

FIRST REGULAR SESSION

# HOUSE BILL NO. 105

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MEINERS (Sponsor) AND WILDBERGER (Co-Sponsor).

Pre-filed December 11, 2006 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0466L.01I

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### AN ACT

To amend chapter 414, RSMo, by adding thereto one new section relating to temperature-adjusted gasoline and diesel fuel.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 414, RSMo, is amended by adding thereto one new section, to be  
2 known as section 414.425, to read as follows:

**414.425. 1. Notwithstanding any other provision to the contrary, the unit of**  
2 **measure of capacity for gasoline and diesel fuel sold at retail shall be the temperature-**  
3 **adjusted gallon.**

4 **2. The department shall define the size of a temperature-adjusted gallon of gasoline**  
5 **and of diesel fuel for each of the following districts in this state:**

6 **(1) The Northwest district, Andrew, Atchison, Buchanan, Caldwell, Clinton,**  
7 **Daviess, DeKalb, Gentry, Harrison, Holt, Nodaway, and Worth counties;**

8 **(2) The North-Central district, Adair, Carroll, Chariton, Grundy, Howard, Linn,**  
9 **Livingston, Macon, Mercer, Putnam, Randolph, Saline, Schuyler, and Sullivan counties;**

10 **(3) The Northeast district, Audrain, Clark, Knox, Lewis, Lincoln, Marion, Monroe,**  
11 **Montgomery, Pike, Ralls, Scotland, Shelby, and Warren counties;**

12 **(4) The Kansas City Area district, Cass, Clay, Henry, Jackson, Johnson, Lafayette,**  
13 **Platte, and Ray counties;**

14 **(5) The Central district, Benton, Boone, Callaway, Camden, Cole, Cooper,**  
15 **Gasconade, Maries, Miller, Moniteau, Morgan, Osage, and Pettis counties;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           (6) The St. Louis Area district, Franklin, Jefferson, St. Charles, St. Louis City, and  
17 St. Louis County counties;

18           (7) The Southwest district, Barry, Barton, Bates, Cedar, Dade, Jasper, Lawrence,  
19 McDonald, Newton, St. Clair, and Vernon counties;

20           (8) The Springfield Area district, Christian, Dallas, Douglas, Greene, Hickory,  
21 Laclede, Ozark, Polk, Stone, Taney, Webster, and Wright counties;

22           (9) The South-Central district, Carter, Crawford, Dent, Howell, Iron, Oregon,  
23 Phelps, Pulaski, Reynolds, Ripley, Shannon, Texas, and Washington counties; and

24           (10) The Southeast district, Bollinger, Butler, Cape Girardeau, Dunklin, Madison,  
25 Mississippi, New Madrid, Pemiscot, Perry, Scott, St. Francois, Ste. Genevieve, Stoddard,  
26 and Wayne counties.

27           3. To determine the size of a temperature-adjusted gallon under this section, the  
28 department shall:

29           (1) Determine the historical average temperature for each district in this state;

30           (2) Determine the amount by which a gallon of gasoline or diesel fuel at sixty  
31 degrees Fahrenheit expands or contracts when heated or cooled to the historical average  
32 temperature for each district in this state;

33           (3) Use the amount of expansion or contraction determined under subdivision (2)  
34 of this subsection to determine the size of a temperature-adjusted gallon in each district in  
35 this state.

36           4. The department shall promulgate rules to implement the provisions of this  
37 section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
38 that is created under the authority delegated in this section shall become effective only if  
39 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
40 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
41 and if any of the powers vested with the general assembly under chapter 536, RSMo, to  
42 review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
43 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
44 after August 28, 2007, shall be invalid and void.

45           5. The department shall:

46           (1) Adopt rules under this section not later than January 1, 2008;

47           (2) Require that each retail gasoline and diesel fuel pump in this state measure in  
48 temperature-adjusted gallons not later than December 31, 2008; and

49           (3) Inspect each retail gasoline and diesel fuel pump in this state to ensure  
50 compliance with subdivision (2) of this subsection not later than December 31, 2008.

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