

SECOND REGULAR SESSION

SENATE BILL NO. 842

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSON.

Read 1st time February 6, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5856S.02I

AN ACT

To repeal section 142.941, RSMo, and to enact in lieu thereof one new section relating to diesel fuel inspections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 142.941, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 142.941, to read as follows:

142.941. 1. The director, his **or her** agents or appointees, including
2 federal government employees or persons operating under contract with this
3 state, upon presenting appropriate credentials may conduct inspections and
4 remove samples of fuel to determine the coloration of diesel fuel, or to identify
5 shipping paper violations at any place where motor fuel is or may be produced,
6 stored or loaded into transport vehicles. Inspections shall be performed in a
7 reasonable manner consistent with the circumstances, but in no event is prior
8 notice required. Inspectors may physically inspect, examine or otherwise search
9 any tank, reservoir, or other container that can or might be used for the
10 production, storage, or transportation of fuel. Inspections may be made of any
11 equipment used for, or in connection with, the production, storage, or
12 transportation of fuel. Upon demand by the inspectors all shipping papers,
13 documents and records required to be kept by a person transporting fuel shall be
14 produced for immediate inspection. The places where inspections may occur
15 include, but are not limited to:

- 16 (1) A terminal;
- 17 (2) A fuel storage facility that is not a terminal;
- 18 (3) A retail fuel facility;
- 19 (4) Highway rest stops; or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 (5) A designated inspection site. For purposes of this section, a
21 "designated inspection site" means any state highway or waterway inspection
22 station, weigh station, agricultural inspection station, mobile station, or other
23 location designated by the director, either fixed or mobile.

24 **2. Notwithstanding the provisions of subsection 1 of this section**
25 **to the contrary, in no event shall the director, his agents or appointees,**
26 **including federal government employees or persons operating under**
27 **contract with this state, conduct inspections and remove samples of**
28 **fuel to determine the coloration of diesel fuel from any individual who**
29 **is not holding the fuel for wholesale or retail sale, and who is not**
30 **located at a terminal, a fuel storage facility that is not a terminal, a**
31 **retail fuel facility, a highway rest stop, or a designated inspection site,**
32 **unless the director, his or her agents or appointees, including federal**
33 **government employees or persons operating under contract with this**
34 **state, have reasonable suspicion to believe that violations under this**
35 **chapter are being committed at a location not listed in this subsection.**

36 **3.** Inspections to determine violations under this chapter may be
37 conducted by the agents and appointees of the director, the Missouri department
38 of public safety, the Missouri department of agriculture, and motor carrier
39 inspectors in this state in addition to their duties otherwise defined, and any
40 other law enforcement officer through procedures established by the
41 director. Agents and appointees of the director have the same power and
42 authority provided to authorized personnel under the applicable statute.

43 **[3.] 4.** Inspectors may reasonably detain any person or equipment
44 transporting fuel in or through this state for the purpose of determining whether
45 the person is operating in compliance with the provisions of this chapter and any
46 rules and regulations promulgated pursuant to this chapter. Detainment may
47 continue for such time only as is necessary to determine whether the person is in
48 compliance.

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