

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4035

FISCAL
NOTE

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WAXMAN, J. KELLY AND CADLE

[Introduced January 08, 2020; Referred to the Committee
on Technology and Infrastructure then the Judiciary]

1 A BILL to amend and reenact §47-10-6a of the Code of West Virginia, 1931, as amended, relating
2 to posting of the alcoholic content of gasoline; requiring a warning label when the ethanol
3 content exceeds 10 percent; requiring Commissioner of Labor to create and distribute
4 warning and enforce posting requirement; and providing criminal penalty for failure to post
5 labels.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. LIQUID FUELS AND LUBRICATING OILS.

§47-10-6a. Posting of the alcoholic content of gasoline.

1 ~~Any~~ (a) A retail distributor of gasoline who sells gasoline to which has been added any
2 alcohol, whether methanol, ethanol or other form of alcohol, shall post upon or near every pump
3 maintained for the delivery of gasoline to a consumer a prominent notice stating the name of the
4 alcoholic additive and the percentage it comprises of the gasoline delivered through the pumps.

5 (b)(1) The legislature finds that ethanol in gasoline increases water formation, which can
6 then create formic acid and corrode metals, plastics and rubber. Engines built prior to 2001 were
7 not constructed with materials to counteract these harmful effects in larger concentrations.
8 Gasoline that contains more than 15 percent ethanol can also burn hotter than gasoline that
9 contains more than 10 percent ethanol and can cause damage to engines that were not designed
10 for its use.

11 (2) A retail distributor of gasoline who sells gasoline that contains more than 10 percent
12 ethanol shall on each pump dispensing the gasoline display a warning label provided pursuant to
13 subdivision (3) of this subsection.

14 (3) The Commissioner of Labor through the division's Weights and Measures Office create
15 a warning label that reads "Warning" (in 3/4 inch high in bold Ariel font), "Fuel with greater than
16 10% ethanol (E10) can damage the engines in cars, trucks, motorcycles and other motorized
17 equipment built prior to 2001." (1/2 inch high in bold Ariel font) The label shall be red-orange with
18 contrasting lettering. The Commissioner shall supply the labels at no cost to each retail distributor

19 of gasoline. A retail distributor of gasoline shall prominently display a label on each pump. The
20 commissioner shall make inspection for the sticker part of the division's normal inspection.

21 (4) After June 30, 2020, a retail distributor of gasoline who fails to display a label as
22 required by this section is guilty of a misdemeanor and, upon conviction thereof shall be fined \$25
23 a day for each day of the failure.

NOTE: The purpose of this bill is to require warning labels on gas pumps when the ethanol content of its gasoline exceeds 10 percent.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.