

1 AN ACT to amend the Motor Fuel and Petroleum Standards
2 Act by changing Sections 2, 3, 7, and 7.1 and adding Section
3 4.2.

4 WHEREAS, The intent of the General Assembly is not to
5 unconstitutionally restrict legitimate interstate commerce,
6 but to constitutionally (i) aid the federal government in its
7 nationwide goal to phase out the use of methyl tertiary butyl
8 ether (MTBE) and (ii) pursue the compelling public interest
9 of protecting Illinois groundwater resources; therefore

10 Be it enacted by the People of the State of Illinois,
11 represented in the General Assembly:

12 Section 5. The Motor Fuel and Petroleum Standards Act is
13 amended by changing Sections 2, 3, 7, and 7.1 and adding
14 Section 4.2 as follows:

15 (815 ILCS 370/2) (from Ch. 5, par. 1702)

16 Sec. 2. It is hereby declared to be the policy of this
17 State that the regulation of the quality of motor fuel and
18 petroleum is in the public interest and that the promulgation
19 of standards of quality will benefit the citizens of the
20 State of Illinois. It is further declared to be the public
21 policy of this State that MTBE must be removed from Illinois
22 motor fuel.

23 (Source: P.A. 86-232.)

24 (815 ILCS 370/3) (from Ch. 5, par. 1703)

25 Sec. 3. As used in this Act, unless the context
26 otherwise requires:

27 (1) "ASTM" means the American Society for Testing and
28 Materials, an international, nonprofit, technical, scientific
29 and educational society devoted to the promotion of knowledge
30 of the materials of engineering, and the standardization of

1 specifications and methods of testing.

2 (2) "Motor Fuel" shall have the meaning ascribed to that
3 term in Section 1.1 of the "Motor Fuel Tax Law", as now or
4 hereafter amended.

5 (3) "Petroleum" means all illuminating oils, heating
6 oils, LP gas, kerosene, gasoline, diesel and all volatile and
7 inflammable liquids produced, blended or compounded for the
8 purpose of, or which are suitable or practicable for,
9 operating motor vehicles.

10 (4) "Department" means the Illinois Department of
11 Agriculture.

12 (5) "Person" means an individual, a corporation,
13 company, society, association, partnership or governmental
14 entity.

15 (6) "Distributor" shall have the meaning ascribed to
16 that term in Section 1.2 of the "Motor Fuel Tax Law", as now
17 or hereafter amended, and any person who either produces,
18 refines, blends, transports, compounds or manufactures
19 petroleum in this State for the purposes of resale.

20 (7) "Director" means the Director of the Illinois
21 Department of Agriculture or authorized designee.

22 (8) "Retailer" shall have the meaning ascribed to that
23 term in Section 2 of the "Use Tax Act", as now or hereafter
24 amended and any person engaged in the business of selling
25 petroleum directly to the ultimate consumer.

26 (9) "Co-solvent" means an alcohol that is miscible with
27 methanol and has a molecular weight equal to or greater than
28 that of butanol.

29 (10) "Methyl tertiary butyl ether" or "MTBE" means an
30 oxygenate additive that is blended with motor fuel to enable
31 the motor fuel to meet U.S. Environmental Protection Agency
32 mandates under the federal Clean Air Act.

33 (Source: P.A. 86-232.)

(815 ILCS 370/4.2 new)

Sec. 4.2. MTBE. On and after January 1, 2002, motor fuel containing MTBE may be sold or offered for sale only if no MTBE has been introduced on or after January 1, 2002 into the seller's storage tank from which the motor fuel is dispensed. On and after January 1, 2002, it is a violation of this Act to sell or offer for sale any motor fuel containing MTBE if any MTBE has been introduced on or after January 1, 2002 into the seller's storage tank from which the motor fuel is dispensed. It is not a violation of this Section if the motor fuel sold or offered for sale contains a trace amount of MTBE that was not intentionally introduced on or after January 1, 2002. For purposes of this Section, a "trace amount" of MTBE is 2% or less of the motor fuel by volume.

(815 ILCS 370/7) (from Ch. 5, par. 1707)

Sec. 7. Administrative hearing and penalties. When an administrative hearing is held, the hearing officer, upon determination of a violation of this Act or rules, other than violation of subsection (a) of Section 7.1, shall:

(a) Levy the following administrative monetary penalties:

- (1) \$100 for a first violation;
- (2) \$750 for a second violation within 2 years of the first violation; and
- (3) \$1500 for a third or subsequent violation within 2 years of the second violation; or

(b) refer the violations to the States Attorney's Office in the county where the violation occurred for prosecution.

