

Reported Recommending
Ind. Postponed
Passed House
Failed to Pass House
Passed Senate
Failed to Pass Senate

House File 468

February 27, 1947.
Agriculture 2.

By SMITH of Madison, HICKLIN,
FIMMEN, BEARDSLEY, and
AINSWORTH.

A BILL FOR

An Act to repeal chapter two hundred eight (208), Code 1946,
relating to petroleum products and to enact a substitute
therefor.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Chapter two hundred eight (208), Code 1946,
2 be and the same is hereby repealed and the following enacted
3 in lieu thereof:

1 Sec. 2. As used in this chapter.

2 (a) The term "illuminating oil" shall mean all products
3 known or sold as kerosene and any petroleum product sold for
4 use in atmospheric pressure wickfed illuminating apparatus.

5 (b) The term "department" shall mean the department of
6 agriculture of the state of Iowa and shall include the
7 authorized agents of such department.

1 Sec. 3. It shall be unlawful for any person to sell,
2 offer for sale or use any illuminating oil in this state unless
3 it has first been sampled for testing by the department as
4 hereinafter provided, nor if the same, upon being tested by
5 the department as hereinafter prescribed, emits a combustible
6 vapor at a temperature of less than 100° fahrenheit.

1 Sec. 4. Illuminating oil stored in any tank at or
2 adjacent to a refinery or marine or pipe line terminal in this
3 state, from which same is withdrawn for sale or use in this
4 state or for distribution to destinations in this state, shall
5 be sampled for testing by the department whenever the stock in
6 such tank is replenished. After replenishment of any such
7 stock, no withdrawals shall be made therefrom for sale or use
8 in this state or for shipment or delivery to points in this
9 state, until a true sample of not less than 16 fluid ounces is
10 taken therefrom as hereinafter prescribed. Every person storing
11 illuminating oil in such tanks shall notify the department of
12 each consignment by which the stock in such tanks will be
13 replenished. Illuminating oil imported into this state (other
14 than that placed in storage at refineries or marine or pipe
15 line terminals in this state) shall not be unloaded or emptied
16 from its original container or sold or offered for sale or
17 used in this state until a sample of not less than 16 fluid
18 ounces is taken therefrom as hereinafter prescribed; provided
19 that if such illuminating oil has been previously sampled or
20 tested by the department, the same may be unloaded, emptied,
21 sold, offered for sale or used. Every person receiving or
22 about to receive illuminating oil so imported into this state
23 which has not been previously sampled or tested as hereinafter
24 provided for shall notify the department of the receipt or
25 anticipated receipt of each consignment thereof.

26 If such replenishment or receipt of illuminating oil occurs

27 during the usual business hours of any regular business day
28 notice thereof (unless previously given stating the approximate
29 date of anticipated replenishment or receipt) shall be given to
30 the department forthwith. If such replenishment or receipt
31 occurs outside usual business hours, such notice shall be
32 given during the first usual business hour thereafter. For
33 the purposes of this act, usual business hours shall be between
34 8 a.m. and 5 p.m. on any regular business day except Saturday
35 and between 8 a.m. and 12 noon on Saturday. Sundays and legal
36 holidays shall not be considered regular business days.

37 If, after the stock of illuminating oil has been replenished
38 in any tank at a refinery or marine or pipe line terminal in
39 this state, such replenished stock has not been sampled by the
40 department prior to the time the first withdrawal therefrom is
41 made, the custodian of such oil shall take a true sample thereof,
42 of not less than sixteen (16) fluid ounces, for testing by the
43 department. If illuminating oil brought into this state (other
44 than that imported by boat, barge, or pipe line for storage at
45 a marine or pipe line terminal in this state) has not been
46 sampled by the department prior to the time the same is ready
47 for unloading in this state, the receiver thereof shall take a
48 true sample therefrom, of not less than sixteen (16) fluid
49 ounces, for testing by the department. All such samples shall
50 be immediately placed in a clean container and sealed. Suitable
51 containers and seals shall be furnished by the department. The
52 person taking such sample or custodian shall record upon or

53 with the seal thereon the date and the identity of the conveyance
54 or container, from which the sample was taken, and the kind of
55 product sampled, together with such other information as the
56 department may reasonably require for the proper identification
57 of such sample and the making of a proper inspection certificate.
58 Such sample thus taken shall be mailed or held for delivery to
59 the department as the department shall prescribe. After such
60 sample is taken, such illuminating oil may be withdrawn,
61 unloaded, sold, offered for sale, or used, the same as if
62 sampled by the department.

63 The department may, upon agreement with the operator of
64 any refinery or marine or pipe-line terminal outside this
65 state, provide an inspector or appoint an agent to sample or
66 to make tests of illuminating oil at such refinery or terminal
67 for shipment or delivery into this state in which case the
68 procedures prescribed in this act may be performed thereat
69 in the same manner and with the same force and effect as if
70 such refinery or terminal was within this state.

1 Sec. 5. All tests provided for in this chapter shall be
2 conducted in accordance with the methods outlined by the
3 American Society for Testing Materials—Method D-56 (A.S.T.M.)
4 or with the Foster Cup or Foster Automatic Oil Tester. If
5 Foster Cup or Foster Automatic Oil Tester is used, it shall be
6 used in accordance with the following directions:

7 (1) Remove the thermometer with its mountings from the
8 oil cup.

9 (2) Lift off the oil cup containing the flashing taper
10 and fill open water bath with water to the mark upon the inside.

