

MOTOR FUEL METERING & QUALITY AT A GLANCE

Statutes: Chapter 2310, Occupations Code

Rules: Title 16 T.A.C. Chapter 97

Number of Licensees: 15,043

Webpage: <https://www.tdlr.texas.gov/fmq/fmq.htm>

Overview:

Senate Bill (SB) 2119 (86th Legislature), effective Sept. 1, 2020, transferred oversight of the Motor Fuel Metering and Quality Program (FMQ) to TDLR from the Texas Department of Agriculture (TDA). TDLR is the agency responsible for regulating motor fuel in Texas.

TDLR conducts investigations for fuel quality, dispenser performance, suspected skimmers, and pricing in response to complaints. TDLR also registers motor fuel metering devices, fuel suppliers, distributors and wholesalers; and licenses the service companies and technicians who perform device repairs, testing, and maintenance.

Regulatory Requirements:

Fuel stations must visibly display their current certificate of registration where consumers can see it and maintain an accessible copy of their most current Device Performance Review (DPR).

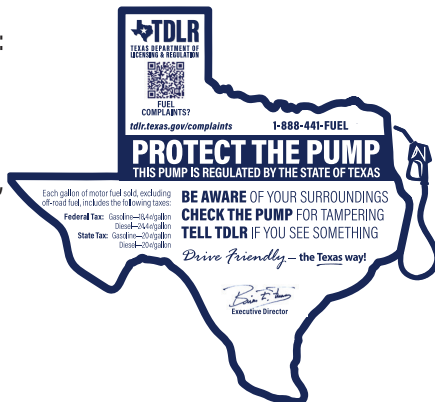
All fuel dispensers must display the Texas-shaped TDLR consumer information stickers instead of stickers from TDA. The stickers show the taxes included in the price of each gallon of fuel, as well as information on how a consumer can file a complaint with TDLR.

Licensing:

TDLR licenses the following:

- Service Companies (companies that perform device performance reviews, which include inspections, testing, calibrations and repairs on devices).

Note: *Service company owners and service technicians must undergo criminal background checks before licensing and at renewal.*



- Service Technicians (employees of service companies who perform device performance reviews and repairs on devices)
- Motor Fuel Metering Devices (meters that measure the volume of motor fuel passing through a dispenser to the consumer)
- Distributors, Wholesalers, and Jobbers (companies that deliver motor fuel to retail motor fuel locations)
- Suppliers (facilities where motor fuel is loaded into a transport truck by a distributor, wholesaler or jobber)

Skimmers:

TDLR conducts technical inspections of suspected payment card skimmers (skimmer) in unattended fuel dispensers. When TDLR receives a complaint, a program specialist is sent to the location and inspects each fuel dispenser to determine whether a skimmer is present. If a skimmer is found, TDLR works together with merchants, service technicians, and law enforcement to ensure devices are removed quickly.

State law requires service technicians and merchants to take steps to protect consumers through mandatory reporting and disabling of fuel dispensers where a skimmer has been found.

TDLR requires service technicians to inspect for skimmers each time a dispenser is opened for repairs or maintenance. When a service technician finds a skimmer, they must report it to the merchant immediately and file a skimmer report with TDLR using the online webform.

Whether a skimmer is found by a service technician or a merchant, the merchant must notify law enforcement and disable each dispenser where a skimmer is located. Merchants and service technicians must report the discovery of skimmers to TDLR using the online webform. Dispensers must be disabled until the skimmers have been properly removed.

To learn how to #ProtectThePump and prevent yourself from being a victim of card fraud, check out these resources to learn more:
<https://www.tdlr.texas.gov/fmq/protectthepump.htm>.

Fees:

Distributor, Wholesaler, Jobber	\$80
Supplier	\$2,600
Service Company	\$300 per device category (\$200 per additional device category)
Service Technician	\$30
Device with max flow rate of 20 Gallons Per Minute (GPM) or less (Delivering multiple gasoline product per nozzle)	\$93
Device with max flow rate of 20 Gallons Per Minute (GPM) or less (Delivering 1 gasoline product per nozzle)	\$31
Device with max flow rate of 20 Gallons Per Minute (GPM) or less (Delivering 1 diesel or other non-gasoline product per nozzle)	\$31
Device with max flow rate greater than 20 GPM-100 GPM	\$76
Device with max flow rate greater 100 GPM	\$251

Fees are for 2-year licenses or registration

Complaints

- To file a complaint related to motor fuels, consumers should fill out a form at: <https://www.tdlr.texas.gov/FMQcomplaints/>. Complaints about contaminated fuel should be submitted to TDLR as soon as an issue is discovered because proving that contaminated fuel was dispensed is difficult if the station has received new fuel deliveries after the fuel was dispensed. The consumer should also contact the station and report the issue. To file a report related to skimmers, fill out the form at: <http://www.tdlr.texas.gov/skimmers>.
- To report an environmental emergency, discharge, spill, or air release, consumers should call the State of Texas Spill-Reporting Hotline at 1-800-832-8224 – 24 hours a day. For more information, including links to rules, laws, technical assistance, waste management, and State Emergency Response Commission (SERC), see the Texas Commission on Environmental Quality website (<https://www.tceq.texas.gov/response/spills/spills.html>).

The Motor Fuel Metering and Quality Advisory Board has nine members serving staggered 6-year terms:

- four members who are dealers or representatives designated by the dealers, including:
 - one dealer that has fewer than 501 motor fuel metering devices registered with the department;
 - one dealer that has more than 1,000 but fewer than 5,000 motor fuel metering devices registered with the department;
 - one dealer that has more than 5,000 motor fuel metering devices registered with the department; and
 - one dealer without regard to the dealer’s number of motor fuel metering devices registered with the department;
- two members who represent service companies, as defined by Section 2310.151;
- one member who represents a wholesaler or distributor;
- one member who represents a supplier; and
- one member of the public.

