WEST VIRGINIA CODE CHAPTER 16 ARTICLE 43

WV Legislature

§16-43-1. Definitions.

For the purposes of this article:

(1) "Bittering agent" means an aversive agent that renders engine coolant or antifreeze unpalatable; and

(2) "Engine coolant" or "antifreeze" 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; and

(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.

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§16-43-2. Engine coolant and antifreeze; bittering agent required; penalty; exceptions.

(a) Any engine coolant or antifreeze manufactured in this state after January 1, 2012, or sold after that date within West Virginia that contains more than ten percent ethylene glycol shall include not less than thirty parts per million and not more than fifty parts per million denatonium benzoate as a bittering agent in order to render the coolant or antifreeze unpalatable.

(b) A manufacturer, processor, distributor, recycler or seller of an engine coolant or antifreeze that is required to contain the bittering agent set forth in subsection (a) of this section is not liable to any person for any personal injury, death, property damage, damage to the environment or economic loss that results from the inclusion of denatonium benzoate in any engine coolant or antifreeze, if the inclusion of denatonium benzoate is present in concentrations as mandated by subsection (a) of this section. The limitation on liability does not apply to a particular liability to the extent that the cause of the liability is unrelated to the inclusion of denatonium benzoate in any engine coolant or antifreeze.

(c) The provisions of this section do not apply to:

(1) The sale of a motor vehicle that contains engine coolant or antifreeze;

(2) A wholesale container of engine coolant or antifreeze designed to contain fifty-five gallons or more of engine coolant or antifreeze; and

(3) Engine coolant or antifreeze reformulated through on site recycling.

(d) Any person who violates any provision of this section is guilty of a misdemeanor and shall be fined not more than $100. Each day of violation is a separate offense.

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