11 (3) Take the wick holder from the oil cup, and fill
12 this vessel with the oil to be tested, pouring in the oil at
13 the place of the wick holder and noting the gauge mark at the
14 thermometer hole, pouring very gradually as the surface
15 approaches the gauge mark. The gauge mark consists of a small
16 pendant shelf and the oil cup properly filled when the
17 upper surface of the oil just adheres to the lower surface
18 of the gauge mark. Too much care cannot be taken at this
19 point. Having ceased pouring, tip the cup so that the oil
20 flows away from the gauge, then gradually restore it to the
21 horizontal, and if the surface does not again adhere, add a
22 little more oil.

23 (4) Adjust the wick to the flashing taper to give a
24 flame that does not exceed one-quarter ($\frac{1}{4}$) of an inch in
25 height and that exhibits as much blue at its base as yellow
26 at its top.

27 (5) Set the oil cup on top and into the water bath,
28 return the flashing taper to its place, inverting the conical
29 thimble around it, and return the thermometer to its place
30 upon the cup. In doing this be sure that the casing of the
31 latter is pushed down upon the cup as far as it will go.

32 (6) Fill the lamp beneath half full of alcohol, light
33 and place it beneath the water bath. Note the rate of increase
34 in temperature as shown by the thermometer and adjust the wick

35 to raise the temperature at the rate of two degrees (2°) per
36 minute. When the temperature has reached eighty-five (85°),
37 light the flashing taper and observe it closely. As soon as
38 the oil under test has reached its "flashing point", the
39 flame of this taper will be extinguished by the first "flash",
40 and the point of attention is the temperature at the instant
41 the flame of the taper is extinguished. This "Flashing point"
42 is the point of temperature at which the oil emits a combustible
43 vapor.

44 The department shall determine which of the methods set out
45 above shall be used in the inspection of kerosene, and shall by
46 regulation prescribe the one method which shall be uniform in
47 all kerosene inspections.

1 Sec. 6. The department shall keep such records as may
2 be necessary for the purposes of this act of all tests made by
3 it of illuminating oil. Such records shall be open at all
4 reasonable times to public inspection. The department shall
5 furnish to the person for whom such tests are made a certificate
6 of inspection covering each sample tested showing the date of
7 such test, the identity of the conveyance or container from
8 which the sample was taken, the kind of illuminating oil
9 therein, the result of the test and inspection.

1 Sec. 7. No person shall place gasoline or any other
2 petroleum product having a flash point below 100° fahrenheit
3 into any bottle, can, cask, barrel or other similar receptable
4 having a capacity in excess of one pint unless the same is

5 painted bright red and is plainly marked with the word "gasoline"
6 or with the warning "flammable—keep fire away" in red
7 lettering of a height equal to at least 1/10 of the smallest
8 dimension of such container. The foregoing shall not apply to
9 vehicle cargo or supply tanks nor to underground storage nor to
10 storage tanks from which such liquids are withdrawn for
11 manufacturing purposes or are loaded into vehicle cargo tanks,
12 but all outlet faucets or valves from such excepted containers
13 shall be painted bright red and suitably tagged to indicate
14 the nature of the product to be withdrawn therefrom. No
15 person shall place illuminating oil in any container which is
16 painted red nor shall illuminating oil be loaded or withdrawn
17 through any piping which is used or designated as aforesaid
18 for products having a flash point below 100° fahrenheit.

1 Sec. 18. If any illuminating oil is commingled with any
2 other product the entire commingled products shall be deemed
3 uninspected and untested, and it shall be unlawful for any
4 person to sell, offer for sale, or use any such commingled
5 product for illuminating purposes within this state unless
6 and until the same has been inspected and approved for sale
7 or use by the department.

1 Sec. 9. Illuminating oil inspections provided for in
2 this act shall be deemed to be made for, and fees therefor at
3 the rate of one cent (1c) per barrel (fifty gallons) on all
4 illuminating oil received shall be paid by, the person who
5 first received such illuminating oil in this state.

6 For the purposes of computing such fees, illuminating oil
7 shall be deemed to be received in this state as follows:

8 (a) If placed in storage at or adjacent to a refinery
9 or a marine or pipe-line terminal in this state the same shall
10 be deemed to be received when withdrawn from such storage for
11 sale or use in this state or for transportation to destinations
12 in this state other than for transfer to other refineries or
13 marine or pipe-line terminals in this state and not before.
14 When so withdrawn, such oil shall be deemed to be received
15 by the person who was the owner thereof just prior to
16 withdrawal. Provided that if such oil so withdrawn is shipped
17 or delivered to a person engaged in the storage and distribution
18 thereof by tank car or tank truck, such oil when so withdrawn
19 shall be deemed to be received by such distributor.

20 (b) If imported into this state (other than to a
21 refinery or marine or pipe-line terminal in this state) the
22 same shall be deemed to be received by the person who is the
23 owner thereof immediately after the same is unloaded in this
24 state.

25 On or before the last day of each calendar month, every
26 person receiving illuminating oil in this state shall file
27 with the department a report in such form and containing such
28 information as the department shall prescribe as to each
29 receipt or the total receipts of illuminating oil by such
30 person in this state during the preceding calendar month and
31 at the same time shall remit to the department the inspection

32 fees thereon. Providing, however, that no inspection fees
33 shall be remitted on illuminating oil received and thereafter
34 shipped or sold in rail tank car or motor transport lots
35 directly to the federal government or on illuminating oil
36 received and thereafter exported from this state, and if
37 remitted, shall be refunded or credit therefor shall be allowed
38 on subsequent reports.

EXPLANATION OF H. F. 468

Kerosene inspection fees adjoining states:

Wisconsin— $1\frac{1}{2}$ c bbl.

Minnesota— $1\frac{3}{4}$ c bbl.

Illinois— $3/100$ c per. gal. = $1\frac{1}{2}$ c bbl.

Missouri—Actual cost (now $\frac{1}{2}$ c bbl).

Nebraska—1 c bbl.

South Dakota— $1\frac{1}{4}$ c bbl.