

Assembly Bill 417

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CHAPTER 137, LAWS OF 1967

AN ACT to repeal 168.14 (2); to renumber 168.14 (3); to amend 168.05 (3), 168.11 (3), 168.12 (3) and 168.15; and to repeal and recreate 168.11 (2) and 168.14 (1) of the statutes, relating to oil inspection and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 168.05 (3) of the statutes is amended to read:

168.05 (3) If the inspector does not, upon proper notice, after a reasonable length of time, take such sample, the recipient of such petroleum product may, in the presence of a disinterested witness, ~~unseal~~ *open* such original container and take a true sample of not less than 8 ounces of the contents thereof. Such sample shall be immediately placed in a ~~glass bottle~~ *clean container which is in compliance with s. 168.11 (2) and (3) and sealed tightly closed*. The recipient shall record upon a label attached to such ~~bottle~~ *container* the means of conveyance, the type of *original* container, the product name, and quantity of the contents thereof, and such other information as the department ~~may~~ *require* reasonably ~~require~~ *requires* for the proper identification of such shipment. Such

sample thus taken shall be held for delivery, upon demand, to the inspector. After such sample is ~~thus~~ taken such petroleum product may be unloaded, sold, offered for sale or used the same as if sampled by the inspector.

SECTION 2. 168.11 (2) of the statutes is repealed and recreated to read:

168.11 (2) No person shall deliver, place, receive or store in any visible container: 1) any gasoline; 2) any product of petroleum regardless of name meeting the gasoline specifications set forth in s. 168.04 (1); or 3) any product of petroleum commonly or commercially used as a fuel in a spark-ignition internal combustion engine or as a fuel for any appliance or device if such product of petroleum has a flash point of less than 110° F. when tested in the Tagliabue closed cup tester unless the container a) is constructed of sound metal or of equally sound nonflammable material meeting the requirements of the industrial commission's flammable and combustible liquids code, b) is substantially a bright red color, and c) has the common name of the product clearly labeled or painted on it. These requirements shall not apply to:

(a) The fuel supply tank permanently connected to an internal combustion engine;

(b) The fuel supply tank which is structurally a part of any appliance or device consuming the fuel;

(c) The first use of any container of one gallon or less originally filled by a manufacturer or packager when the container complies with the packaging and labeling requirements of the federal government and its agencies; or

(d) Containers of 275 gallons capacity or more.

SECTION 3. 168.11 (3) of the statutes is amended to read:

168.11 (3) *Except for containers referred to in sub. (2) (a), (b) and (c) no person shall deliver, place, receive or store any kerosene, diesel fuel or burner oil $\frac{1}{2}$, or a like product of petroleum which has a flash point of 110° F. or more when tested in the Tagliabue closed cup tester, in any visible container which is in any manner ~~painted colored red or stenciled as required in sub. (2).~~*

SECTION 4. 168.12 (3) of the statutes is amended to read:

168.12 (3) ~~If a petroleum product~~ *No inspection fee shall be charged on a petroleum product that is shipped by a person after inspection from storage at a refinery, marine terminal, pipeline terminal, pipeline tank farm or place of manufacture in this state to a person for storage at another refinery, marine terminal, pipeline terminal, pipeline tank farm or place of manufacture in this state by boat, barge or pipeline the person making such shipment shall be given credit or be reimbursed by the department for such fees upon notice thereof, properly acknowledged and sworn to before a notary public, filed with the department not later than the twentieth day of the following month.*

SECTION 5. 168.14 (1) of the statutes is repealed and recreated to read:

168.14 (1) It is unlawful for any person to represent, advertise, promote for sale, offer for sale or sell any lubricating oil which is in part or wholly derived from previously used lubricating oil unless such representation, advertisement, sales promotion and the container or item of equipment through which such previously used lubricating oil is shipped, stored, offered for sale or sold, clearly and conspicuously identifies to the public that such lubricating oil has been previously used. The identification shall contain appropriate and descriptive words such as "Reclaimed used lubri-

cating oil," "Rerefined used lubricating oil," "Recleaned used lubricating oil" or "Reconditioned used lubricating oil."

SECTION 6. 168.14 (2) of the statutes is repealed.

SECTION 7. 168.14 (3) of the statutes is renumbered to read 168.14 (2).

SECTION 8. 168.15 of the statutes is amended to read:

168.15 Every person who violates any provision of this chapter ~~shall~~ *may* be fined not less than ~~\$5~~ *not less than \$5* nor more than ~~\$1,000~~ *\$500* or be imprisoned for not less than ~~30 days~~ *not less than 30 days* nor more than 6 months or both.

Approved November 1, 1967.