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**WEIGHTS AND MEASURES**  
Ch. 15

**§ 41-2051**

**ARTICLE 1. GENERAL PROVISIONS**

**§ 41-2051. Definitions.**

In this chapter, unless the context otherwise requires:

~~1. "Biodiesel" means a motor fuel produced from non-petroleum renewable resources as defined by the United States environmental protection agency and that meets the registration requirements for fuels and fuel additives established by the United States environmental protection agency pursuant to § 211 of the clean air act, as defined in § 49-401.01.~~

2. "Biodiesel blend" means a motor fuel that is comprised of biodiesel and diesel fuel and that is designated by the letter "B", followed by the numeric value of the volume percentage of biodiesel in the blend.

3. "Biofuel" means a solid, liquid or gaseous fuel that is derived from biomass and that can be used directly for heating or power or as a motor fuel.

4. "Biofuel blend" means a motor fuel that is comprised of a biofuel, that is combined with a petroleum based fuel and that is designated by the volume percentage of biofuel in the blend.

5. "Biomass" means biological material, such as plant or animal matter, excluding organic material that has been transformed by geological processes into substances such as coal or petroleum or derivatives thereof, that may be

6. "Certification" means the process of determining the accuracy of a commercial device to the standards of this state by a registered service representative or the department.

~~7. "Commercial device" means any weighing, measuring, metering or counting device that is used to determine the direct cost of things sold or offered or exposed for sale, or used to establish a fee for service if the cost is based on weight, measure or count, except that it does not include those devices used for in-house packaging, inventory control or law enforcement purposes.~~

8. "Commodity" means any merchandise, product or substance produced or distributed for sale to or use by others.

~~9. "Correct" as used in connection with weights and measures means conformance to all applicable requirements of this chapter.~~

10. "Department" means the department of weights and measures.

11. "Diesel fuel" means a refined middle distillate that is used as a fuel in a compression-ignition internal combustion engine and that meets the specifications of ASTM D975.

12. "Director" means the director of the department of weights and measures.

13. "E85" means a fuel ethanol gasoline blend that meets the specifications of ASTM D5798.

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14. "Inspector" means state officials of the department of weights and measures.

15. "Limousine" means a motor vehicle providing prearranged ground transportation service for an individual passenger, or a group of passengers, that is arranged in advance or is operated on a regular route or between specified points and includes ground transportation under a contract or agreement for services that includes a fixed rate or time and is provided in a motor vehicle with a seating capacity not exceeding fifteen passengers, including the driver.

16. "Liquid fuel measuring device" means any meter, pump, tank, gauge or apparatus used for volumetrically determining the quantity of any internal combustion engine fuel, liquefied petroleum gas or low viscosity heating oil.

17. "Livery vehicle" means a motor vehicle that:

(a) Has a seating capacity not exceeding fifteen passengers, including the driver.

(b) Provides passenger services for a fare determined by a flat rate or flat hourly rate between geographic zones or within a geographic area.

(c) Is available for hire on an exclusive or shared ride basis.

(d) May do any of the following:

(i) Operate on a regular route or between specified places.

(ii) Offer prearranged ground transportation service as defined in § 28-141.

(iii) Offer on demand ground transportation service pursuant to a contract with a public airport, licensed business entity or organization.

18. "Misfuel" means the act of dispensing into the fuel tank of a motor vehicle a motor fuel that was not intended to be used in the engine of that motor vehicle.

19. "Motor fuel" means a petroleum or a petroleum based substance that is motor gasoline, aviation gasoline, number one or number two diesel fuel or any grade of oxygenated gasoline typically used in the operation of a motor engine, including biodiesel blends, biofuel blends and the ethanol blend E85 as defined in ASTM D5798.

20. "Package" means any commodity enclosed in a container or wrapped in any manner in advance of sale in units suitable for either wholesale or retail trade.

21. "Person" means both the plural and the singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies and associations.

22. "Public weighmaster" means any person who is engaged in any of the following:

(a) The business of weighing any object or thing for the public generally for hire or for internal use and issuing for that weighing a weight certificate

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intended to be accepted as an accurate weight upon which a purchase or sale is to be based or on which a service fee is to be charged.

(b) The business of weighing for hire motor vehicles, trailers or semitrailers and issuing weight certificates intended to be accepted as an accurate weight for the purpose of determining the amount of any tax, fee or other assessment on the vehicles.

23. "Reference standards" means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.

24. "Registered service agency" means any agency, firm, company or corporation that for hire, award, commission or any other payment of any kind installs, services, repairs or reconditions a commercial device or tests or repairs vapor recovery systems or vapor recovery components and that has been issued a license by the department.

25. "Registered service representative" means any individual who for hire, award, commission or any other payment of any kind installs, services, repairs or reconditions a commercial device or tests or repairs vapor recovery systems or vapor recovery components and who has been issued a license by the department.

26. "Retail seller" means a person whose business purpose is to sell, expose or offer for sale or use any package or commodity by weight, measure or count.

27. "Sale from bulk" means the sale of commodities when the quantity is determined at the time of sale.

28. "Secondary standards" means the physical standards that are traceable to the reference standards through comparisons using acceptable laboratory procedures, and that are used in the enforcement of weights and measures laws and rules.

29. "Taxi" means a motor vehicle that has a seating capacity not exceeding fifteen passengers, including the driver, that is registered as a taxi in this state or any other state, that provides passenger services and that

(a) Does not operate on a regular route or between specified places.

(b) Offers local transportation for a fare determined primarily on the basis of the distance traveled.

30. "Taxi meter" means a commercial device that meets the requirements of the national institute of standards and technology handbook 44 as prescribed by § 41-2064.

31. "Weight" as used in connection with any commodity means net weight.

32. "Weights" or "measures", or both, means all weights, measures, meters or counters of every kind, instruments and devices for weighing, measuring,

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~~metering or counting and any appliances and accessories associated with any  
all such instruments and devices.~~

Added by Laws 1974, Ch. 200, § 4 Amended by Laws 1982, Ch. 262, § 29, eff. July 24, 1982, effective retroactively to July 1, 1982; Laws 1983, Ch. 98, § 200; Laws 1987, Ch. 314, § 4; Laws 1988, Ch. 178, § 1; Laws 1992, Ch. 176, § 1; Laws 1998, Ch. 146, § 1; Laws 2001, Ch. 164, § 1, eff. April 20, 2001; Laws 2002, Ch. 104, § 1; Laws 2003, Ch. 168, § 14, eff. Jan. 1, 2005; Laws 2004, Ch. 323, § 11, eff. Jan. 1, 2005; Laws 2006, Ch. 8, § 1; Laws 2006, Ch. 98, § 1; Laws 2008, Ch. 254, § 2.

Historical and Statutory Notes

Source:

Laws 1927, Ch. 16, § 1.  
Rev. Code 1928, § 3631.  
Laws 1935, Ch. 96, § 1  
Code 1939, § 76-125  
A.R.S. former § 44-2141.

Laws 1974, Ch. 200, which amended Title 41 by adding Chapter 15 commencing with the above section provided a statement of legislative purpose in § 1, as follows:

"Section 1. Purpose

"The purpose of this chapter is to establish within the department of administration the state weights and measures division and to establish statutory authority for the administration, regulation and enforcement of weights and measures requirements within the state. The objectives of state supervision of weights and measures under this chapter include the following:

"1. Assuring that weights and measures in commercial service within the state are suitable for their intended use, properly installed, accurate and are so maintained by their owner or user.

"2. Preventing unfair dealing by weight or measure in any commodity or service advertised, packaged, sold or purchased within the state.

"3. Making available to all users of physical standards or weighing, measuring and counting equipment the precision calibration and related metrological certification capabilities of the weights and measures facilities of the state weights and measures division.

"4. Promoting uniformity, to the extent such conformance is practicable and desirable between weights and measures requirements of this state and those of other states and federal agencies.

"5. Encouraging desirable economic growth while protecting the consumer through the adoption by rule of weights and measures requirements as necessary to ensure equity among buyers and sellers

"6. This act is not intended to preempt cities and towns in the enforcement of ordinances relating to the same subject matter but is intended to provide guidelines and standards for local enforcement of weights and measures requirements."

