation of his business for any tax or penalty due the State of Mississippi because of any violation of this chapter. Such lien shall be paramount to any and all private liens and all the provisions set out in Chapter 7, Title 85, Mississippi Code of 1972, shall be applicable herein for the purpose of securing the enforcement of said lien, and particularly the right to secure the issuance of a writ of summons and seizure and proceedings had and done after the issuance of said writ shall be applicable. Provided, however, that the commissioner shall not be required to give any bond in any such case.

Any person or officer, agent or employee thereof who shall violate any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding One Hundred Dollars (\$ 100.00) for the first offense and not less than One Hundred Dollars (\$ 100.00) nor more than Two Hundred Dollars (\$ 200.00) for each subsequent offense or imprisonment in the county jail for a period not to exceed ninety (90) days or both.

- (2) If a person who, by himself, by his agent, or as the servant or agent of another person commits a violation of this chapter, the commissioner or his designee may impose any, all or a combination of the following penalties:
- (a) A stop sale order for any engine fuel, nonengine fuel, automotive lubricant or any other petroleum product not in compliance with this chapter. A remand of the stop sale order may be issued if the engine fuel, nonengine fuel, automotive lubricant or petroleum product is brought into full compliance with this chapter. The stop sale order may be appealed to the commissioner or his designee within twenty (20) days from the receipt of the order.
 - (b) A warning letter for violations of this chapter.
 - (c) A civil penalty of not more than Three Thousand Dollars (\$ 3,000.00) per violation. A person may request an administrative hearing within thirty (30) days of receipt of the notice of the penalty. The commissioner or his designee shall conduct a hearing after giving reasonable notice to the person. The decision may be appealed to the Circuit Court of the First Judicial District of Hinds County.

- (3) If the person has exhausted his administrative appeals, he shall pay the civil penalty within thirty (30) days after the effective date of the final decision. If the person fails to pay the penalty, the commissioner may bring a civil action in any court of competent jurisdiction to recover the penalty.
- (4) The commissioner is authorized to suspend, revoke and/or permanently deny a registration under the Petroleum Products Inspection Law of Mississippi to any person, firm, corporation or other organization determined to be guilty of two (2) or more violations per location, per year, of the Petroleum Products Inspection Law of Mississippi and the rules and regulations in force pursuant thereto.
- (5) In lieu of, or in addition to, the penalties provided above, the commissioner and the State Chemist shall have the power to institute and maintain in the name of the state any and all proceedings necessary or appropriate to enforce the provisions of the Petroleum Products Inspection Law of Mississippi and the rules and regulations in force pursuant thereto, in the appropriate circuit, chancery, county or justice court in which venue may lie. The commissioner and the State Chemist may obtain mandatory or prohibitory injunctive relief, whether temporary or permanent, and it shall not be necessary for the state to post a bond or prove that no adequate remedy is available at law.
- (6) All penalties assessed by the commissioner under this section shall be deposited in the State General Fund.
- (7) This section shall stand repealed on July 1, 2020.

Cite as Miss. Code § 75-55-37

Source: Codes, 1942, § 5100; Laws, 1938, ch. 145; Laws, 1946, ch. 263, § 20; Laws, 1948, ch. 316, § 3; Laws, 1950, ch. 477, § 4; Laws, 1958, ch. 184; Laws, 1969, Ex Sess, ch. 24, § 11; Laws, 1990, ch. 450, § 14; Laws, 1993, ch. 459, § 1; Laws, 2010, ch. 397, §2, eff. 3/17/2010.

History. Amended by Laws, 2016, ch. 402, HB 1130, 2, eff. 7/1/2016.

Amended by Laws, 2013, ch. 372, HB 1161, 2, eff. 7/1/2013.

§ 75-55-38. License for petroleum equipment repairmen; fees; penalties for violation of licensing provisions.

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§ 75-55-38. License for petroleum equipment repairmen; fees; penalties for violation of licensing provisions

- (1) Any person who repairs, adjusts or removes an official seal from a petroleum pump or metering device shall, before engaging in such activity, obtain a license from the commissioner upon showing that he is qualified to repair, adjust and test petroleum pumps and/or metering devices. Application for a petroleum equipment repairman's license shall be made annually on forms prescribed and furnished by the commissioner. A fee of Fifty Dollars (\$ 50.00) shall be paid by the applicant at the time application for such license is made. All licenses issued hereunder shall expire on the thirtieth day of June next after its issuance. Any person so licensed shall, within three (3) days after he repairs or adjusts a petroleum pump, metering or measuring device or removes an official seal therefrom, make a report thereof to the commissioner on a form provided for such purpose by the Department of Agriculture and Commerce.
- (2) Upon receipt of a license, the petroleum equipment repairman shall acquire a seal press, one (1) die of which shall be inscribed with his license number. All official pump or meter seals removed by the licensed petroleum equipment repairman shall be replaced and such replaced seals shall clearly show the license number of the petroleum equipment repairman replacing the seal(s).
- (3) The commissioner shall have authority to prescribe and adopt regulations establishing additional requirements and/or qualifications for petroleum equipment repairmen.
- (4) Any person, company or corporation who violates or causes to be violated any provision of this section or any rule or regulation adopted hereunder shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not less than Three Hundred Dollars (\$ 300.00) nor more than Five Hundred Dollars (\$ 500.00), or by imprisonment for not more than six (6) months, or by both fine and imprisonment; upon a second or subsequent conviction thereof, violators shall be punished by a fine of not less than Five Hundred Dollars (\$ 500.00) nor more than One Thousand Dollars (\$ 1,000.00), or by imprisonment for not more than one (1) year, or by both fine and imprisonment. In addition to fines and/or imprisonment as provided herein, the commissioner may, in his discretion, suspend or revoke the license of such petroleum equipment repairman. Provided, however, that the commissioner shall afford a licensee an opportunity for a hearing, prior to suspension or revocation of a license, to show cause why his license should not be suspended or revoked.

Source: Laws, 1989, ch. 379, § 1; Laws, 1990, ch. 450, § 15, eff. 3/20/1990.

§ 75-55-39. Repealed.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 55. GASOLINE AND PETROLEUM PRODUCTS

Current through 3/27/2018

§ 75-55-39. Repealed

Cite as Miss. Code § 75-55-39

History. Repealed by Laws 1981, ch. 468, § 74, eff. 7/1/1981.

Prior History: (Codes, 1942, § 5101; Laws, 1938, ch. 145; 1946, ch. 263, § 21.)

§ 75-55-40. Severability provisions.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 55. GASOLINE AND PETROLEUM PRODUCTS

Current through 3/27/2018

§ 75-55-40. Severability provisions

If any section, subsection, paragraph, sentence, clause or provision of Chapter 450, Laws of 1990, shall become invalid by order of any court of competent jurisdiction, the same shall not affect the validity of any other section, subsection, paragraph, sentence, clause or provision thereof.

Cite as Miss. Code § 75-55-40

Source: Laws, 1990, ch. 450, § 16, eff. 3/20/1990.

§ 75-55-41. Application of testing methods.

Mississippi Statutes

Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 55. GASOLINE AND PETROLEUM PRODUCTS

Current through 3/27/2018

§ 75-55-41. Application of testing methods

The testing methods of Chapter 450, Laws of 1990, are meant for referee purposes only and manufacturers shall not be limited by the testing methods provided herein.

Cite as Miss. Code § 75-55-41

Source: Laws, 1990, ch. 450, § 17, eff. 3/20/1990.