Any penalty levied shall be collected by the Department and paid into the Motor Fuel and Petroleum Standards Fund. Monetary penalties not paid within 60 days of notice from the Department shall be submitted to the Attorney General's Office for collection.

1 All decisions and actions of the Department are subject
2 to the Illinois Administrative Procedure Act and the
3 Department's Administrative Rules which pertain to
4 administrative hearings, petitions, proceedings, contested
5 cases, declaratory rulings and availability of Department
6 files for public access.

7 All final administrative decisions of the Department
8 shall be subject to judicial review pursuant to the
9 provisions of the Administrative Review Law, and all
10 amendments and modifications thereof, and the rules adopted
11 pursuant thereto. The term "administrative decision" is
12 defined in Section 3-101 of the Code of Civil Procedure.

13 (Source: P.A. 88-582, eff. 1-1-95.)

14 (815 ILCS 370/7.1)

15 Sec. 7.1. Octane display standards; administrative
16 penalty.

17 (a) Every retailer of motor fuel must display the octane
18 number of the fuel being dispensed on each motor fuel device
19 that is dispensing a gasoline product. The octane number
20 shall be displayed on the fuel dispensing device in a manner
21 consistent with regulations promulgated by the Federal Trade
22 Commission in 16 CFR part 306. It is a violation of this
23 subsection ~~Section~~ to display an octane number that is
24 greater than the octane number of the gasoline being
25 dispensed.

26 (a-5) Every retailer of motor fuel must display a
27 statement informing the customer that, in compliance with
28 Illinois law, the motor fuel being sold does not contain
29 MTBE. The statement shall be displayed on the fuel dispensing
30 device in a manner consistent with regulations promulgated by
31 the Federal Trade Commission in 16 CFR part 306. Failure to
32 display the statement is a violation of this Act.

33 (b) A hearing officer that, after an administrative

1 hearing held in accordance with the provisions of Section 7,
2 determines that a violation of subsection (a) of this Section
3 has been committed shall impose a monetary penalty in
4 accordance with the following schedule:

5 (1) For a first time violation if the actual octane
6 number is found by the petroleum laboratory to be lower
7 than the posted octane number by:

8 (A) at least 0.8, but not more than 2.0 octane
9 numbers, \$100;

10 (B) at least 2.1, but not more than 3.0 octane
11 numbers, \$200;

12 (C) at least 3.1, but not more than 4.0 octane
13 numbers, \$300;

14 (D) at least 4.1, but not more than 5.0 octane
15 numbers, \$400;

16 (E) at least 5.1, but not more than 6.0 octane
17 numbers, \$500;

18 (F) more than 6.0 octane numbers, \$1,000.

19 (2) For a second violation, at the same location
20 under the same ownership, within 2 years of the first
21 violation if the actual octane number is found by the
22 petroleum testing laboratory to be lower than the posted
23 octane number by:

24 (A) at least 0.8, but not more than 2.0 octane
25 numbers, \$200;

26 (B) at least 2.1, but not more than 3.0 octane
27 numbers, \$400;

28 (C) at least 3.1, but not more than 4.0 octane
29 numbers, \$600;

30 (D) at least 4.1, but not more than 5.0 octane
31 numbers, \$800;

32 (E) at least 5.1, but not more than 6.0 octane
33 numbers, \$1,000;

34 (F) more than 6.0 octane numbers, \$2,000.

1 (3) For a third or subsequent violation, at the
2 same location under the same ownership, within 2 years of
3 the second violation if the actual octane number is found
4 by the petroleum testing laboratory to be lower than the
5 posted octane number by:

6 (A) at least 0.8, but not more than 2.0
7 octane numbers, \$400;

8 (B) at least 2.1, but not more than 3.0
9 octane numbers, \$800;

10 (C) at least 3.1, but not more than 4.0 octane
11 numbers, \$1,200;

12 (D) at least 4.1, but not more than 5.0 octane
13 numbers, \$1,600;

14 (E) at least 5.1, but not more than 6.0 octane
15 numbers, \$2,000;

16 (F) more than 6.0 octane numbers, \$4,000.

17 (c) Any penalty levied under subsection (b) of this
18 Section shall be collected and deposited in the manner
19 provided for penalties collected under Section 7. Actions
20 and decisions of the Department under subsection (b) of this
21 Section are subject to the administrative procedures and
22 review authorized under Section 7.

23 (Source: P.A. 88-582, eff. 1-1-95.)

24 Section 99. Effective date. This Act takes effect
25 January 1, 2002.