Laws 1987, Ch. 314, §§ 1 and 17 provide:

"Section 1. Purpose

"The purpose of the department of weights and measures is to assure that weights and measures in commercial service are suitable and accurate for their intended use, to prevent unfair dealing by weight or measure in commodities sold and purchased in this state and to provide standards and uniformity for weighing and measuring equipment."

"Sec. 17. Transfer

"All personnel, records, furnishings, equipment, unexpended monies, powers, duties and rules of the department of administration weights and measures division are transferred to the department of weights and measures."

Laws 1993, Ch. 117, § 3, provides

"Sec. 3. Purpose

"The purpose of the department of weights and measures is to assure that weights and measures in commercial service are suitable and accurate for their intended use, to prevent unfair dealing by weight or measure in commodities sold and purchased in this state and to provide standards and uniformity for weighing and measuring equipment."

Laws 2003, Ch. 168, § 19, as amended by Laws 2004, Ch. 323, § 16, provides:

"Sec. 19. Effective date

"This act is effective from and after December 31, 2004."

The 2004 amendment of this section by Ch. 323, § 11 explicitly amended the amendment of this section by Laws 2003, Ch. 168, § 14.

Laws 2004, Ch. 323, § 19, provides:

"Sec. 19. Effective date

"Sections 1 through 15 of this act are effective from and after December 31, 2004."

**41-2083. Standards for liquid fuels; exceptions**

A.e Except as provided in subsections C, D, E, F and G of this section, no retail seller or fleet owner may store, sell or expose or offer for sale any motor fuel as defined in section 49-1001, kerosene, oil or other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of lubricants or other similar products if the product fails to meet the standards specified in this section and in the rules adopted by the director. For the purposes of this subsection "retail seller" means every person whose business purpose is to sell or expose or offer for sale any motor fuel as defined in section 49-1001, kerosene, oil or other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of lubricants or other similar petroleum product other than used oil.

B.e No person may misrepresent the nature, origination, quality, grade or identity of any product specified in subsection A of this section nor represent the nature, origination, quality, grade or identity of such product in any manner calculated or tending to mislead or in any way deceive.

C.e After consultation with the director of the department of environmental quality, the standards and test methods for gasoline and oxygenated fuels shall be established by the director of the department of weights and measures and shall be consistent with the standards specified in ASTM D4814, standard specification for automotive spark ignition engine fuel. The director may establish by rule exceptions to these standards if the director determines it is necessary in order to carry out the purposes of this chapter.

D.e Maximum vapor pressure for gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles in a vehicle emissions control area as defined by section 49-541 with a population of one million two hundred thousand or more persons according to the most recent United States decennial census shall be 9.0 pounds per square inch from and after September 30, 1994 through March 31, 1995 and from and after September 30 through March 31 of each year thereafter. Fuel used in motor vehicles at a manufacturer's proving ground or a motor vehicle racing event as defined by section 41-2121 is exempt from this subsection.

E.e From and after September 30 through March 31 of each year a person shall not supply or sell gasoline that exceeds the ASTM D4814 class A vapor pressure/distillation class ten volume per cent evaporated distillation temperature.

F.e Maximum vapor pressure for gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles in a vehicle emissions control area as defined by section 49-541 with a population of one million two

hundred thousand persons or more according to the most recent United States decennial census shall be 7.0 pounds per square inch from and after May 31, 1995 through September 30, 1995 and from and after May 31 through September 30 of each year thereafter. Fuel used in motor vehicles at a manufacturer's proving ground or a motor vehicle racing event as defined by section 41-2121 is exempt from this subsection.

G. Exclusively for the purposes of transportation conformity and only if the administrator of the United States environmental protection agency fails to approve the applicable plan required pursuant to section 49-406, maximum vapor pressure for gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles in area B as defined in section 49-541 shall be ten pounds per square inch from and after September 30, 1999 through March 31, 2000 and from and after September 30 through March 31 of each year thereafter. Fuel used in motor vehicles at a motor vehicle racing event as defined by section 41-2121 is exempt from this subsection.

H. Notwithstanding subsections D, F and G of this section, the director of the department of weights and measures in consultation with the director of the department of environmental quality shall approve alternate fuel control measures that are submitted by manufacturers or suppliers of gasoline and that the directors determine will result in either of the following:

1. Motor vehicle carbon monoxide emissions that are equal to or less than emissions that result under compliance with subsection D of this section and section 41-2123. In making this determination, the director of the department of weights and measures and the director of the department of environmental quality shall compare the emissions of the alternate fuel control measure with the emissions of a fuel with a maximum vapor pressure standard as prescribed by this section and with the minimum oxygen content or percentage by volume of ethanol as prescribed by section 41-2123.

2. Motor vehicle non-methane hydrocarbon emissions that are equal to or less than the emissions that result under compliance with subsection F of this section. In making this determination, the director of the department of weights and measures and the director of the department of environmental quality shall compare the motor vehicle non-methane hydrocarbon emissions of the alternate fuel control measure with the motor vehicle non-methane hydrocarbon emissions of a fuel that complies with the maximum vapor pressure standard as prescribed by subsection F of this section.

I. Any alternate fuel control measures that are approved shall not increase emissions of non-methane hydrocarbons, particulates, carbon monoxide or oxides of nitrogen. Alternate fuel control measures approved pursuant to subsection H of this section and this subsection may be used by any manufacturer or supplier of gasoline unless the approval is rescinded more than one hundred eighty days

before the first day of a gasoline control period. Manufacturers and suppliers who use an approved alternate fuel control measure shall annually submit a compliance plan to the director of the department of weights and measures no later than sixty days before the first day of a gasoline control period.

J. A person shall not sell, offer or expose for sale diesel fuel oil grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of five hundred parts per million for use in area A as defined in section 49-541.

Source: [Legal > / . . . / > AZ - Arizona Revised Statutes, 2000](#) 

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A.R.S. § 41-2113

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\*\*\* ARCHIVE DATA \*\*\*

\*\*\* CURRENT THRU THE 7TH SPECIAL SESS. OF THE 44TH LEGISLATURE \*\*\*  
\*\*\* (ANNOTATIONS CURRENT THROUGH APRIL 15, 2001) \*\*\*

TITLE 41. STATE GOVERNMENT  
CHAPTER 15. DEPARTMENT OF WEIGHTS AND MEASURES  
ARTICLE 5. REGULATION

A.R.S. § **41-2113** (2000)

§ **41-2113**. Violation; classification; jurisdiction

B. A person is guilty of a class 2 misdemeanor who:




4. Keeps for the purpose of selling, advertising or offering or exposing for sale or sells any commodity, thing or service in a condition or manner contrary to law or rule.

**HISTORY:** Last year in which legislation affected this section: 1998Laws 1998 , Ch. 146, § 16.

Source: [Legal](#) > / . . . / > **AZ - Arizona Revised Statutes, 2000**  
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A.R.S. § 41-2115

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TITLE 41. STATE GOVERNMENT  
CHAPTER 15. DEPARTMENT OF WEIGHTS AND MEASURES  
ARTICLE 5. REGULATION


A.R.S. § **41-2115** (2000)

§ **41-2115**. Civil penalties

A. A person who violates this chapter, any rule of the department or any license requirement is subject to a civil penalty imposed by the director. A person who violates this chapter, any rule of the department or any license requirement may request a hearing to review a civil penalty imposed under this section. The department shall conduct the hearing in accordance with chapter 6, article 10 of this title. The civil penalty shall not exceed five hundred dollars for each infraction nor more than five thousand dollars for any thirty day period.

B. The attorney general shall bring actions to recover penalties pursuant to this section in the superior court in the county in which the violation occurred or in a county where the agency has its office. All monies derived from civil penalties shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

**HISTORY:** Last year in which legislation affected this section: 2000Laws 2000, Ch. 193, § 463.

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Sec. 9. Section 41-2121, Arizona Revised Statutes, is amended to read:  
41-2121. Definitions

In this article, unless the context otherwise requires:

1.e "Area A" has the same meaning prescribed in section 49-541.e

2.e "Area B" means a carbon monoxide vehicle emissions control area in a county with a population in excess of four hundred thousand but fewer than one million two hundred thousand persons HAS THE SAME MEANING PRESCRIBED IN SECTION 49-541.

