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Bill

A BILL

FOR AN ACT TO PROVIDE FOR THE INSPECTION, AND TO REGULATE THE
SALE OF PETROLEUM AND ITS PRODUCTS.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the State Board of Health shall appoint suitable persons, sufficient in
2 number, and not less than eleven, residents of the State, who are not interested, directly nor
3 indirectly, in the manufacture nor sale of any product of petroleum, as inspectors of oil,
4 whose term of office shall be two years, unless sooner removed. It shall be the duty of said
5 inspectors to examine and test the quality of all oil, the product of petroleum, offered for
6 sale by any manufacturer, vendor or dealer; and if upon testing or examination the oil shall
7 meet the requirements hereinafter specified, he shall personally, or by some person duly au-
8 thorized by him, who is not interested directly nor indirectly in the manufacture nor sale of
9 any product of petroleum, fix his brand or device: "Iowa, approved, flash test, 105 degrees,"
10 with the date over his official signature, upon the barrel, package or cask containing the
11 same. And it shall be lawful for the inspector to enter into or upon the premises of any
12 manufacturer, vendor, or dealer of said oil; and if he shall discover any kerosene oil or
13 other product of petroleum, kept for illuminating purposes, that has not been inspected
14 and branded according to the provisions of this act, he shall inspect and brand the same.
15 It shall be lawful for any manufacturer, vendor or dealer to sell oil so tested and approved,
16 as an illuminator; but if the oil or other product of petroleum so tested, shall not meet said
17 requirements, the inspector shall mark or brand in plain words and letters on said barrel,
18 package or cask, over his official signature, the words: "Rejected for illuminating pur-
19 poses." And if any person shall sell or offer for sale, any of such rejected oil, or other pro-
20 duct of petroleum, for illuminating purposes, he shall be deemed guilty of a misdemeanor,
21 and upon conviction thereof shall be fined not less than one hundred dollars nor more than
22 three hundred dollars, and one-half the fine recovered shall be paid to the informer.

SEC. 2. It shall be the duty of the inspectors to provide themselves at their own expense
2 with the necessary instruments and apparatus for testing the quality of said illuminating
3 oil, and to promptly inspect the same, and to reject for illuminating purposes all oils which
4 will emit a combustible vapor at a temperature of less than 105 degrees standard Fahren-
5 heit thermometer, closed test, provided the quantity of oil used shall not be less than one-
6 half pint. The oil tester adopted and recommended by the State Board of Health shall be

7 used by the inspector in all tests made by him. And said State Board of Health shall have
8 supervision of inspectors, and may suspend or remove the same for reasonable cause; and
9 shall prepare rules and regulations necessary to carry into effect the object and intent of
10 of this act; and such rules and regulations shall be binding upon all inspectors and other
11 persons whomsoever.

SEC. 3. The inspector, before he enters upon the discharge of the duties of his office, shall
2 take the oath or affirmation provided by law, and file the same in the office of the Secretary
3 of the State Board of Health; and execute a bond to the State of Iowa, to be approved by
4 the Secretary of the State Board of Health, in a penal sum not less than five thousand dol-
5 lars with sureties thereto, who shall justify as provided by law, and in addition thereto, state
6 under oath that he is not, directly nor indirectly, interested in the manufacture or sale of il-
7 luminating oil manufactured from petroleum; such bond to be conditioned for the faithful
8 performance of the duties imposed upon him by this act, and which shall be for the use of
9 all persons aggrieved by the acts of said inspector, and said bond shall be filed with the
10 clerk of the District and Circuit Courts of the county wherein such inspector resides; and
11 said inspector shall before entering upon the discharge of his duties, send said clerk's certi-
12 ficates of such filing to the Secretary of the State Board of Health.

SEC. 4. All inspection provided in this act shall be performed within this State, and the
2 inspector shall be entitled to demand and receive for his services from the owner of the oil
3 or the person demanding such service, or for whom the inspection is made, the sum of ten
4 cents per barrel, and a barrel shall be deemed to contain fifty-five gallons. All fees for
5 inspection shall be a lien upon the oil inspected. Each inspector shall pay to the State
6 Board of Health ten per cent of all fees received, which sum shall be used for the payment
7 of necessary contingent expenses under this act.

