

ARTICLE 12.1. MOTOR FUEL

Rule 1. Definitions

410 IAC 12.1-1-1 Applicability

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 1. The definitions in this rule apply throughout this article. (*Indiana State Department of Health; 410 IAC 12.1-1-1; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1803; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

410 IAC 12.1-1-2 "ASTM" defined

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 2. "ASTM" means the American Society for Testing and Materials. (*Indiana State Department of Health; 410 IAC 12.1-1-2; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1803; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

410 IAC 12.1-1-3 "Calibration chart" defined

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 3. "Calibration chart" means a chart used to convert a linear depth measurement of motor fuel contained in a tank to a volumetric measurement of motor fuel. (*Indiana State Department of Health; 410 IAC 12.1-1-3; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1803; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

410 IAC 12.1-1-4 "Department" defined

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 4. "Department" means the Indiana state department of health. (*Indiana State Department of Health; 410 IAC 12.1-1-4; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1803; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

410 IAC 12.1-1-5 "Gasoline" defined

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 5. "Gasoline" means a volatile mixture of liquid hydrocarbons generally containing small amounts of additives suitable for use as a fuel in a spark-ignition internal combustion engine. (*Indiana State Department of Health; 410 IAC 12.1-1-5; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1803; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

410 IAC 12.1-1-6 "Gasoline-oxygenate blend" defined

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 6. "Gasoline-oxygenate blend" means a blend consisting of gasoline and oxygen containing ashless organic compounds,

such as alcohols or ethers. (*Indiana State Department of Health; 410 IAC 12.1-1-6; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1804; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

410 IAC 12.1-1-7 "Motor fuel" defined

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 7. "Motor fuel" means gasoline or gasoline-oxygenate blends suitable for use as a fuel in a motor vehicle. (*Indiana State Department of Health; 410 IAC 12.1-1-7; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1804; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

410 IAC 12.1-1-8 "Motor fuel outlet" defined

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 8. "Motor fuel outlet" means a location where motor fuel is sold at retail to the public. (*Indiana State Department of Health; 410 IAC 12.1-1-8; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1804; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

410 IAC 12.1-1-9 "Motor octane number" defined

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 9. "Motor octane number" means the measure of the resistance of a fuel to knock, which is assigned to a test fuel based upon operation in the knock testing unit at the same standard knock intensity as that of a specific primary reference fuel blend. (*Indiana State Department of Health; 410 IAC 12.1-1-9; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1804; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

410 IAC 12.1-1-10 "Octane index" defined

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 10. "Octane index" means the number obtained by adding the research octane number and the motor octane number and dividing the sum by two (2). (*Indiana State Department of Health; 410 IAC 12.1-1-10; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1804; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

410 IAC 12.1-1-11 "Person" defined

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 11. "Person" means an individual, a corporation, a partnership, an association, or other legal entity. (*Indiana State Department of Health; 410 IAC 12.1-1-11; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1804; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

410 IAC 12.1-1-12 "Research octane number" defined

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 12. "Research octane number" means a number determined by comparing motor fuel's knocking tendency with those for blends of ASTM reference fuels of known octane number under standard operating conditions. (*Indiana State Department of Health; 410 IAC 12.1-1-12; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1804; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

Rule 2. Motor Fuel Inspection

410 IAC 12.1-2-1 Inspection by the department

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 1. The department or its authorized agents shall have access to motor fuel outlets during normal business hours for the following purposes:

- (1) Examination.
- (2) Inspection.
- (3) Investigation.

(*Indiana State Department of Health; 410 IAC 12.1-2-1; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1804; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

410 IAC 12.1-2-2 Octane standards

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 2. (a) Motor fuel shall conform to ASTM D4814-13a, "Standard Specification for Automotive Spark-Ignition Engine Fuel", 2013 Edition.

(b) The research octane number shall be determined using the test method and tolerance identified in ASTM D2699-13a, "Standard Test Method for Research Octane Number of Spark-Ignition Engine Fuel", 2013 Edition.

(c) The motor octane number shall be determined using the test method and tolerance identified in ASTM D2700-13a, "Standard Test Method for Motor Octane Number of Spark-Ignition Engine Fuel", 2013 Edition.

(d) The octane index of a motor fuel shall not be less than the octane index certified on the motor fuel dispenser. (*Indiana State Department of Health; 410 IAC 12.1-2-2; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1804; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; filed Jul 7, 2014, 10:58 a.m.: 20140806-IR-410130483FRA*)

410 IAC 12.1-2-2.3 Ethanol fuel blends standards

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 2.3. Ethanol fuel blends must meet ASTM D5798-13a, "Standard Specification for Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines", 2013 Edition. (*Indiana State Department of Health; 410 IAC 12.1-2-2.3; filed Jul 7, 2014, 10:58 a.m.: 20140806-IR-410130483FRA*)

410 IAC 12.1-2-2.5 Retail storage tanks

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 2.5. Each retail motor fuel outlet location must meet NIST Handbook 130: Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, IV. G. 4.1 and 4.2, 2014 Edition. (*Indiana State Department of Health; 410 IAC 12.1-2-2.5; filed Jul 7, 2014, 10:58 a.m.: 20140806-IR-410130483FRA*)

410 IAC 12.1-2-3 Labeling and documentation

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 3. (a) When motor fuel is delivered in bulk to a retail motor fuel outlet, an invoice, bill of lading, shipping paper, or other documentation must accompany the delivery. Such documentation must identify the name of the motor fuel as registered with the department, the alcohol content (if any) of the motor fuel, and the date and source location of the delivery from bulk storage. This documentation must be retained at the retail motor fuel outlet for a period of not less than thirty (30) days.