3.e "Fleet owner" means a registered owner or lessee of at least twenty-five vehicles.

4.e "Gasoline" means a volatile, highly flammable liquid mixture of hydrocarbons that does not contain more than five one-hundredths grams of lead for each United States gallon, that is produced, refined, manufactured, blended, distilled or compounded from petroleum, natural gas, oil, shale oils or coal and other flammable liquids free from undissolved water, sediment or suspended matter, with or without additives, and that is commonly used as a fuel for spark ignition internal combustion engines. Gasoline does not include diesel fuel.

5.e "Manufacturer's proving ground" means a facility whose sole purpose is to develop complete advanced vehicles for an automotive manufacturer.

6.e "Motor vehicle racing event" means a race that uses unlicensed vehicles that are designed and manufactured specifically for racing purposes and that is conducted on a public or private racecourse for the entertainment of the general public. A motor vehicle racing event includes practice, qualifying and demonstration laps conducted as part of the activities related to a motor vehicle race.

7.e "Oxygenate" means any oxygen-containing ashless, organic compound, including aliphatic alcohols and aliphatic ethers, that may be used as a fuel or as a gasoline blending component and that is approved as a blending agent under the provisions of a waiver issued by the United States environmental protection agency pursuant to 42 United States Code section 7545(f).

8.e "Oxygenated fuel" means an unleaded motor fuel blend that consists primarily of gasoline and at least one and one-half per cent by weight of one or more oxygenates and that has been blended consistent with the provisions of a waiver issued by the United States environmental protection agency pursuant to 42 United States Code section 7545(f).

9.e "Product transport TRANSFER document" means any bill of lading, loading ticket, manifest, delivery receipt, invoice or other documentation used on any occasion when a person transfers custody or title of motor fuel other than when motor fuel is sold or dispensed at a service station or fleet vehicle fueling facility.

10.e "Supplier" means any person who imports gasoline into a carbon monoxide vehicle emissions control area by means of a pipeline or in truckload quantities for the person's own use within the vehicle emissions control area or any person who sells gasoline intended for ultimate consumption within a vehicle emissions control area, except that supplier does not mean a person with respect to gasoline supplied or sold by the person to another for resale to a retailer within a vehicle emissions control area or to a fleet owner for consumption within a vehicle emissions control area.

11.e "Vehicle emissions control area" has the same meaning prescribed in section 49-541, except that such an area does not include a manufacturer's proving ground that is located in the vehicle emissions control area.

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**ARTICLE 6. MOTOR FUEL**

*Article 6, consisting of §§ 41-2121 to 41-2126, was added by Laws 1988, Ch. 252, § 13, effective September 30, 1988.*

*The heading of Article 6 was changed from "Oxygenated Fuel" to "Motor Fuel" by Laws 1999, Ch. 295, § 8, eff. August 6, 1999.*

**§ 41-2121. Definitions**

In this article, unless the context otherwise requires:

- ~~1. "Area A" has the same meaning prescribed in § 49-541.~~
- ~~2. "Area B" has the same meaning prescribed in § 49-541.~~
- ~~3. "Area C" means that portion of Pinal county lying west of range 11 east, excluding that portion of the county lying within area A as defined in § 49-541 and that portion of the county within the jurisdiction of any Indian tribe, band, group or community that is recognized by the United States secretary of the interior and that exercises governmental authority within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent and including rights-of-way running through the reservation.~~
- ~~4. "Fleet owner" means a registered owner or lessee of at least twenty five vehicles.~~
5. "Gasoline" means a volatile, highly flammable liquid mixture of hydrocarbons that does not contain more than five one-hundredths grams of lead for each United States gallon, that is produced, refined, manufactured, blended,

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distilled or compounded from petroleum, natural gas, oil, shale oils or coal and other flammable liquids free from undissolved water, sediment or suspended matter, with or without additives, and that is commonly used as a fuel for spark ignition internal combustion engines. Gasoline does not include diesel fuel or the ethanol blend E85 as defined in ASTM D5798-99.

~~“Manufacturer’s proving ground” means a facility whose sole purpose is to develop complete advanced vehicles for an automotive manufacturer.~~

7. ~~“Motor vehicle racing event” means a race that uses unlicensed vehicles that are designed and manufactured specifically for racing purposes and that is conducted on a public or private racecourse for the entertainment of the general public. A motor vehicle racing event includes practice, qualifying and demonstration laps conducted as part of the activities related to a motor vehicle race.~~

8. ~~“Oxygenate” means any oxygen-containing ashless organic compound, including aliphatic alcohols and aliphatic ethers, that may be used as a fuel or as a gasoline blending component and that is approved as a blending agent under the provisions of a waiver issued by the United States environmental protection agency pursuant to 42 United States Code § 7545(f).~~

9. ~~“Oxygenated fuel” means an unleaded motor fuel blend that consists primarily of gasoline and at least one and one-half per cent by weight of one or more oxygenates and that has been blended consistent with the provisions of a waiver issued by the United States environmental protection agency pursuant to 42 United States Code § 7545(f).~~

10. ~~“Product transfer document” means any bill of lading, loading ticket, manifest, delivery receipt, invoice or other documentation used on any occasion when a person transfers custody or title of motor fuel other than when motor fuel is sold or dispensed at a service station or fleet vehicle fueling facility.~~

11. ~~“Supplier” means any person who imports gasoline into a vehicle emissions control area by means of a pipeline or in truckload quantities for the person’s own use within the vehicle emissions control area or any person who sells gasoline intended for ultimate consumption within a vehicle emissions control area, except that supplier does not mean a person with respect to gasoline supplied or sold by the person to another for resale to a retailer within a vehicle emissions control area or to a fleet owner for consumption within a vehicle emissions control area.~~

12. ~~“Vehicle emissions control area” has the same meaning prescribed in § 49-541, except that such an area does not include a manufacturer’s proving ground that is located in the vehicle emissions control area.~~

Added by Laws 1988, Ch. 252, § 13. Amended by Laws 1989, Ch. 261, § 4; Laws 1990, Ch. 1, § 1, eff. Feb. 22, 1990; Laws 1990, Ch. 363, § 17, eff. Sept. 27, 1990, retroactively effective to April 11, 1990; Laws 1992, Ch. 176, § 12; Laws 1992, Ch. 299, § 4; Laws 1998, Ch. 146, § 19; Laws 1998, Ch. 217, § 10; Laws 1999, Ch. 295, § 9; Laws 2006, Ch. 98, § 2; Laws 2007, Ch. 292, § 11.

Sec. 27. Section 41-2122, Arizona Revised Statutes, is amended to read:

**41-2122. Standards for oxygenated fuel; volatility exceptions**

A.s From and after September 30, 1992 through March 31, 1993, and from and after September 30 through March 31 of each year thereafter, in area A, blends of gasoline with ethanol may exceed the volatility requirements prescribed by section 41-2083 and rules adopted by the director under that section by up to one pound per square inch vapor pressure if the base fuel meets the requirements of ASTM D-4814 and the final gasoline-ethanol blend contains at least ten per cent ethanol by volume but does not exceed United States environmental protection agency waivers.

From and after September 30, 1999 through March 31, 2000 and from and after September 30 through March 31 of each year thereafter, in area B, blends of gasoline with ethanol may exceed the volatility requirements prescribed by section 41-2083 and rules adopted by the director under that section by up to one pound per square inch if the base fuel meets the requirements of ASTM D4814 and the final gasoline-ethanol blend contains at least six per cent ethanol by volume but does not exceed United States environmental protection agency waivers. From and after September 30, 2000 through March 31, 2001 and from and after September 30 through March 31 of each year thereafter, in area C, blends of gasoline with ethanol may exceed the volatility requirements as determined by the director.

