

## **Part 5**

### **Engine Coolant Bittering Agent Act**

#### **19-1-501 Title.**

This part is known as the "Engine Coolant Bittering Agent Act."

Enacted by Chapter 170, 2010 General Session

#### **19-1-502 Definitions.**

- (1) "Bittering agent" means an aversive agent that renders engine coolant unpalatable.
- (2) "Engine coolant" means:
  - (a) a substance or preparation, regardless of its origin, used as the cooling medium in the cooling system of an internal combustion engine to provide protection against freezing, overheating, and corrosion of the cooling system; or
  - (b) a product that is labeled to indicate or imply that it will prevent freezing or overheating of the cooling system of an internal combustion engine.

Enacted by Chapter 170, 2010 General Session

#### **19-1-503 Requirements for engine coolant sold in state.**

On or after January 1, 2011, a person may not sell engine coolant to a person in this state that is manufactured on or after January 1, 2011, if the engine coolant:

- (1) contains more than 10% ethylene glycol; and
- (2) does not contain:
  - (a) denatonium benzoate within the following amounts:
    - (i) a minimum of 30 parts per million; and
    - (ii) a maximum of 50 parts per million; or
  - (b) a similar bittering agent that renders the engine coolant unpalatable if it meets or exceeds the degree of aversion as compared to denatonium benzoate at a concentration of 30 parts per million.

Enacted by Chapter 170, 2010 General Session

#### **19-1-504 Recordkeeping.**

- (1) A manufacturer or packager of engine coolant that sells the engine coolant to a person in this state shall maintain for at least three years a record of the following for a bittering agent used in the engine coolant in accordance with Section 19-1-503:
  - (a) the trade name;
  - (b) the scientific name; and
  - (c) the active ingredients.
- (2) A manufacturer or packager shall make the information described in Subsection (1) available to the public upon request.

Enacted by Chapter 170, 2010 General Session

#### **19-1-505 Liability limitation.**

- (1)

- (a) Subject to the other provisions of this section, a person may not be held liable as described in Subsection (1)(b) if:
  - (i) the person is a manufacturer, processor, distributor, recycler, or seller of an engine coolant; and
  - (ii) the engine coolant at issue contains denatonium benzoate in a concentration described in Section 19-1-503.
- (b) A person described in Subsection (1)(a) may not be held liable to any person for any of the following that results from the inclusion of denatonium benzoate in an engine coolant in the concentrations described in Section 19-1-503:
  - (i) personal injury;
  - (ii) death;
  - (iii) property damage;
  - (iv) damage to the environment, including natural resources; or
  - (v) economic loss.
- (2) Subsection (1) does not apply to a liability to the extent that:
  - (a) the cause of the liability is unrelated to the inclusion of denatonium benzoate in an engine coolant; or
  - (b) the injury described in Subsection (1)(b) is the result of willful or wanton misconduct or gross negligence by a manufacturer, processor, distributor, recycler, or seller of engine coolant.
- (3) Nothing in this section shall be construed to exempt any manufacturer or distributor of denatonium benzoate from any liability related to denatonium benzoate.

Enacted by Chapter 170, 2010 General Session

**19-1-506 Preemption.**

With respect to a retail container containing less than 55 gallons of engine coolant, a political subdivision of this state may not establish or enforce a prohibition, limitation, standard, or other requirement relating to the inclusion of a bittering agent in an engine coolant that differs from, or is in addition to, a requirement under this part.

Enacted by Chapter 170, 2010 General Session

**19-1-507 Civil action.**

- (1) The attorney general or a person may bring a civil action in a court of competent jurisdiction to seek:
  - (a) an injunction to enforce the part; and
  - (b) if the action is brought by the attorney general, a civil penalty not to exceed \$500 for each day the part is violated.
- (2) In an action brought under this section, a court may:
  - (a) order injunctive relief;
  - (b) impose a civil penalty to the extent provided in Subsection (1);
  - (c) award attorney fees and costs to the attorney general or person who brings the civil action, if the attorney general or person prevails; or
  - (d) take a combination of actions under this Subsection (2).
- (3) A civil penalty imposed under this section shall be deposited into the General Fund.

Enacted by Chapter 170, 2010 General Session

**19-1-508 Exemptions.**

This part does not apply to:

- (1) the sale of a motor vehicle or a part of a motor vehicle that contains engine coolant; or
- (2) a wholesale container of engine coolant that contains 55 gallons or more of engine coolant if it contains a conspicuous label indicating whether or not it contains a bittering agent.

Enacted by Chapter 170, 2010 General Session