

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1288

By: Tyler

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 464, 465, 467 and 468, which relate to antifreeze; requiring certain analysis and submissions; requiring certain approvals; providing for certain permits; modifying certain process and procedures; prohibiting certain actions; providing for exceptions; 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, 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 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 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 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 authorizing the sale of such antifreeze in the State of Oklahoma for one (1) fiscal year, July 1 to June 30, in which inspection fee is paid, provided however an approval of 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 cancelled forthwith.

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

Section 465. The Fuel Inspection Division of the Corporation Commission of Oklahoma shall enforce the provisions of this act by inspections, chemical analysis, or any other appropriate methods. All samples for inspection or analysis shall be taken from stocks in the State of Oklahoma or intended for sale in the State of Oklahoma, 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 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 shall contain any statement that the antifreeze advertised for sale has been approved by the Corporation Commission of Oklahoma unless such 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.

45-1-6059 KSM