B.s Notwithstanding subsection A of this section, if the administrator of the United States environmental protection agency finds that additional control measures are necessary for attainment in area A or if the administrator of the United States environmental protection agency finds that area A has failed to demonstrate reasonable further progress, or has failed to attain the national ambient air quality standard for carbon monoxide by the applicable attainment date, from and after September 30 of that year through March 31 of the following year and for each oxygenate period thereafter in area A, blends of gasoline with ethanol may not exceed the volatility requirements prescribed by section

41-083 and rules adopted by the director. The director of the department of weights and measures in consultation with the director of the department of environmental quality shall give all manufacturers and suppliers of gasoline notice of any change in volatility requirements required by this subsection.

42-s Notwithstanding subsections B and E of this section, the director of the department of weights and measures in consultation with the director of the department of environmental quality shall approve alternate fuel control measures submitted by manufacturers or suppliers of gasoline which the directors determine will result in motor vehicle carbon monoxide emission reductions which will

equal or exceed the reductions which result under subsection B or E of this section. In making such determinations, the directors shall compare the alternative measure against the emission reduction which would be obtained from a fuel with the maximum vapor pressure standard prescribed by subsection B or E of this

section and the minimum oxygen standard prescribed by section 41-2123 or 41-2125. Alternative fuel control measures approved by the director of the department of weights and measures in consultation with the director of the department of environmental quality may be used by any manufacturer or supplier of gasoline unless the approval is rescinded by the director of the department of weights and measures at least one hundred eighty days before the beginning of any oxygenate period in the future. Manufacturers and suppliers who choose to use an approved alternate fuel control measure shall annually submit a compliance plan to the director of the department of weights and measures not later than sixty days prior to the start of the oxygenate period.

D.O From and after September 30, 1992 through March 31, 1993 and from and after September 30 through March 31 of each year thereafter, all blends of leaded or unleaded gasoline with alcohol other than ethanol shall satisfy all of the requirements prescribed by section 41-2083 and rules adopted by the director under that section and the provisions of a waiver issued by the United States environmental protection agency pursuant to 42 United States Code section 7545. Subsection A of this section, if the director of the department of environmental quality has previously raised the minimum oxygen content to the maximum percentage of oxygen allowed for each oxygenate as provided by section 41-2125, the designated air quality planning agency for area B has considered, analyzed and reviewed the costs and benefits of all other reasonable and available control measures in lieu of reducing volatility requirements to nine pounds per square inch and the director of the department of environmental quality finds that area B has failed to maintain the carbon monoxide national ambient air quality standards by violating the standard, beginning with the oxygenate period beginning on the following September 30 and for each oxygenate period thereafter in area B, the volatility requirements described by section 41-2083, subsection G may be reduced to nine pounds per square inch. If a violation of the carbon monoxide national ambient air quality standards is recorded after the volatility requirements have been reduced to nine pounds per square inch, the director of the department of environmental quality shall remove the one pound per square inch waiver for gasoline-ethanol blends.

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TITLE 41. STATE GOVERNMENT  
CHAPTER 15. DEPARTMENT OF WEIGHTS AND MEASURES  
ARTICLE 6. MOTOR FUEL

A.R.S. § **41-2123** (2000)

§ **41-2123**. Area A; sale of gasoline; oxygen content  
Amended by Laws 1998, Ch. 217, § 11, as amended by Laws 1999, Ch. 295, § 11

A. From and after November 1 through March 31 of each year:

1. All gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles within a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A or that is consumed in a motor vehicle in a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A by a fleet owner shall, for a gasoline-ethanol blend, contain not less than ten per cent by volume of ethanol nor more than the maximum percentage of oxygen allowed by provisions of a waiver issued or other limits established by the United States environmental protection agency.

2. All gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles within a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A or that is consumed in a motor vehicle within a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A by a fleet owner shall, for a blend other than a gasoline-ethanol blend, contain not less than 2.7 per cent by weight of oxygen nor more than the maximum percentage of oxygen allowed by provisions of a waiver issued or other limits established by the United States environmental protection agency.

B. Notwithstanding subsection A of this section, the director of the department of weights and measures in consultation with the director of the department of environmental quality shall approve alternate fuel control measures that are submitted by manufacturers or suppliers of gasoline and that the directors determine will result in motor vehicle carbon monoxide emissions that are equal to or less than emissions that result under compliance with subsection A of this section and section 41-2083. In making this determination, the director of the department of weights and measures and the director of the department of



environmental quality shall compare the emissions of the alternate fuel control measure with the emissions of a fuel with a maximum vapor pressure standard as prescribed by section 41-2083 and with the minimum oxygen content or percentage by volume of ethanol as prescribed by this section.

C. Any alternate fuel control measures that are approved shall not increase emissions of non-methane hydrocarbons, particulates, carbon monoxide or oxides of nitrogen. Alternate fuel control measures approved pursuant to subsection B of this section and this subsection may be used by any manufacturer or supplier of gasoline unless the approval is rescinded more than one hundred eighty days before the first day of a gasoline control period. Manufacturers and suppliers who use an approved alternate fuel control measure shall annually submit a compliance plan to the director of the department of weights and measures no later than sixty days before the first day of a gasoline control period.

**HISTORY:** Last year in which legislation affected this section: 1999Laws 1998, Ch. 217, § 11; Laws 1999, Ch. 295, § 11.

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*A.R.S. § 41-2124*

ARIZONA REVISED STATUTES  
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\*\*\* ARCHIVE DATA \*\*\*

\*\*\* CURRENT THRU THE 7TH SPECIAL SESS. OF THE 44TH LEGISLATURE \*\*\*  
\*\*\* (ANNOTATIONS CURRENT THROUGH APRIL 15, 2001) \*\*\*

TITLE 41. STATE GOVERNMENT  
CHAPTER 15. DEPARTMENT OF WEIGHTS AND MEASURES  
ARTICLE 6. MOTOR FUEL

A.R.S. § 41-2124 (2000)

§ 41-2124. Area A; fuel reformulation; rules

A. From and after May 1, 1999 all gasoline produced and shipped to or within this state and sold or offered for sale for use in motor vehicles in a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A, subject to an appropriate waiver granted by the administrator of the United States environmental protection agency pursuant to section 211(c) (4) of the clean air act as defined in section 49-401.01, shall comply with either of the following fuel reformulation options:

1. A gasoline that meets standards for federal phase II reformulated gasoline, as provided in 40 Code of Federal Regulations section 80.41, paragraphs (e) through (h), in effect on January 1, 1999, except that the minimum oxygen content standard, including methyl tertiary butyl ether, does not apply. The gasoline shall also meet the maximum vapor pressure requirements in section 41-2083, subsections D and F.

2. California phase 2 reformulated gasoline, including alternative formulations allowed by the predictive model, as adopted by the California air resources board pursuant to California code of regulations title 13, sections 2261 through 2262.7 and 2265, in effect on January 1, 1997, except that the minimum oxygen content standard, including methyl tertiary butyl ether, does not apply. The gasoline shall also meet the maximum vapor pressure requirements in section 41-2083, subsections D and F.

B. From and after November 1, 2000 through March 31, 2001 and from the period beginning November 1 through March 31 of each subsequent year, all gasoline produced and shipped to or within this state and sold or offered for sale for use in motor vehicles in a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A, subject to an appropriate waiver granted by the administrator of the United States environmental protection agency pursuant to section 211(c) (4) of the clean air act as defined in section 49-401.01, shall comply with standards for California phase 2 reformulated gasoline, including alternative formulations allowed by the predictive model, as

adopted by the California air resources board pursuant to California code of regulations title 13, sections 2261 through 2262.7 and 2265, in effect on January 1, 1997 and shall meet the maximum vapor pressure requirements in section 41-2083, subsections D and F. The fuel described in this subsection shall meet the requirements of section **41-2123**, subsection A, paragraph 1.

C. From November 1, 2000 through March 31, 2001 and for each winter season of November through March thereafter, the director of the department of weights and measures shall determine the average levels of the constituents in the gasoline sold or offered for sale in area A and shall provide the results of this determination to the director of environmental quality. The director of environmental quality shall analyze the data provided by the director of the department of weights and measures and, no later than July 1, 2001 and each July thereafter, shall determine the average daily carbon monoxide reductions resulting from the use of the gasoline specified in subsection B of this section during the preceding winter season. If the average daily carbon monoxide reductions resulting from the use of the gasoline specified in subsection B of this section during the preceding winter season are less than ninety per cent of the goal of thirty-two tons per day in 2001, thirty-one tons per day in 2003, thirty tons per day in 2005, twenty-nine tons per day in 2007, or twenty-eight tons per day in 2009, the director of the department of environmental quality shall immediately notify the governor, the president of the senate and the speaker of the house of representatives.

