

CHAPTER 114

**LABOR AND INDUSTRY**

SENATE BILL 95-027

BY SENATORS Bishop and Casey;  
also REPRESENTATIVES George, Gordon, Lyle, Prinster, and Saliman.

**AN ACT**

**CONCERNING LABELLING REQUIREMENTS FOR CONTAINERS OF AUTOMOTIVE LUBRICANTS.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 8-20-213, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**8-20-213. Recycled or used motor oil - legislative declaration - definitions - sale - labelling requirements.** (1) ~~It is unlawful for any person, firm, or corporation to sell, expose for sale, or offer for sale, any reclaimed motor oil or reclaimed lubricating oil without first registering the trade name and manufacturer's name with the state inspector of oils under which reclaimed motor oil or reclaimed lubricating oil is to be sold or offered for sale.~~ THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE USED OIL GENERATED BY THIS STATE EACH YEAR IS A VALUABLE RESOURCE THAT CAN BE REUSED AS AN ENVIRONMENTALLY ACCEPTABLE RE-REFINED PRODUCT. THE GENERAL ASSEMBLY FURTHER FINDS THAT THE DISPOSAL OF AUTOMOTIVE ENGINE OIL AND OTHER LUBRICANTS IS VERY COSTLY, CREATES ENVIRONMENTAL AND HEALTH HAZARDS, AND DEPLETES THE STATE'S AND THE NATION'S DWINDLING SUPPLY OF PETROLEUM. IT IS THE INTENT OF THE GENERAL ASSEMBLY TO REDUCE THE AMOUNT OF USED OIL THAT IS IMPROPERLY DISPOSED OF AND TO INCREASE THE AMOUNT THAT IS REUSED AS A RE-REFINED PRODUCT.

(2) ~~There shall be branded on each barrel, can, cask, tank, or other vessel containing reclaimed motor oil or reclaimed lubricating oil such words in gothic type at least one-sixteenth inch in width and at least one-half inch in height, in red letters upon a white background.~~ AS USED IN THIS SECTION, UNLESS THE CONTEXT

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

## OTHERWISE REQUIRES:

(a) "API SERVICE CLASSIFICATION" MEANS ONE OF THE TWO LETTER CLASSIFICATION PERFORMANCE RATINGS FOR ENGINE OILS, INCLUDING RE-REFINED OILS, AS DETERMINED BY THE AMERICAN PETROLEUM INSTITUTE.

(b) "LUBRICANT" MEANS A LUBRICATING OIL AS DEFINED IN PARAGRAPH (c) OF THIS SUBSECTION (2) OR ANY OTHER SUBSTANCE OR MIXTURE OF SUBSTANCES USED TO REDUCE THE FRICTION CAUSED BY AUTOMOTIVE PARTS MOVING AGAINST EACH OTHER.

(c) "LUBRICATING OIL" MEANS OIL CLASSIFIED FOR USE IN AN INTERNAL COMBUSTION ENGINE, HYDRAULIC SYSTEM, GEAR BOX, DIFFERENTIAL GEAR MECHANISM, OR WHEEL BEARING.

(d) "RECYCLED OIL" MEANS OIL THAT IS PREPARED FOR AUTOMOTIVE USE BY RECLAIMING AND OTHERWISE REPROCESSING USED OIL.

(e) "RE-REFINED OIL" MEANS USED OIL THAT HAS BEEN REFINED USING PROCESSING TECHNOLOGY TO REMOVE THE PHYSICAL AND CHEMICAL CONTAMINANTS ACQUIRED THROUGH USE AND WHICH, BY ITSELF OR WHEN BLENDED WITH NEW LUBRICATING OIL OR ADDITIVES, MEETS APPLICABLE API SERVICE CLASSIFICATIONS AND SAE VISCOSITY GRADES.

(f) "SAE VISCOSITY GRADE" MEANS THE MEASURE OF AN OIL'S, INCLUDING A RE-REFINED OIL'S, RESISTANCE TO FLOW AT A GIVEN TEMPERATURE, AS DETERMINED BY THE SOCIETY OF AUTOMOTIVE ENGINEERS.

(g) "USED OIL" MEANS REFINED CRUDE OR SYNTHETIC OIL THAT AS A RESULT OF USE HAS BECOME UNSUITABLE FOR ITS ORIGINAL PURPOSE DUE TO LOSS OF ORIGINAL PROPERTIES OR THE PRESENCE OF IMPURITIES AND THAT MAY BE RECYCLED IN AN ECONOMICAL MANNER AND MADE SUITABLE FOR FURTHER USE AS AN AUTOMOTIVE LUBRICANT.

(3) (a) IT IS UNLAWFUL FOR A PERSON TO PACKAGE AND SELL A CONTAINER OF:

(I) LUBRICANT UNLESS THE CONTAINER PROMINENTLY DISPLAYS THE APPLICABLE API SERVICE CLASSIFICATION, API CERTIFICATION MARK, AND SAE VISCOSITY GRADE OF THE CONTENTS; OR

(II) LUBRICANT MADE WHOLLY OR PARTLY FROM USED OR RECYCLED OIL UNLESS THE CONTAINER IS PLAINLY LABELED AS CONTAINING USED OR RECYCLED OIL.

(b) THE LABEL OR ADVERTISING ON A CONTAINER OF USED OR RECYCLED OIL SHALL ACCURATELY REFLECT THE TYPE OF OIL STORED IN SUCH CONTAINER.

(c) A PERSON MAY REPRESENT A PRODUCT MADE WHOLLY OR PARTLY FROM RE-REFINED OIL TO BE EQUAL TO OR BETTER THAN A SIMILAR PRODUCT MADE FROM VIRGIN OIL IF THE PRODUCT FOR SALE CONFORMS WITH APPLICABLE API SERVICE CLASSIFICATIONS, API CERTIFICATION MARK, AND SAE VISCOSITY GRADES.

(d) NOTWITHSTANDING SECTION 8-20-229, A PERSON FOUND GUILTY OF VIOLATING THIS SUBSECTION (3) SHALL BE SUBJECT TO A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS AND NOT MORE THAN FIVE HUNDRED DOLLARS FOR THE FIRST OFFENSE. A PERSON FOUND GUILTY OF A SECOND OR SUBSEQUENT OFFENSE SHALL BE ENJOINED FROM SELLING OR DISTRIBUTING USED OIL FOR NOT LESS THAN ONE YEAR AND NOT MORE THAN FIVE YEARS.

**SECTION 2.** 8-20-102, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**8-20-102. Duties of the state inspector of oils.** (1) The state inspector of oils shall make, promulgate, and enforce regulations setting forth minimum and general standards covering the design, construction, location, installation, and operation of equipment for storing, handling, transporting by tank truck or tank trailer, and utilizing liquid fuel products. Said regulations shall be such as are reasonably necessary for the protection of the health, welfare, and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Such regulations shall be adopted by the state inspector of oils in compliance with section 24-4-103, C.R.S.

(2) THE STATE INSPECTOR OF OILS SHALL ENFORCE THE PROVISIONS OF SECTION 8-20-213 CONCERNING RECYCLED AND USED MOTOR OIL.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 27, 1995