

ENGROSSED HOUSE
BILL NO. 1439

By: Tyler of the House

and

Fisher of the Senate

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 464, 465, 467 and 468, which relate to antifreeze; modifying inspection procedure of antifreeze; providing for certain analysis; requiring certain permit; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 1991, Section 464, is amended to read as follows:

Section 464. Before any antifreeze shall be sold, exposed for sale, or held with intent to sell within ~~the State of Oklahoma~~ this state, a sample thereof must be ~~inspected by the Fuel Inspection Division and bear an official permit number of the Corporation Commission of Oklahoma~~ analyzed pursuant to standards established by the Oklahoma Corporation Commission and a certified analysis submitted to the Fuel Division for approval with the initial or annual permit fee application. Upon the initial application of the manufacturer, packer, or distributor, and upon the payment of a fee of One Hundred Dollars (\$100.00) for each brand of antifreeze submitted, the Corporation Commission ~~of Oklahoma~~ shall ~~inspect~~ approve the analysis of the antifreeze submitted and, if it meets

the standards of the Corporation Commission ~~of Oklahoma~~, and is not in violation of Sections 461 through 470 of this title, the Corporation Commission ~~of Oklahoma~~ shall issue the applicant ~~under an official permit number~~ an annual written permit, with an official permit number, authorizing the sale of such antifreeze in ~~the State of Oklahoma~~ this state for one (1) fiscal year, July 1 to June 30, in which inspection fee is paid, ~~provided however an.~~ However, upon approval of an application for renewal of a permit, the fee shall not exceed One Hundred Dollars (\$100.00). The original permit and/or renewal issued by the Corporation Commission of Oklahoma shall bear the same number and shall not be transferable. If the Corporation Commission of the State of Oklahoma shall at a later date find that the product to be sold, exposed for sale or held with intent to sell has been materially altered, without the written permission of the Corporation Commission of Oklahoma, adulterated, or a change has been made in the name, brand or trademark under which the antifreeze is sold, or it violated the provisions of this act, the Corporation Commission of the State of Oklahoma shall notify the applicant and the permit shall be canceled forthwith.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 465, is amended to read as follows:

Section 465. The Fuel ~~Inspection~~ Division of the Oklahoma Corporation Commission ~~of Oklahoma~~ shall enforce the provisions of this act by certification, inspections, chemical analysis, or any other appropriate methods. All samples for inspection or analysis shall be taken from stocks in ~~the State of Oklahoma~~ this state or intended for sale in ~~the State of Oklahoma~~ this state, or the Corporation Commission ~~of Oklahoma~~ through its agents ~~may call upon~~ shall require the manufacturer or distributor applying for ~~an inspection of an~~ a permit for antifreeze sale to supply ~~such samples thereof for~~ a certified analysis of the antifreeze with the permit application. The Corporation Commission ~~of Oklahoma~~, through its

agents, shall have free access by legal means during business hours to all places of business, buildings, vehicles, cars, and vessels used in the manufacture, transportation, sale or storage of any antifreeze, and it may open by legal means a box, carton, parcel, or package, containing or supposed to contain, any antifreeze and may take therefrom samples for analysis.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 467, is amended to read as follows:

Section 467. The Fuel ~~Inspection~~ Division of the Oklahoma Corporation Commission ~~of Oklahoma~~ may furnish upon request a list of the brands and trademarks of antifreeze ~~inspected~~ permitted and permit numbers issued by the Corporation Commission ~~of Oklahoma~~ during the calendar year which have been found to be in accord with this act.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 468, is amended to read as follows:

Section 468. No advertising literature relating to any antifreeze sold or to be sold in ~~the State of Oklahoma~~ this state shall contain any statement that the antifreeze advertised for sale has been approved by the Oklahoma Corporation Commission ~~of Oklahoma~~ unless ~~such~~ the antifreeze has been ~~inspected~~ permitted by the Corporation Commission ~~of Oklahoma~~ and found to meet the standards of the Corporation Commission ~~of Oklahoma~~ and not to be in violation of this act, in which event such statement together with the permit number of the wholesaler or distributor may be contained in any labeling and advertising literature where such brand or trademark or antifreeze is being advertised for sale.

SECTION 5. This act shall become effective November 1, 1995.

Passed the House of Representatives the 27th day of February, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate