

109:4-3-18 Sale and labeling of gasoline which contains alcohol.

(A) For purposes of this rule, the following definitions shall apply:

- (1) "Alcohol" means a volatile flammable liquid having the general formula $C_nH_{2n+1}OH$ used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles, and commonly or commercially known or sold as an alcohol, including methanol.
- (2) "Co-solvent" means an alcohol or any other chemical with higher molecular weight than methanol which is blended to prevent phase separation in gasoline.
- (3) "Gasoline" means any fuel sold for use in motor vehicles and commonly or commercially known or sold as gasoline whether leaded or unleaded.
- (4) "Maximum percentage" means the highest amount by volume of methanol or co-solvent permitted to be blended or mixed with gasoline in conformity with the specifications established by the United States environmental protection agency pursuant to section 211 of the Clean Air Act, 42 U.S.C. section 7545.
- (5) "Methanol" means methyl alcohol, a flammable liquid having the formula CH_3OH used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles, and commonly or commercially known or sold as methanol or methyl alcohol.
- (6) "Motor vehicles" include all vehicles, vessels, watercraft, engines, machines, or mechanical contrivances that are propelled by internal combustion engines or motors.
- (7) "Person" means an individual, sole proprietorship, partnership, corporation, association or other legal entity.
- (8) "Retail dealer" means any person who owns, operates, controls, or supervises an establishment at which gasoline is sold or offered for sale to the public.
- (9) "Wholesale dealer" means any person engaged in the sale of gasoline to others who the seller knows or has reasonable cause to believe intends to resell the gasoline in the same or an altered form to another.

(B) It shall be a deceptive and unfair act or practice in connection with a consumer transaction for a wholesale or retail dealer of gasoline to sell or offer for sale any gasoline blended or mixed with any alcohol, where the blend or mixture fails to meet the specifications or the registration requirements established by the United States environmental protection agency pursuant to section 211 of the Clean Air Act, 42 U.S.C. section 7545 and 40 C.F.R. part 79.

- (C) It shall be a deceptive and unfair act or practice in connection with a consumer transaction, when methanol or co-solvent, or any combination thereof, is blended or mixed into gasoline in quantities greater than three-tenths of one per cent by volume and sold or offered for sale to the public, for a retail dealer to fail to disclose:
- (1) The fact that the gasoline contains methanol or co-solvent;
 - (2) The maximum percentage to the nearest tenth of a per cent of any ~~ethanol~~, methanol, or co-solvent contained in the gasoline.

The disclosure required by this paragraph shall be made by printed sign or label affixed to the retail dispensing pump. The printed sign or label shall be visible and legible to the purchaser and shall be displayed in a clear, conspicuous and prominent manner. The word "Contains" shall be in block letters not less than one-half inch in height. All other required disclosures shall be in block letters or numerals not less than one-quarter inch in height.

- (D) It shall be a deceptive and unfair act or practice for a person who transfers the possession of gasoline at wholesale, which may affect a consumer transaction, to fail to deliver to a buyer, before or at the time of the transfer of possession of the gasoline, a written notice identifying the gasoline transferred, including any methanol or co-solvent contained therein if the gasoline contains more than three-tenths of one per cent of methanol or co-solvent, or any combination thereof, by volume. The notice required by this rule shall be contained in or affixed to a manifest, invoice or other instrument or document of sale of title and shall specify in capital letters the type and maximum percentage by volume to the nearest tenth of a per cent of any methanol or co-solvent.

Effective:

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Statutory authority: R.C. § 1345.05

Rule amplifies: R.C. § 1345.02

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