**A** **BILL**

TO AMEND SECTION 39‑41‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TERMS “PETROLEUM” AND “PETROLEUM PRODUCT” AND THEIR DEFINITIONS, SO AS TO PROVIDE THAT EVERY RETAIL FUEL BUSINESS MUST NOTIFY THE DEPARTMENT OF AGRICULTURE’S CONSUMER PROTECTION DIVISION WHEN A PETROLEUM DISPENSER HAS BEEN INSTALLED FOR USE AND TO PROVIDE A PENALTY FOR FAILURE TO COMPLY WITH THIS PROVISION; AND TO AMEND SECTION 39‑41‑150, RELATING TO THE ISSUANCE OF RULES AND REGULATIONS BY THE COMMISSIONER OF AGRICULTURE, SO AS TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE SHALL IMPOSE UPON AND COLLECT FINES FROM A PERSON OR MOTOR FUEL RETAILER THAT KNOWINGLY OR WILFULLY VIOLATES A PROVISION THAT REGULATES THE PETROLEUM INDUSTRY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 39‑41‑10 of the 1976 Code is amended to read:

“Section 39‑41‑10. (A) ‘Petroleum’ or ‘petroleum product’ as used in this article means gasoline, gasohol, kerosene, diesel fuels, jet fuels, fuel oil no. 1 through 4, or a similar product of petroleum or a product which may be acceptable for use as a petroleum product or oxygenated compound blends of the products but does not include compressed natural gas or propane when dispensed or sold as a motor vehicle fuel.

(B) Every retail fuel business must notify the South Carolina Department of Agriculture’s Consumer Protection Division in writing when a petroleum dispenser has been installed for use within thirty days of beginning operation. Failure to provide proper notification shall result in a five hundred dollar fine.”

SECTION 2. Section 39‑41‑150 of the 1976 Code is amended to read:

“Section 39‑41‑150. (A) The Commissioner of Agriculture may issue such rules and regulations as may be necessary for carrying out the provisions of this article and such rules and regulations shall have the effect of law.

(B) Any person or motor fuel retailer that knowingly or wilfully violates a provision that regulates the petroleum industry must be fined:

(1) fifty dollars for a first offense;

(2) two hundred dollars for a second offense; or

(3) five hundred dollars for a third or subsequent offense.

The Department of Agriculture shall impose and collect the fines contained in this subsection.”

SECTION 3. This act takes effect upon approval by the Governor.

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