

363.904 Requirements for sale at retail facility of motor fuel in Kentucky -- Gasoline-oxygenate blend standards -- Labeling and testing of shipments of motor fuels.

- (1) No motor fuel shall be sold or offered for sale at a retail facility in Kentucky unless it conforms to the following:
 - (a) The motor fuel shall be labeled and posted in accordance with applicable federal and state laws; and
 - (b) The motor fuel shall conform to the latest ASTM International specifications for that particular type, class, and grade of motor fuel, except when one (1) or more of the following circumstances exists:
 1. When a federal law or a federal administrative regulation imposes requirements in conflict with the ASTM International standard, as provided by KRS 363.902(3); or
 2. When the Governor determines that circumstances present, or are likely to present, a disruption in motor fuel supply, the Governor or the Commissioner or the secretary of the Energy and Environment Cabinet, as designated by the Governor, may issue a temporary waiver of ASTM International specifications for motor fuel. The temporary waiver shall be effective for a defined period of time and shall be the shortest practicable time period necessary to permit the correction of the disruption in motor fuel supplies.
- (2) For gasoline-oxygenate blends containing between one percent (1%) and fifteen percent (15%) by volume ethanol, the vapor pressure limit for each class shall be increased by one (1) pound per square inch. Additionally, the department shall adopt a minimum temperature for fifty percent (50%) distillation of gasoline-oxygenate blends containing up to fifteen percent (15%) ethanol through the promulgation of an administrative regulation in accordance with KRS Chapter 13A.
- (3) The motor fuel compliance with ASTM International shall be determined in accordance with the test methods prescribed in the latest ASTM International publications. When no such standard exists, the department shall designate a test or specification based upon widely accepted scientific principles.
- (4) All shipments of motor fuel shall state on either the product transfer documentation or invoice the destination of the shipment and that the shipment meets the standards and specifications required in the administrative regulations promulgated pursuant to this section. The division may obtain a sample of any shipment of motor fuel for testing. Motor fuel blending components shall be exempt from this section until they are offered for sale as motor fuel by a retail facility.

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 112, sec. 3, effective July 14, 2022. -- Amended 2020 Ky. Acts ch. 4, sec. 1, effective July 15, 2020. -- Amended 2018 Ky. Acts ch. 25, sec. 2, effective July 14, 2018. -- Created 1994 Ky. Acts ch. 88, sec. 3, effective July 15, 1994.