SEC. 5. It shall be the duty of every inspector to keep a true and accurate record of all
2 oil inspected and branded by him, which record shall show the date of inspection, the
3 number of barrels rejected, the number of barrels approved, the number of barrels in-
4 spected, the number and kind of barrels, casks or packages, the name of the person for
5 whom inspected, and the amount of money received for such inspection, and such record
6 shall be open for the inspection of all persons interested; and every inspector shall send a
7 true copy of said record at the beginning of each month to the State Board of Health. It
8 shall be the duty of the State Board of Health to make and deliver to the Governor for the
9 fiscal period ending June 30, 1887, and every two years thereafter, a report of the inspection
10 made, and such other items as are required by this act to be made of record, for said period,
11 together with such recommendations as said board may deem necessary, and the same shall
12 be laid before the General Assembly.

SEC. 6. If any person shall sell, offer for sale, or give any illuminating oil, the product of
2 petroleum, within this State, whether manufactured in this State or not, which has not

3 been inspected as provided in this act, he shall be deemed guilty of a misdemeanor and on
 4 conviction, shall be fined not less than one hundred dollars; and if any manufacturer,
 5 vendor or dealer in either or any of said illuminating oils shall brand with an inspector's
 6 brand any barrel, cask or package containing said oil, which has not been inspected as
 7 provided in this act; or shall refill any barrel, cask or package having an inspector's brand
 8 thereon, without erasing such brand, having the oil inspected, and such barrels rebranded,
 9 he shall, on conviction, be fined not less than one hundred dollars, and not exceeding three
 10 hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at
 11 the discretion of the court, and one-half of the fine recovered under this section, shall go to
 12 the informer.

SEC. 7. Any person who shall purchase or sell, or dispose of any empty barrel, cask or
 2 package bearing the brand of an Iowa inspector before thoroughly cancelling, erasing or
 3 removing said brand, shall be deemed guilty of a misdemeanor, and on conviction thereof
 4 shall be fined one dollar for each and every barrel, cask or package thus purchased, sold or
 5 disposed of; and any person who shall knowingly use any illuminating oil, the product of
 6 petroleum, for illuminating purposes unless the same has been approved by an inspector in
 7 this State, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined
 8 not less than ten dollars for each offense, and one-half of the fine shall go to the informer.

SEC. 8. No person shall adulterate with any substance, for the purpose of sale or use,
 2 any products of petroleum to be used for illuminating purposes, in such manner as to ren-
 3 der the same dangerous for use; nor shall any person knowingly use any product of petro-
 4 leum for illuminating purposes, which will emit a combustible vapor at a temperature less
 5 than 105 degrees Fahrenheit, standard thermometer, tested as provided in this act; *pro-*
 6 *vided*, that the gas or vapor from said oil may be used for illuminating purposes when the
 7 oil from which said vapor or gas is generated is contained in closed reservoirs outside the
 8 building illuminated or lighted by said gas. Any person violating the provisions of this
 9 section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be
 10 confined in the county jail not more than one year, or be fined not more than five hundred
 11 dollars, or be both fined and imprisoned in the discretion of the court; *provided, further,*
 12 that nothing in this act shall be so construed as to prevent the sale for, and use in, street
 13 lamps of lighter products of petroleum, such as gasoline, benzine, benzole, naphtha, or to pre-
 14 vent the use of machines or generators constructed on the principle of the "Davy Safety
 15 Lamp."

SEC. 9. It shall be the duty of the inspector who shall know of the violation of any of the
 2 provisions of this act, to prosecute before any court of competent jurisdiction any person
 3 so offending. And in case the inspector having knowledge of such violation shall neglect
 4 to prosecute as required herein, he shall be deemed guilty of a misdemeanor, and upon
 5 conviction shall be removed from office.

SEC. 10. No oil or fluid, whether composed wholly or in part of petroleum or its products
2 or of other substance or material, which will ignite and burn at a temperature of three
3 hundred degrees of the standard Fahrenheit thermometer, open test, shall be burned in
4 any lamp or vessel, or stationary fixture of any kind, in any passenger, mail or express car
5 on any railroad, nor on any boat moved by steam power, nor in any street railway car, nor
6 in any stage coach, omnibus or other public conveyance in which passengers are carried;
7 nor shall such oil or fluid be carried as freight in any of said public conveyances. And all
8 oil sold or offered for sale to be used in this State, for the purposes named in this Section
9 which will burn at 300 degrees or less, Fahrenheit, shall be branded by the inspector in
10 accordance with the standard he finds the oil to be. Any violation of any of the provisions
11 of this Section shall be deemed a misdemeanor, and any public carrier shall, on conviction
12 thereof, be fined not less than one hundred dollars, nor more than one thousand dollars,
13 and be liable for all damages resulting therefrom.

