

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**SENATE BILL 454
RATIFIED BILL**

AN ACT TO CLARIFY THE AUTHORITY OF THE GASOLINE AND OIL INSPECTION BOARD TO REGULATE PETROLEUM DEVICE TECHNICIANS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 119-33 reads as rewritten:

"§ 119-33. Investigation and inspection of measuring equipment; devices calculated to falsify measures.

(a) The gasoline and oil inspectors shall be required to investigate and inspect the equipment for measuring gasoline, kerosene, lubricating oil, and other liquid petroleum products. ~~Said~~ The inspectors shall be under the supervision of the Commissioner of Agriculture, and are hereby vested with the same power and authority now given by law to inspectors of weights and measures, ~~insofar as the same may be necessary in order to effectuate the provisions of this Article. The rules, regulations, specifications and tolerance limits as promulgated by the National Conference of on Weights and Measures, and recommended by the United States Bureau of Standards, National Institute of Standards and Technology, shall be observed by said inspectors insofar as they apply to the inspection of equipment used in measuring gasoline, kerosene, lubricating oil and other petroleum products. Inspectors of weights and measures appointed and maintained by the various counties and cities of the State shall have the same power and authority given by this section to inspectors under the supervision of the Commissioner of Agriculture. In all cases where it is found, after inspection, that the measuring equipment used in connection with the distribution of such products is inaccurate, the inspector shall condemn and seize all incorrect devices which in his best judgment are not susceptible of satisfactory repair, cannot be satisfactorily repaired, but such as are incorrect, and in his best judgment measuring equipment, that in the judgment of the inspector may be repaired, he shall mark or tag shall be marked or tagged as "condemned for repairs" in a manner prescribed by the Commissioner of Agriculture. After notice in writing the owners or users of such measuring devices which have been condemned for repairs shall have the same devices repaired and corrected within 10 days, days by a registered petroleum device technician, and the neither the owners and/or nor the users thereof of the devices shall neither use nor or dispose of said the measuring devices in any manner, but shall hold the same devices at the disposal of the gasoline and oil inspector. The inspector shall confiscate and destroy all measuring devices which have been condemned for repairs and have not been repaired as required by this Article. The gasoline and oil inspectors shall officially seal all dispensing pumps or other dispensing devices found to be accurate on inspection, inspection, and if, The finding, upon inspection at a later date, that any pump is found to be inaccurate and the seal broken, the same shall constitute prima facie evidence of intent to defraud by giving inaccurate measure, and (i) the owner and/or, (ii) the user, or (iii) both of them thereof shall be guilty of a Class 2 misdemeanor. Any person other than a registered petroleum device technician who shall remove or break removes or breaks any seal placed upon said a measuring and/or dispensing devices device by said inspectors any oil and gas inspector until the provisions of this section have been complied with shall be guilty of a Class 2 misdemeanor. Any person, firm, or corporation who shall sell or have sells or has in his possession for the purpose of selling or using any measuring device to be used or calculated to be used to falsify any measure shall be guilty of a Class 1 misdemeanor.~~

(b) The Gasoline and Oil Inspection Board may adopt rules to provide for the registration of petroleum device technicians. The rules may establish qualifications for



registration and may also establish grounds for the suspension or revocation of registration. The annual fee for registration of a petroleum device technician shall be twenty dollars (\$20.00)."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 18th day of July, 2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

Pat McCrory
Governor

Approved _____ .m. this _____ day of _____, 2013