D. Any registered supplier or oxygenate blender, as defined in department rules, may petition the director to request that all registered suppliers or oxygenate blenders be allowed to comply with any provision of section **41-2123**, subsection A, provided the petitioner can demonstrate that ethanol supply shortages are imminent.

E. The petition shall:

1. Identify specific supply conditions that will result in a shortage of ethanol.
2. Identify which oxygenate or oxygenates will be blended into gasoline for sale or use in area A.
3. Demonstrate that the alternative oxygenate blend comes closest to meeting a three and one-half per cent by weight oxygen content at reasonable cost.
4. Specify a time period for compliance with any provision of section **41-2123**, subsection A, not to exceed sixty days.

F. The director shall either grant or deny the petition in writing within seven days of its receipt. Any decision by the director to grant the petition shall be equally applicable to all registered suppliers or oxygenate blenders and shall not be selectively applied to any single registered supplier or oxygenate blender. The petition may be granted only if the director verifies that the basis for requesting the petition is factual.

G. The director may reauthorize a petition if the petitioner can demonstrate that the conditions have continued. The reauthorization of a petition shall not exceed thirty days.

H. The director of the department of weights and measures shall consult with the director of the department of environmental quality prior to granting, reauthorizing or denying any such petition.

I. From and after November 1, 1999 through March 31, 2000, the fuels described in subsection A of this section shall meet the requirements of section **41-2123**.

J. The director of environmental quality in consultation with the director of the department of

weights and measures shall adopt by rule:

1. Requirements to implement subsections A through E of this section.
2. Requirements for record keeping, reporting and analytical methods for fuel providers to demonstrate compliance with subsections A through E of this section.

K. This section does not apply to fuel sold for use at a motor vehicle manufacturer proving ground or at a motor vehicle racing event.

**HISTORY:** Last year in which legislation affected this section: 2000Laws 1998, Ch. 171, § 1; Laws 1999, Ch. 295, § 13; Laws 2000, Ch. 405, § 21.

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Sec. 28. Section 41-2125, Arizona Revised Statutes, is amended to read:

**41-2125. Area B; sale of gasoline; oxygen content**

A.e From and after September 30, 1990 through March 31, 1991 and from and after September 30 through March 31 of each year thereafter, all leaded or unleaded gasoline which is supplied or sold by any person and which is intended as a final product for the fueling of motor vehicles within area B or which is consumed in a motor vehicle within area B by a fleet owner shall contain not less than 1.8 per cent by weight of oxygen nor more than 3.7 per cent by weight of oxygen.

B. Notwithstanding subsection A of this section, at any time earlier than sixty days before September 30 of each year, the designated air quality planning agency for area B with the concurrence of the director of the department of environmental quality may give notice, pursuant to the applicable plan required under section 49-406 for the Tucson air planning area, to the director of the department of weights and measures that the minimum oxygen content for the ensuing oxygenate seasons will be increased not less than .3 per cent by weight of oxygen and not more than the maximum percentage of oxygen allowed for oxygenates by provisions of a waiver issued or other limits established by the United States environmental protection agency. Before making a determination to increase the minimum oxygen content pursuant to this subsection, the designated air quality planning agency for area B shall consider and conduct a cost-benefit analysis on all reasonable carbon monoxide emission reduction measures that could be implemented in lieu of increasing the minimum oxygen content.

State of Arizona  
House of Representatives  
Fifty-first Legislature  
Second Regular Session  
2014

**CHAPTER 132**  
**HOUSE BILL 2128**

AN ACT

AMENDING SECTIONS 41-2065, 41-2085, 41-2092, 41-2115 AND 41-2131, ARIZONA REVISED STATUTES; AMENDING SECTION 41-2131, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING SECTIONS 41-2132, 41-2133 AND 41-2134, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 15, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2135; PROVIDING FOR THE DELAYED REPEAL OF SECTION 41-2135, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT; RELATING TO GASOLINE VAPOR CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 ~~Section 1. Section 41-2065, Arizona Revised Statutes, is amended to~~  
3 read:

4 41-2065. Powers and duties; definition

5 A. The department shall:

6 ~~1. Maintain custody of the state reference standards of weights and~~  
7 ~~measures that are traceable to the United States prototype standards and that~~  
8 ~~are supplied to the states by the federal government or that are otherwise~~  
9 ~~approved as being satisfactory by the national institute of standards and~~  
10 ~~technology.~~

11 2. Keep the state reference standards in a safe and suitable place in  
12 the metrology laboratory of the department and ensure that they shall not be  
13 removed from the laboratory except for repairs or for calibration as may be  
14 prescribed by the national institute of standards and technology.

15 3. Keep accurate records of all standards and equipment.

16 4. Adopt any rules necessary to carry out this chapter and adopt  
17 reasonable rules for the enforcement of this chapter. These rules have the  
18 force and effect of law and shall be adopted pursuant to chapter 6 of this  
19 title. In adopting these rules, the director shall consider, as far as is  
20 practicable, the requirements established by other states and by authority of  
21 the United States, except that rules shall not be made in conflict with this  
22 chapter.

23 5. Publish rules adopted pursuant to this chapter and issue  
24 appropriate copies at no cost to all new applicants for licensure and  
25 certification. Updated copies of the rules shall be distributed, on request,  
26 at no cost to the public.

27 6. Investigate complaints made to the department concerning violations  
28 of this chapter and, on its own initiative, conduct investigations it deems  
29 appropriate to develop information relating to prevailing procedures in  
30 commercial quantity determination and relating to possible violations of this  
31 chapter, and in order to promote the general objective of accuracy in the  
32 determination and representation of quantity in commercial transactions.

33 7. Establish labeling standards, establish standards of weight,  
34 measure or count and establish reasonable standards of fill for any packaged  
35 commodity, and may establish standards for open dating information.

36 8. Grant, pursuant to this chapter, exemptions from the licensing  
37 provisions of this chapter for weighing and measuring instruments, standards  
38 or devices when the ownership or use of the instrument or device is limited  
39 to federal, state or local government agencies in the performance of official  
40 functions. On request, the department may conduct inspections of the  
41 instruments, standards or devices and shall charge a fee pursuant to section  
42 41-2092, subsection B.

43 9. Delegate to appropriate personnel any of the responsibilities of  
44 the director for the proper administration of this chapter.

45 10. Inspect and test weights and measures kept, offered or exposed for  
46 sale.

~~1 incorrect, incomplete or produced in any manner tending to mislead or deceive  
2 a person.~~

~~3 C. The attorney general shall bring actions to recover civil penalties  
4 pursuant to this section in the superior court in the county in which the  
5 violation occurred or in a county where the agency has its office. All  
6 monies derived from civil penalties shall be deposited, pursuant to sections  
7 ~~35-146 and 35-147, in the state general fund.~~~~

8 Sec. 5. Section 41-2131, Arizona Revised Statutes, is amended to read:  
9 41-2131. Definitions

10 In this article, unless the context otherwise requires:

11 1. "Annual throughput" means the amount of gasoline transferred into  
12 or dispensed from a gasoline dispensing site during twelve consecutive  
13 months.

14 2. "Clean air act" means the clean air act of 1963 (P.L. 88-206; 42  
15 United States Code section 7401-7671) as amended by the clean air act  
16 amendments of 1990 (P.L. 101-549).

17 3. "Gasoline dispensing site" means any site where gasoline is  
18 dispensed into a motor vehicle fuel tank from any stationary storage vessel.

19 4. "Stage I vapor collection RECOVERY system" means a system where  
20 gasoline vapors are forced from a tank into a vapor-tight holding system or  
21 vapor control system through direct displacement by the gasoline being loaded  
22 COMBINATION OF PIPES AND HOSES THAT CREATES A CLOSED SYSTEM BETWEEN THE VAPOR  
23 SPACES OF AN UNLOADING GASOLINE CARGO TANK AND A RECEIVING STORAGE TANK SO  
24 THAT VAPORS DISPLACED FROM THE STORAGE TANK ARE TRANSFERRED TO THE GASOLINE  
25 CARGO TANK BEING UNLOADED.