SEC. 11. If any inspector shall falsely brand or mark any barrel, cask or package, or be
2 guilty of any fraud, deceit, misconduct or culpable negligence in the discharge of his official
3 duties, or shall deal in, or have any pecuniary interest directly or indirectly, in any oil or
4 fluid used or sold for illuminating purposes while holding such office, he shall be deemed
5 guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one hun-
6 dred dollars, or imprisonment not exceeding thirty days, and be liable to the party in-
7 jured for all damages resulting therefrom.

SEC. 12. It shall be the duty of the State Board of Health to remove from office and
2 appoint a competent person in place of any inspector who is unfaithful in the duties of his
3 office.

SEC. 13. Any person who shall knowingly or negligently sell, offer for sale or cause to
2 be sold, any oil mentioned in this act for illuminating purposes, except for the purposes
3 herein authorized, which are below the standard and test required in this act, shall be
4 liable to any person purchasing such oil, or to any person injured thereby, for all damages
5 resulting from the use of such oil, or from any explosion of said oil.

SEC. 14. Within thirty days after the passage of this act, the State Board of Health shall
2 make and provide the necessary rules and regulations for the inspection of oil, and the gov-
3 ernment of inspectors, as contemplated in this act, and shall furnish the inspectors with the
4 same, and any violation of such rules shall be deemed a misdemeanor.

SEC. 15. An appeal may be made from the decision of an inspector as to the test of any
2 oil, to the State Board of Health, and said board, or the secretary thereof, shall at once
3 hear and determine the same, and such decision shall be final. The party making the ap-
4 peal shall pay all expenses of said appeal.

SEC. 16. The provisions of this act shall not apply to illuminating oil, any product of pet-
2 roleum, kept, sold or offered for sale for export beyond the limits of this State.

SEC. 17. Gasoline shall, for the purposes of this act, be deemed an illuminating oil, and
2 shall be branded by the inspector as rejected and dangerous.

SEC. 18. It shall be the duty of the district or county attorney to represent and prosecute,
2 in the name of the State, all violations of the provisions of this act within their respective
3 counties.

SEC. 19. Chapter 185 of the laws of the Twentieth General Assembly is hereby repealed.

SEC. 20. This act being deemed of immediate importance shall take effect and be in force
2 from and after its publication in the Iowa State Register and Des Moines Leader, news-
3 papers published in Des Moines, Iowa.

A BILL

FOR AN ACT TO AMEND CHAPTER 185, OF THE LAWS OF THE TWENTIETH GENERAL ASSEMBLY, IN RELATION TO THE INSPECTION OF ILLUMINATING OILS.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That section 2, of chapter 185, of the laws of the Twentieth General Assembly is hereby amended by inserting immediately after the word "hundred" in the 12th line thereof, the words "and five," and striking out of the eighteenth and nineteenth lines thereof, the following words "in the case of the oil tester adopted."

SEC. 2. Section four of said chapter is hereby repealed and the following enacted in lieu thereof :

Section 4. All inspections herein provided for shall be made within the State of Iowa, and the inspector and deputy inspectors shall be entitled to demand and receive from the owner or party calling on him or for whom shall perform the inspection the sum of ten cents per barrel, and for the purposes of this act, a barrel shall be deemed to be fifty-five gallons.

SEC. 3. Section seven, of said chapter, is hereby amended by inserting immediately after the word "shall" in the second line thereof the word "purchase."

SEC. 4. Section fourteen, of said chapter, is hereby repealed and the following enacted in lieu thereof :

Section 14. Within sixty days after the passage of this act the State Board of Health shall make and provide the necessary rules and regulations for the inspection of illuminating oil, and for the government of the inspector and deputy inspectors provided for in this act, and as contemplated by the provisions of this act, which shall be approved by the Governor of the State and when so approved shall be furnished by said board to the inspector and his deputies. When written complaint shall be presented to the Governor charging the inspector or any deputy with a failure or refusal to comply with or carry out said rules and regulations, or any provision of this act he shall investigate such charge, and if well founded and sustained, the person against whom said charges were made shall be removed from office by the Governor without delay. Said rules and regulations may be changed or modified by said board, subject to the approval of the Governor, not oftener than once a year.

SEC. 4. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Leader, newspapers published in Des Moines, Iowa.