

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 516
SENATE BILL 200

AN ACT TO AMEND ARTICLE 2A OF CHAPTER 119 OF THE GENERAL STATUTES REGARDING THE REGULATION OF REREFINED OR REPROCESSED OIL, AND TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE GASOLINE AND OIL INSPECTION LAW, THE MEAT INSPECTION LAW, AND THE ANIMAL WELFARE AND ANIMAL HEALTH LAWS.

The General Assembly of North Carolina enacts:

PART I. REGULATION OF REREFINED OR REPROCESSED OIL LAWS

Section 1. G.S. 119-13.1 reads as rewritten:

"§ 119-13.1. Definitions.

As used in this Article:

- (1) 'Lubricating oil' means any oil classified for the use in an internal combustion engine, hydraulic system, gear box, differential, or wheel bearings.
- ~~(1)~~ (1a) 'Rerefined or reprocessed oil' means lubricating oil for use in internal combustion engines, which has been rerefined or processed in whole or part from previously used lubricating oils. used oil that is refined to remove the physical and chemical contaminants acquired through use and that, by itself or when blended with new lubricating oil or additives, meets applicable American Petroleum Institute (A.P.I.) service classifications.
- (1b) 'Recycled oil' means any oil prepared from used oil for energy recovery or reuse as a petroleum product by reclaiming, reprocessing, rerefining, or other means that use properly treated used oil as a substitute for petroleum products.
- (2) 'Specifications' means the minimum chemical properties or analysis as determined by the American Society for Testing Materials (A.S.T.M.) test methods using current ASTM analytical procedures.
- (3) 'Used oil' means any oil that has been refined from crude or synthetic oil and, as a result of use, storage, or handling becomes unsuitable for its original purpose due to the loss of its original properties or the presence of impurities, but that may be rerefined for further use.'

Sec. 2. G.S. 119-13.2 reads as rewritten:

"§ 119-13.2. Labels required on sealed containers; oil to meet minimum specifications.

(a) It shall be unlawful to offer for sale or sell or deliver in this State ~~rerefined or reprocessed oil, previously used oil that has not been rerefined or recycled oil that has not been rerefined,~~ as ~~hereinbefore defined,~~ defined in G.S. 119-13.1, in a sealed container unless this container be labeled or bear a label on which shall be expressed the brand or trade name of the oil and the words 'made from previously used lubricating oil'; the name and address of the person, firm, or corporation ~~who~~ that has rerefined or reprocessed said oil or placed it in the container; the Society of Automotive Engineers (S.A.E.) viscosity ~~number;~~ grade; the net contents of the container expressed in U.S. liquid measure of quarts, gallons, or pints; which label has been registered and approved by the Gasoline and Oil Inspection Division of the Department of Agriculture; and that the oil in each container shall meet the minimum specifications. The Gasoline and Oil Inspection Board shall adopt minimum quality specifications, the measurement of which shall be accomplished using current A.S.T.M. analytical procedures.

(b) A person may represent a product made in whole or in part from rerefined oil to be substantially equivalent to a product made from virgin oil for a particular end use if the product conforms with the applicable American Petroleum Institute (A.P.I.) service classifications."

Sec. 3. G.S. 119-13.3 reads as rewritten:

"§ 119-13.3. Violation a misdemeanor.

Any person, firm, or corporation violating any of the provisions of this Article shall for each offense be guilty of a Class 1 ~~misdemeanor.~~ misdemeanor. For a second or subsequent offense, the person shall also be enjoined from selling or distributing previously used oil for not less than one year nor more than five years."

PART II. GASOLINE AND OIL INSPECTION ACT.

Sec. 4. Article 3 of Chapter 119 of the General Statutes is amended by adding the following new section:

"§ 119-39.1. Civil Penalties.

The Commissioner of Agriculture may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

PART III. MEAT INSPECTION LAWS.

Sec. 5. G.S. 106-549.35 is amended by adding the following new subsection:

"(c) The Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or Article 49B, or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

PART IV. ANIMAL WELFARE ACT.

Sec. 6. Article 3 of Chapter 19A of the General Statutes, Animal Welfare Act, is amended by adding the following new section:

"§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule

promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation."

PART V. ANIMAL HEALTH LAWS.

Sec. 7. Article 14A of Chapter 106 of the General Statutes, Licensing and Regulation of Rendering Plants and Rendering Operations, is amended by adding the following new section:

"§ 106-168.16. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 8. Article 34 of Chapter 106 of the General Statutes, Animal Diseases, is amended by adding the following:

"Part 12. Penalties.

"§ 106-405.20. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 9. Article 35 of Chapter 106 of the General Statutes, Public Livestock Markets, is amended by adding the following new section:

"§ 106-417.1. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 10. Article 35A of Chapter 106 of the General Statutes, Livestock Prompt Pay Law, is amended by adding the following new section:

"§ 106-418.7A. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 11. Article 35B of Chapter 106 of the General Statutes, Livestock Dealer Licensing Act, is amended by adding the following new section:

"§ 106-418.16. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 12. Article 49 of Chapter 106 of the General Statutes, Poultry, Hatcheries and Chick Dealers, is amended by adding the following new section:

"§ 106-549.1. Civil Penalties.

The Department of Agriculture may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Department shall consider the degree and extent of harm caused by the violation."

Sec. 13. Article 49E of Chapter 106 of the General Statutes, Disposal of Dead Diseased Poultry, is amended by adding the following new section:

"§ 106-549.72. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 14. Article 49F of Chapter 106 of the General Statutes, Biological Residues, is amended by adding the following new section:

"§ 106-549.89. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 15. Article 58 of Chapter 106 of the General Statutes, Biologics Laws, is amended by adding the following new section:

"§ 106-715. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 16. The organizational headings to the parts of this act, set forth in bolded uppercase, are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

Sec. 17. This act becomes effective October 1, 1995, and shall apply to violations occurring on or after that date.

In the General Assembly read three times and ratified this the 29th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives