

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE DRS85106-MHf-64A* (02/28)

Short Title: Registration of Petroleum Device Technicians.-AB

(Public)

Sponsors: Senators Cook, Barefoot, and Rabin (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE AUTHORITY OF THE GASOLINE AND OIL INSPECTION
3 BOARD TO REGULATE PETROLEUM DEVICE TECHNICIANS.

4 The General Assembly of North Carolina enacts:

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

6 "§ 119-33. Investigation and inspection of measuring equipment; devices calculated to
7 falsify measures.

8 (a) The gasoline and oil inspectors shall be required to investigate and inspect the
9 equipment for measuring gasoline, kerosene, lubricating oil, and other liquid petroleum
10 products. ~~Said~~The inspectors shall be under the supervision of the Commissioner of
11 Agriculture, and are hereby vested with the same power and authority now given by law to
12 inspectors of weights and measures, ~~insofar as the same may be necessary in order to effectuate~~
13 the provisions of this Article. The rules, regulations, specifications and tolerance limits as
14 promulgated by the National Conference ~~of~~on Weights and Measures, and recommended by
15 the ~~United States Bureau of Standards, National Institute of Standards and Technology,~~ shall be
16 observed by said inspectors insofar as they apply to the inspection of equipment used in
17 measuring gasoline, kerosene, lubricating oil and other petroleum products. Inspectors of
18 weights and measures appointed and maintained by the various counties and cities of the State
19 shall have the same power and authority given by this section to inspectors under the
20 supervision of the Commissioner of Agriculture. In all cases where it is found, after inspection,
21 that the measuring equipment used in connection with the distribution of such products is
22 inaccurate, the inspector shall condemn and seize all incorrect devices which in his best
23 judgment ~~are not susceptible of satisfactory repair, cannot be satisfactorily repaired, but such as~~
24 ~~are incorrect, and in his best judgment~~measuring equipment, that in the judgment of the
25 inspector may be repaired, ~~he shall mark or tag~~shall be marked or tagged as "condemned for
26 repairs" in a manner prescribed by the Commissioner of Agriculture. After notice in writing the
27 owners or users of such measuring devices which have been condemned for repairs shall have
28 the ~~same~~ devices repaired and corrected within 10 ~~days,~~days by a registered petroleum device
29 technician, and ~~the~~neither the owners ~~and/or~~nor the users thereof of the devices shall ~~neither~~
30 use ~~nor~~or dispose of ~~said~~the measuring devices in any manner, but shall hold the ~~same~~ devices
31 at the disposal of the gasoline and oil inspector. The inspector shall confiscate and destroy all
32 measuring devices which have been condemned for repairs and have not been repaired as
33 required by this Article. The gasoline and oil inspectors shall officially seal all dispensing
34 pumps or other dispensing devices found to be accurate on ~~inspection,~~inspection. ~~and if,~~The
35 ~~finding,~~ upon inspection at a later date, ~~that~~ any pump is found to be inaccurate and the seal
36 broken, ~~the same~~ shall constitute prima facie evidence of intent to defraud by giving inaccurate



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1 measure, and ~~(i) the owner and/or, (ii) the user, or (iii) both of them thereof~~ shall be guilty of a
2 Class 2 misdemeanor. Any person other than a registered petroleum device technician who
3 ~~shall remove or break~~ removes or breaks any seal placed upon ~~said a~~ measuring ~~and/or~~
4 ~~dispensing devices~~ device by ~~said inspectors~~ any oil and gas inspector until the provisions of
5 this section have been complied with shall be guilty of a Class 2 misdemeanor. Any person,
6 firm, or corporation who ~~shall sell or have~~ sells or has in his possession for the purpose of
7 selling or using any measuring device to be used or calculated to be used to falsify any measure
8 shall be guilty of a Class 1 misdemeanor.

9 (b) The Gasoline and Oil Inspection Board may adopt rules to provide for the
10 registration of petroleum device technicians. The rules may establish qualifications for
11 registration and may also establish grounds for the suspension or revocation of registration. The
12 annual fee for registration of a petroleum device technician shall be twenty dollars (\$20.00)."

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