26 5. "Stage II vapor collection RECOVERY system" means a system where at  
27 least ninety per cent by weight of the gasoline vapors that are displaced or  
28 drawn from a vehicle fuel tank during refueling are transferred to a  
29 vapor-tight holding system or vapor control system.

30 6. "Vapor control system" means a system that prevents emissions to  
31 the outdoor atmosphere from exceeding 4.7 grains per gallon or eight grams  
32 per one thousand liters of petroleum liquid loaded.

33 Sec. 6. Section 41-2131, Arizona Revised Statutes, as amended by  
34 section 5 of this act, is amended effective from and after September 30,  
35 2018, to read:

36 41-2131. Definitions

37 In this article, unless the context otherwise requires:

38 1. "Annual throughput" means the amount of gasoline transferred into  
39 or dispensed from a gasoline dispensing site during twelve consecutive  
40 months.

41 2. "Clean air act" means the clean air act of 1963 (P.L. 88-206; 42  
42 United States Code section 7401-7671) as amended by the clean air act  
43 amendments of 1990 (P.L. 101-549).

44 3. "Gasoline dispensing site" means any site where gasoline is  
45 dispensed into a motor vehicle fuel tank from any stationary storage vessel.



1           4. "Stage I vapor recovery system" means a combination of pipes and  
2 hoses that creates a closed system between the vapor spaces of an unloading  
3 gasoline cargo tank and a receiving storage tank so that vapors displaced  
4 from the storage tank are transferred to the gasoline cargo tank being  
5 unloaded.

6           ~~5. "Stage II vapor recovery system" means a system where at least  
7 ninety per cent by weight of the gasoline vapors that are displaced or drawn  
8 from a vehicle fuel tank during refueling are transferred to a vapor-tight  
9 holding system or vapor control system.~~

10           Sec. 7. Section 41-2132, Arizona Revised Statutes, is amended to read:

11           41-2132. Stage I vapor recovery systems

12           A. A person shall not offer for sale, sell, install or use a new  
13 gasoline STAGE I vapor recovery system, or any new or rebuilt component parts  
14 of the system, unless the system or component part has been certified by the  
15 California air resources board as of March 31, 2001 or after that date, or  
16 has been approved by a third party accredited to test equipment and  
17 recognized by industry and the department, and has not been rejected by the  
18 department. The department shall maintain and keep current a list of stage I  
19 ~~and stage II~~ vapor recovery systems and component parts that are approved by  
20 the department. Only those systems that are approved shall be used in this  
21 state. All certified vapor recovery components must be clearly identified by  
22 a permanent identification affixed by the certified manufacturer or  
23 rebuilder.

24           B. For gasoline dispensing sites with a throughput of over ten  
25 thousand gallons per month in area A or area B as defined in section 49-541,  
26 ~~and beginning on January 1, 2001 for gasoline dispensing sites with a  
27 throughput of over ten thousand gallons per month in area A but outside of  
28 the Phoenix area Maricopa county ozone nonattainment area as prescribed in 40  
29 Code of Federal Regulations section 81.303,~~ a person shall not transfer or  
30 allow the transfer of gasoline into storage tanks at gasoline dispensing  
31 sites unless the storage tank is equipped with either of the following:

32           ~~1. a stage I vapor collection RECOVERY system consisting of a  
33 vapor-tight return line from the storage tank or its vent to the gasoline  
34 transport vehicle.~~

35           ~~2. A properly installed on-site vapor control system connected to a  
36 vapor collection system.~~

37           ~~C. In an ozone nonattainment area designated as moderate, serious,  
38 severe or extreme by the United States environmental protection agency under  
39 section 107(d) of the clean air act, area A or other geographical area as  
40 provided in subsection I of this section, an owner or operator of a gasoline  
41 dispensing site shall not transfer or allow the transfer of gasoline into a  
42 motor vehicle fuel tank at a gasoline dispensing site unless the gasoline  
43 dispensing site is equipped with a stage II vapor collection system. This  
44 subsection does not apply to gasoline dispensing sites with a throughput of  
45 less than ten thousand gallons per month, or to a gasoline dispensing site  
46 with a throughput of less than fifty thousand gallons per month in the case~~

1 ~~of an independent small business marketer of gasoline as defined in section~~  
2 ~~324 of the clean air act or to a gasoline dispensing site that is located on~~  
3 ~~a manufacturer's proving ground. Beginning on January 1, 2001, this~~  
4 ~~subsection applies to gasoline dispensing sites that are located within area~~  
5 ~~A but outside the Phoenix area Maricopa county ozone nonattainment area as~~  
6 ~~defined in 40 Code of Federal Regulations section 81.303.~~

7 ~~D.~~ C. An owner or operator of a gasoline storage tank, gasoline  
8 transport vehicle or gasoline dispensing site subject to stage I ~~or stage II~~  
9 vapor ~~collection~~ RECOVERY requirements shall comply with the following:

10 1. Install all necessary stage I and ~~stage II~~ vapor ~~collection~~ and  
11 ~~control~~ RECOVERY systems and make any modifications necessary to comply with  
12 the requirements.

13 2. Provide adequate training and written instructions to the operator  
14 of the affected gasoline dispensing site and the gasoline transport vehicle.

15 3. Replace, repair or modify any worn or ineffective component or  
16 design element to ensure the vapor-tight integrity and efficiency of the  
17 stage I and ~~stage II~~ vapor ~~collection~~ RECOVERY systems.

18 4. Connect and ensure proper operation of the stage I and ~~stage II~~  
19 vapor ~~collection~~ RECOVERY systems whenever gasoline is being loaded, unloaded  
20 or dispensed.

21 5. IN AREA A AND OTHER GEOGRAPHICAL AREAS AS PROVIDED BY SUBSECTION G  
22 OF THIS SECTION, have the stage ~~II~~ I vapor recovery system tested annually by  
23 a registered service representative licensed by the department.

24 ~~E.~~ D. Before the initial installation or modification of any stage I  
25 ~~or stage II~~ VAPOR recovery system, the owner or operator of a gasoline  
26 storage tank, gasoline transport vehicle or gasoline dispensing site shall  
27 obtain a plan review and approval from the department. Application for the  
28 plan review and approval shall be on forms prescribed and provided by the  
29 department.

30 ~~F.~~ The operator of each gasoline dispensing site using a stage II  
31 vapor recovery system shall conspicuously post operating instructions for the  
32 system in the gasoline or oxygenated fuel dispensing area. The instructions  
33 shall clearly describe how to fuel vehicles correctly with the vapor recovery  
34 nozzles used at the station and shall include a warning that topping off may  
35 result in spillage or recirculation of gasoline or oxygenated fuel and is  
36 prohibited.

37 ~~G.~~ E. The department of weights and measures in consultation with the  
38 department of environmental quality and the state fire marshal shall  
39 establish by rule standards for the installation and operation of stage I and  
40 ~~stage II~~ vapor recovery systems. The department of weights and measures  
41 shall establish by rule plan review and approval fees. In establishing those  
42 rules and standards, the director shall consider requirements in other states  
43 to assure ENSURE that only state of the art technology is used.

44 ~~H.~~ F. Approval of a stage I ~~or stage II~~ vapor ~~collection~~ RECOVERY  
45 system by the department does not relieve the owner or operator of the

1 responsibility to comply with other applicable statutes, codes and rules  
2 pertaining to fire prevention, environmental quality and safety matters.