(b) The minimum octane rating of all motor fuel sold to consumers shall be posted on each retail dispensing device. One (1) label on each face of each motor fuel dispenser must be posted. If two (2) or more grades of motor fuel are sold through a single dispenser, separate labels for each grade must be posted. The label or labels must be placed conspicuously on the dispenser so as to be in full view of consumers and as close as is reasonably practicable to the price per gallon of the motor fuel. The label must meet the specifications as detailed in 16 CFR 306.12.

(c) Each retail motor fuel outlet location must maintain on file a current calibration chart for each storage tank utilized.

(d) Any person who removes a motor fuel from storage because of a stop-sale order issued by the department must send to the department documentation outlining the final disposition of the motor fuel.

(e) Before upgrading a motor fuel rejected by a stop-sale order of the department, a person must first contact the weights and measures program of the department to:

- (1) confirm that the motor fuel used for upgrading is registered with the department; and
- (2) describe the upgrading procedure.

The department may require that this procedure be witnessed by a department representative and that written documentation be provided to the department regarding the upgrading procedure. (*Indiana State Department of Health; 410 IAC 12.1-2-3; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1804; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; filed Jul 7, 2014, 10:58 a.m.: 20140806-IR-410130483FRA*)

410 IAC 12.1-2-4 Registration of motor fuels

Authority: IC 16-44-3-5

Affected: IC 16-44-3-9

Sec. 4. (a) A person who sells a motor fuel at a retail motor fuel outlet shall do the following:

(1) Separately register each motor fuel outlet with the department.

(2) Comply with the requirements of IC 16-44-3-9 for each motor fuel outlet.

(b) The registration required must include the following:

(1) The name and principal business address of the person registering the motor fuel.

(2) The name and address of the motor fuel outlet where the motor fuel is sold.

(3) The name, brand, or trademark and the octane index of the fuel to be marketed at the motor fuel outlet.

(c) Registration is not transferable.

(d) Registration expires annually on January 1 and shall be renewed before March 31 of each year unless suspended, denied, or revoked by the department. (*Indiana State Department of Health; 410 IAC 12.1-2-4; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1805; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA;*

readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; filed Jul 7, 2014, 10:58 a.m.: 20140806-IR-410130483FRA)

410 IAC 12.1-2-5 Violations

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 5. The department may issue a stop-sale order or revoke, suspend, or deny motor fuel registration for violation of this rule or for a motor fuel found not to be in compliance with IC 16-44-3 and this rule. If a stop-sale order is issued by the department with respect to a motor fuel, no motor fuel may be sold to the public from the motor fuel dispenser which delivers the motor fuel subject to the order until the fuel has been upgraded in accordance with section 3(e) of this rule or has been disposed of in accordance with section 3(d) of this rule. *(Indiana State Department of Health; 410 IAC 12.1-2-5; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1805; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; filed Jul 7, 2014, 10:58 a.m.: 20140806-IR-410130483FRA)*

410 IAC 12.1-2-6 Matters incorporated by reference

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 6. (a) The following ASTM and NIST standards are incorporated by reference as part of this rule:

- (1) ASTM D4814-13a, "Standard Specification for Automotive Spark-Ignition Engine Fuel", 2013 Edition.
- (2) ASTM D2699-13a, "Standard Test Method for Research Octane Number of Spark-Ignition Engine Fuel", 2013 Edition.
- (3) ASTM D2700-13a, "Standard Test Method for Motor Octane Number of Spark-Ignition Engine Fuel", 2013 Edition.
- (4) ASTM D5798-13a, "Standard Specification for Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines", 2013 Edition.
- (5) NIST Handbook 130: Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, IV. G. 4.1 and 4.2, 2014 Edition.

These ASTM standards may be obtained from ASTM at their web site: <http://www.astm.org>. The NIST Handbook may be obtained at the web site: <http://nist.gov/pml/wmd/pubs/hb130-14.cfm>.

(b) 16 CFR 306.12 (January 1, 2013 Edition) is hereby incorporated by reference as part of this rule. Copies of the incorporated document may be obtained at the code of federal regulations web site: <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR&searchPath=Title+16&oldPath=&isCollapsed=true&selectedYearFrom=2013&ycord=332>.

(c) All incorporated material is available for public review at the department. *(Indiana State Department of Health; 410 IAC 12.1-2-6; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1805; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; filed Jul 7, 2014, 10:58 a.m.: 20140806-IR-410130483FRA)*

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