

Fifty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2113

Introduced by

Industry, Business and Labor Committee

(At the request of the Public Service Commission)

1 A BILL for an Act to create and enact a new section to chapter 64-04 of the North Dakota
2 Century Code, relating to restrictions on the commercial sale of anhydrous ammonia; and to
3 amend and reenact sections 64-04-02 and 64-04-03 of the North Dakota Century Code, relating
4 to testing of anhydrous ammonia weighing and measuring devices, and agriculture
5 commissioner licensing authority of anhydrous ammonia vendors.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1.** A new section to chapter 64-04 of the North Dakota Century Code is
8 created and enacted as follows:

9 **Restrictions upon sale of anhydrous ammonia.** After January 1, 2013, it is unlawful
10 for a vendor using a percent gauge as a method of measurement for sale to sell or offer for
11 sale, either at wholesale or retail, anhydrous ammonia gas, except in liquid form, either by
12 avoirdupois or metric weight, specified in pounds or kilograms, over a commission-certified
13 scale; or by liquid measure, specified in pounds or kilograms, through a commission-certified
14 meter that has been inspected, tested, and approved for commercial use at least once per year
15 not to exceed fifteen months.

16 After January 1, 2004, it is unlawful for a vendor using a meter or scale as a method of
17 measurement for sale to sell or offer for sale, either at wholesale or retail, anhydrous ammonia
18 gas, except in liquid form, either by avoirdupois or metric weight, specified in pounds or
19 kilograms, over a commission-certified scale; or by liquid measure, specified in pounds or
20 kilograms, through a commission-certified meter that has been inspected, tested, and approved
21 for commercial use at least once per year not to exceed fifteen months.

22 After January 1, 2004, it is unlawful for a new vendor, or any existing vendor who
23 modifies the capacity or piping of an existing anhydrous ammonia storage facility to sell or offer
24 for sale, either at wholesale or retail, anhydrous ammonia gas, except in liquid form, either by

1 avoirdupois or metric weight, specified in pounds or kilograms, over a commission-certified
2 scale; or by liquid measure, specified in pounds or kilograms, through a commission-certified
3 meter that has been inspected, tested, and approved for commercial use at least once per year
4 not to exceed fifteen months.

5 **SECTION 2. AMENDMENT.** Section 64-04-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **64-04-02. Authority of commission to test and condemn weighing and measuring**
8 **devices.** The commission may test or calibrate weighing and measuring devices used in the
9 retail sale of anhydrous ammonia, in liquid form; and liquefied petroleum gas, either in liquid or
10 vapor form, and shall condemn all devices found not to be within the permitted tolerance or
11 which do not clearly state the quantity of anhydrous ammonia either in pounds or kilograms;
12 and liquefied petroleum gas, either in liquid or vapor form, in pounds, gallons, cubic feet, or
13 other units approved by the commission. The commission shall conspicuously mark all
14 condemned devices, which mark may not be removed or defaced except upon authorization of
15 the commission.

16 The commission may not test or approve for use in wholesale or retail sale an
17 anhydrous ammonia weighing or measuring device unless the user or vendor owning or
18 operating the anhydrous ammonia storage facility first receives a license from the agriculture
19 commissioner as required under sections 19-20.2-02 and 19-20.2-03.

20 **SECTION 3. AMENDMENT.** Section 64-04-03 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **64-04-03. Specification of liquid petroleum gas meters.** All liquid petroleum gas
23 meters must be of a positive displacement type equipped with a vapor separator or provided
24 with other equipment which will positively eliminate all air and vapor from passing through the
25 meter with the liquid gas, and a differential pressure regulator. The meters must be corrected,
26 prior to use, to sixty degrees Fahrenheit [15.5 degrees Celsius] liquid gas temperature and all
27 deliveries of liquid gas through such meters must, at the time and place of delivery, be
28 temperature corrected to sixty degrees Fahrenheit [15.5 degrees Celsius] and the customer
29 billed accordingly. It is unlawful to make retail sales to customers except where delivered
30 through a fuel dispenser from any bulk delivery vehicle unless such bulk delivery vehicle is
31 equipped with and dispenses said liquid petroleum gas through a liquid meter as herein

- 1 provided. Liquid meters may not be equipped with a bypass around the liquid meter. The
- 2 prohibition of a bypass does not prohibit the use of an equalization line.