3 ~~F.~~ G. Any county, city or town ~~outside an ozone nonattainment area~~  
4 ~~designated as moderate, serious or severe by the environmental protection~~  
5 ~~agency under section 107(d) of the clean air act or outside of area A OR AREA~~  
6 B as defined in section 49-541 may require gasoline dispensing sites with a  
7 throughput greater than ten thousand gallons per month ~~or fifty thousand~~  
8 ~~gallons per month in the case of an independent small business marketer of~~  
9 ~~gasoline as defined in section 324 of the clean air act to install, operate~~  
10 and maintain stage ~~II~~ I vapor ~~collection~~ RECOVERY systems in accordance with  
11 this section. ANY COUNTY, CITY OR TOWN, INCLUDING CITIES AND TOWNS WITHIN  
12 AREA B, ALSO MAY REQUIRE ANNUAL TESTING OF REQUIRED STAGE I VAPOR RECOVERY  
13 SYSTEMS PURSUANT TO SUBSECTION C OF THIS SECTION. For a county, city or town  
14 considering the adoption of a resolution to require stage ~~II~~ I vapor  
15 ~~collection~~ RECOVERY systems OR ANNUAL TESTING within its jurisdiction and on  
16 request, the department of environmental quality shall provide technical  
17 assistance in evaluating the air quality in that county, city or town and  
18 shall provide final review and approval of an adopted resolution.

19 ~~F.~~ H. A county board of supervisors or governing body of a city or  
20 town shall submit a resolution approved by the department of environmental  
21 quality to the director of the department of weights and measures requesting  
22 the imposition of the requirements for stage ~~II~~ I vapor ~~collection~~ RECOVERY  
23 systems within its jurisdiction.

24 ~~K.~~ I. The director shall adopt, by rule, compliance schedules for  
25 gasoline dispensing sites located within the jurisdiction requesting stage ~~II~~  
26 I vapor ~~collection~~ RECOVERY system requirements no later than twelve months  
27 after receipt of the resolution from the county board of supervisors or  
28 governing board of a city or town. All gasoline dispensing sites ~~other than~~  
29 ~~those that are exempt pursuant to subsection C of this section shall be~~  
30 required to comply with stage ~~II~~ I vapor ~~collection~~ RECOVERY system rules  
31 within twenty-four months after the rules have been filed with the secretary  
32 of state. SITES WITH STAGE I VAPOR RECOVERY SYSTEMS ALREADY INSTALLED MUST  
33 COMPLY WITH THE TESTING REQUIREMENTS AT THE TIME THE RULES BECOME EFFECTIVE.

34 ~~L.~~ J. A county board of supervisors or governing body of a city or  
35 town that adopts the requirements for stage ~~II~~ I vapor ~~collection~~ RECOVERY  
36 systems may repeal those requirements by adopting a resolution to remove the  
37 imposition of those requirements within its jurisdiction unless the county,  
38 city or town is in an ozone nonattainment area that has since been designated  
39 as moderate, serious or severe by the United States environmental protection  
40 agency under section 107(d) of the clean air act. On receipt of the  
41 resolution, the director of the department of weights and measures shall  
42 consult with the director of the department of environmental quality to  
43 verify that a county, city or town is outside of an ozone nonattainment area  
44 designated as moderate, serious or severe by the United States environmental  
45 protection agency under section 107(d) of the clean air act. After  
46 consultation with the department of environmental quality, the director of

1 the department of weights and measures shall revise the rules to repeal the  
2 requirements for stage ~~II~~ I vapor ~~collection~~ RECOVERY systems within that  
3 jurisdiction as soon as practicable.

4 Sec. 8. Section 41-2133, Arizona Revised Statutes, is amended to read:

5 41-2133. Compliance schedules

6 Notwithstanding section 41-2132, subsection ~~K~~ I relating to schedules  
7 of compliance:

8 1. Gasoline dispensing facilities located in an ~~ozone nonattainment~~  
9 ~~area designated as moderate, serious or severe by the United States~~  
10 ~~environmental protection agency under section 107(d) of the clean air act, in~~  
11 area A or in any other geographical area as provided in section 41-2132,  
12 subsection ~~I~~ G for which construction began after the certification of rules  
13 adopted pursuant to section 41-2132 shall be constructed to include stage I  
14 and ~~stage II~~ VAPOR RECOVERY systems that meet the minimum standards set forth  
15 in this chapter and department rules.

16 2. All gasoline dispensing sites located in an ~~ozone nonattainment~~  
17 ~~area designated as moderate, serious or severe by the United States~~  
18 ~~environmental protection agency under section 107(d) of the clean air act, in~~  
19 area A or in any other geographical area as provided in section 41-2132,  
20 subsection ~~I~~ G that begin underground storage tank replacement and that  
21 apply for a permit pursuant to title 49, chapter 3, article 3 or 5 on or  
22 after September 30, 1992 shall be in compliance within six months after the  
23 effective date of the rules adopted pursuant to section 41-2132. Compliance  
24 with this article is a condition of the permit.

~~25 Sec. 9. Section 41-2134, Arizona Revised Statutes, is amended to read:~~

~~26 41-2134. Stage I rule effectiveness; enhanced enforcement~~

~~27 The director shall adopt rules to:~~

~~28 1. Enhance enforcement of the department's stage ~~II~~ I vapor recovery  
29 program. The enforcement shall be enhanced through programs that may include  
30 increased frequency of or targeting of inspections, increased sampling  
31 frequency, use of portable analyzers or any other technique.~~

~~32 2. Establish standards and fees for required inspections of vapor  
33 recovery systems.~~

34 Sec. 10. Title 41, chapter 15, article 7, Arizona Revised Statutes, is  
35 amended by adding section 41-2135, to read:

36 41-2135. Stage II vapor recovery systems

37 A. A PERSON SHALL NOT OFFER FOR SALE, SELL, INSTALL OR USE A NEW  
38 GASOLINE VAPOR RECOVERY SYSTEM, OR ANY NEW OR REBUILT COMPONENT PARTS OF THE  
39 SYSTEM, UNLESS THE SYSTEM OR COMPONENT PART HAS BEEN CERTIFIED BY THE  
40 CALIFORNIA AIR RESOURCES BOARD AS OF MARCH 31, 2001 OR AFTER THAT DATE, OR  
41 HAS BEEN APPROVED BY A THIRD PARTY ACCREDITED TO TEST EQUIPMENT AND  
42 RECOGNIZED BY INDUSTRY AND THE DEPARTMENT, AND HAS NOT BEEN REJECTED BY THE  
43 DEPARTMENT. THE DEPARTMENT SHALL MAINTAIN AND KEEP CURRENT A LIST OF STAGE  
44 II VAPOR RECOVERY SYSTEMS AND COMPONENT PARTS THAT ARE APPROVED BY THE  
45 DEPARTMENT. ONLY THOSE SYSTEMS THAT ARE APPROVED SHALL BE USED IN THIS  
46 STATE. ALL CERTIFIED VAPOR RECOVERY COMPONENTS MUST BE CLEARLY IDENTIFIED BY

1 A PERMANENT IDENTIFICATION AFFIXED BY THE CERTIFIED MANUFACTURER OR  
2 REBUILDER.

3 B. IN AN OZONE NONATTAINMENT AREA DESIGNATED AS MODERATE, SERIOUS,  
4 SEVERE OR EXTREME BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER  
5 SECTION 107(d) OF THE CLEAN AIR ACT OR AREA A, AN OWNER OR OPERATOR OF A  
6 GASOLINE DISPENSING SITE SHALL NOT TRANSFER OR ALLOW THE TRANSFER OF GASOLINE  
7 INTO A MOTOR VEHICLE FUEL TANK AT A GASOLINE DISPENSING SITE UNLESS THE  
8 GASOLINE DISPENSING SITE IS EQUIPPED WITH A STAGE II VAPOR RECOVERY SYSTEM,  
9 UNLESS THE STAGE II EQUIPMENT HAS BEEN DECOMMISSIONED IN ACCORDANCE WITH THE  
10 PROCEDURES ESTABLISHED PURSUANT TO SUBSECTION H OF THIS SECTION. THIS  
11 SUBSECTION DOES NOT APPLY TO GASOLINE DISPENSING SITES WITH A THROUGHPUT OF  
12 LESS THAN TEN THOUSAND GALLONS PER MONTH, OR TO A GASOLINE DISPENSING SITE  
13 WITH A THROUGHPUT OF LESS THAN FIFTY THOUSAND GALLONS PER MONTH IN THE CASE  
14 OF AN INDEPENDENT SMALL BUSINESS MARKETER OF GASOLINE AS DEFINED IN SECTION  
15 324 OF THE CLEAN AIR ACT OR TO A GASOLINE DISPENSING SITE THAT IS LOCATED ON  
16 A MANUFACTURER'S PROVING GROUND. THIS SUBSECTION APPLIES TO GASOLINE  
17 DISPENSING SITES THAT ARE LOCATED WITHIN AREA A BUT OUTSIDE THE PHOENIX AREA  
18 MARICOPA COUNTY OZONE NONATTAINMENT AREA AS DEFINED IN 40 CODE OF FEDERAL  
19 REGULATIONS SECTION 81.303.

20 C. AN OWNER OR OPERATOR OF A GASOLINE STORAGE TANK, GASOLINE TRANSPORT  
21 VEHICLE OR GASOLINE DISPENSING SITE SUBJECT TO STAGE II VAPOR RECOVERY  
22 REQUIREMENTS SHALL COMPLY WITH THE FOLLOWING:

23 1. INSTALL ALL NECESSARY STAGE II VAPOR RECOVERY SYSTEMS AND MAKE ANY  
24 MODIFICATIONS NECESSARY TO COMPLY WITH THE REQUIREMENTS.

25 2. PROVIDE ADEQUATE TRAINING AND WRITTEN INSTRUCTIONS TO THE OPERATOR  
26 OF THE AFFECTED GASOLINE DISPENSING SITE AND THE GASOLINE TRANSPORT VEHICLE.

27 3. REPLACE, REPAIR OR MODIFY ANY WORN OR INEFFECTIVE COMPONENT OR  
28 DESIGN ELEMENT TO ENSURE THE VAPOR-TIGHT INTEGRITY AND EFFICIENCY OF THE  
29 STAGE II VAPOR RECOVERY SYSTEMS.

30 4. CONNECT AND ENSURE PROPER OPERATION OF THE STAGE II VAPOR RECOVERY  
31 SYSTEMS WHENEVER GASOLINE IS BEING LOADED, UNLOADED OR DISPENSED.

32 5. HAVE THE STAGE II VAPOR RECOVERY SYSTEM TESTED ANNUALLY BY A  
33 REGISTERED SERVICE REPRESENTATIVE LICENSED BY THE DEPARTMENT.

34 D. BEFORE THE MODIFICATION OF ANY STAGE II VAPOR RECOVERY SYSTEM, THE  
35 OWNER OR OPERATOR OF A GASOLINE STORAGE TANK, GASOLINE TRANSPORT VEHICLE OR  
36 GASOLINE DISPENSING SITE SHALL OBTAIN A PLAN REVIEW AND APPROVAL FROM THE  
37 DEPARTMENT. THE DEPARTMENT SHALL PRESCRIBE FORMS FOR THE APPLICATION FOR THE  
38 PLAN REVIEW AND APPROVAL.

39 E. THE OPERATOR OF EACH GASOLINE DISPENSING SITE USING A STAGE II  
40 VAPOR RECOVERY SYSTEM SHALL CONSPICUOUSLY POST OPERATING INSTRUCTIONS FOR THE  
41 SYSTEM IN THE GASOLINE OR OXYGENATED FUEL DISPENSING AREA. THE INSTRUCTIONS  
42 SHALL CLEARLY DESCRIBE HOW TO FUEL VEHICLES CORRECTLY WITH THE VAPOR RECOVERY  
43 NOZZLES USED AT THE STATION AND SHALL INCLUDE A WARNING THAT TOPPING OFF MAY  
44 RESULT IN SPILLAGE OR RECIRCULATION OF GASOLINE OR OXYGENATED FUEL AND IS  
45 PROHIBITED.

1 F. THE DEPARTMENT OF WEIGHTS AND MEASURES IN CONSULTATION WITH THE  
2 DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE STATE FIRE MARSHAL SHALL  
3 ESTABLISH BY RULE STANDARDS FOR THE INSTALLATION AND OPERATION OF STAGE II  
4 VAPOR RECOVERY SYSTEMS. THE DEPARTMENT OF WEIGHTS AND MEASURES SHALL  
5 ESTABLISH BY RULE PLAN REVIEW AND APPROVAL FEES. IN ESTABLISHING THOSE RULES  
6 AND STANDARDS, THE DIRECTOR SHALL CONSIDER REQUIREMENTS IN OTHER STATES TO  
7 ENSURE THAT ONLY STATE OF THE ART TECHNOLOGY IS USED.

8 G. APPROVAL OF A STAGE II VAPOR RECOVERY SYSTEM BY THE DEPARTMENT DOES  
9 NOT RELIEVE THE OWNER OR OPERATOR OF THE RESPONSIBILITY TO COMPLY WITH OTHER  
10 APPLICABLE STATUTES, CODES AND RULES PERTAINING TO FIRE PREVENTION,  
11 ENVIRONMENTAL QUALITY AND SAFETY MATTERS.

12 H. THE DEPARTMENT OF WEIGHTS AND MEASURES IN CONSULTATION WITH THE  
13 DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE STATE FIRE MARSHAL SHALL  
14 ESTABLISH BY RULE STANDARDS FOR DECOMMISSIONING STAGE II VAPOR RECOVERY  
15 SYSTEMS ON OR AFTER OCTOBER 1, 2016 BUT NOT LATER THAN SEPTEMBER 30, 2018, OR  
16 SUCH DATES AS APPROVED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
17 IN THE STATE IMPLEMENTATION PLAN REVISION FOR THE REMOVAL OF STAGE II VAPOR  
18 RECOVERY SYSTEMS SUBMITTED UNDER SECTION 110(1) OF THE CLEAN AIR ACT,  
19 WHICHEVER IS LATER. THE RULES MUST REQUIRE REMOVAL OF STAGE II VAPOR  
20 RECOVERY SYSTEMS NO LATER THAN SEPTEMBER 30, 2018, OR THE FINAL REMOVAL DATE  
21 APPROVED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN THE STATE  
22 IMPLEMENTATION PLAN REVISION FOR THE REMOVAL OF STAGE II VAPOR RECOVERY  
23 SYSTEMS SUBMITTED UNDER SECTION 110(1) OF THE CLEAN AIR ACT, WHICHEVER IS  
24 LATER. THE DEPARTMENT SHALL PRESCRIBE FORMS FOR THE APPLICATION FOR THE PLAN  
25 REVIEW AND APPROVAL. THE DEPARTMENT SHALL ESTABLISH BY RULE PLAN REVIEW AND  
26 APPROVAL FEES.

27 I. ALL STAGE II VAPOR RECOVERY SYSTEMS AND TESTING MUST REMAIN IN  
28 PLACE UNTIL SUCH SYSTEMS ARE DECOMMISSIONED PURSUANT TO SUBSECTION H OF THIS  
29 SECTION.

30 J. THE REQUIREMENTS PRESCRIBED FOR STAGE II VAPOR RECOVERY SYSTEMS  
31 PURSUANT TO SUBSECTIONS A THROUGH E OF THIS SECTION DO NOT APPLY TO A RETAIL  
32 STATION IF THE CONSTRUCTION BEGINS AFTER THE EFFECTIVE DATE OF THIS SECTION.

33 K. THE REQUIREMENTS FOR STAGE II VAPOR RECOVERY SYSTEMS PRESCRIBED IN  
34 SUBSECTIONS A THROUGH E OF THIS SECTION DO NOT APPLY TO AN OWNER OR OPERATOR  
35 WHO HAS DECOMMISSIONED STAGE II VAPOR RECOVERY EQUIPMENT IN ACCORDANCE WITH  
36 THE STANDARDS ESTABLISHED BY THE DEPARTMENT PURSUANT TO SUBSECTION H OF THIS  
37 SECTION.

38 Sec. 11. Delayed repeal

39 Section 41-2135, Arizona Revised Statutes, as added by this act, is  
40 repealed from and after September 30, 2018.

41 Sec. 12. Emergency

42 This act is an emergency measure that is necessary to preserve the  
43 public peace, health or safety and is operative immediately as provided by  
44 law.

H.B. 2128

APPROVED BY THE GOVERNOR APRIL 22, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2014.