

AMENDED IN ASSEMBLY MAY 4, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 808

Introduced by Assembly Member Ridley-Thomas

February 26, 2015

An act to amend Sections 13405, 13410, 13413, 13420, 13421, 13440, 13440.5, 13442, 13450, 13470, 13470.5, 13471, 13472, 13477, 13480, 13481, 13482, 13485, 13486, 13500, 13501, 13502, 13530, 13531, 13532, 13535, 13550, 13570, 13590, 13591, 13592, 13595, 13600, 13700, 13710, 13711, and 13741 of, to amend the headings of Chapter 14 (commencing with Section 13400) of, Article 5 (commencing with Section 13440) of Chapter 14 of, Article 5.5 (commencing with Section 13446) of Chapter 14 of, Article 6 (commencing with Section 13450) of Chapter 14 of, Article 8 (commencing with Section 13470) of Chapter 14 of, and Article 13 (commencing with Section 13550) of Chapter 14 of, Division 5 of, *to add Section 13404.5 to*, to repeal Sections 13401, 13402, and 13403 of, and to repeal and add Sections ~~13400, 13404, 13400~~ and 13446 of, the Business and Professions Code, relating to automotive fuels and products.

LEGISLATIVE COUNSEL'S DIGEST

AB 808, as amended, Ridley-Thomas. Automotive fuels and products.

(1) Existing law regulates the sales of motor vehicle fuels and lubricants. Existing law requires the Department of Food and Agriculture to establish standards for motor vehicle fuels and other petroleum products that are offered for sale in the state and requires the department, through the Division of Measurement Standards to enforce regulations and standards for motor vehicle fuels and lubricants. A violation of this law and those regulations and standards is a crime.

This bill would revise and recast those provisions and would additionally subject the retail sale of electricity for the purposes of transferring electricity to, or storing onboard electricity, an electric vehicle primarily for the purpose of propulsion and other alternative fuels. The bill would authorize the department to establish interim specification for alternative fuels, as defined, until specified conditions are met. The bill would require the Secretary of Food and Agriculture to establish the method of sale of motor vehicle fuels and lubricants sold at retail to the public.

(2) Existing law makes it unlawful for a person to sell or distribute engine oil or axle and manual transmission lubricant unless the SAE/API service classification is conspicuously marked on each container. A violation of this requirement is a crime.

This bill would also require the product to conform to a specified classification or specification. The bill would require that, whenever the motor oil does not meet an active API service category, each sign or label bear a plainly visible cautionary statement in compliance with SAE J183 Appendix A.

(3) Existing law regulates the sale of automotive products, such as engine coolant and antifreeze. Existing law requires the department to establish specification for those products. Existing law deems an automatic transmission fluid as mislabeled under certain conditions. A violation of regulations governing the sale of automotive products is a crime.

This bill would revise and recast those provisions and would additionally deem an automatic transmission fluid to be mislabeled if the container and carton do not bear a lot or batch number on the label identifying the container lot or batch. The bill would require the secretary to establish the method of sale of diesel exhaust fluid sold at retail to the public. The bill would authorize the sealer to take samples reasonably necessary for enforcement purposes under certain conditions. The bill would require manufacturers or packagers of automotive products, upon request, to provide to a duly authorized representative of the department documentation of claims made on their products.

(4) This bill would make conforming and nonsubstantive changes.

(5) Because a violation of the above provisions is a crime, this bill would impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Chapter 14 (commencing with
2 Section 13400) of Division 5 of the Business and Professions Code
3 is amended to read:

4
5 CHAPTER 14. FUELS AND LUBRICANTS
6

7 SEC. 2. Section 13400 of the Business and Professions Code
8 is repealed.

9 SEC. 3. Section 13400 is added to the Business and Professions
10 Code, to read:

11 13400. For purposes of this chapter, the following terms mean
12 the following:

13 (a) "Advertising medium" includes banner, sign, placard, poster,
14 streamer, and card.

15 (b) "Alternative fuels" means any of the following:

16 (1) "Biodiesel," which is a fuel comprised of monoalkyl esters
17 of long chain fatty acids derived from plant or animal matter that
18 meets the requirements of *the* American Society for Testing and
19 Materials (ASTM) International Standard Specification D6751
20 "Standard Specification for Biodiesel Fuel Blend Stock (B100)
21 for Middle Distillate Fuels."

22 (2) "Biodiesel blend," which is a fuel consisting of biodiesel
23 mixed with diesel fuel that meets the requirements of ASTM
24 International Standard Specification D7467 "Standard Specification
25 for Diesel Fuel Oil and Biodiesel Blend (B6 to B20)."

26 (3) "Dimethyl ether," which is an organic compound meant for
27 combustion in compression-ignition engines that meets the
28 requirements of dimethyl ether prescribed in this chapter.

29 (4) "Electricity," which is electrical energy transferred to, or
30 stored onboard, or both transferred to and stored onboard, an
31 electric vehicle primarily for the purpose of propulsion.

32 (5) "Ethanol," which is denatured motor fuel ethanol meeting
33 the requirements of ASTM International Standard Specification

1 D4806 “Standard Specification for Denatured Fuel Ethanol for
2 Blending with Gasolines for Use as Automotive Spark-Ignition
3 Engine Fuel.”

4 (6) “Ethanol fuel blend,” which is a motor vehicle fuel consisting
5 primarily of ethanol mixed with gasoline meeting the standards
6 prescribed by this chapter.

7 (7) “Hydrogen,” which is a fuel consisting of molecular
8 hydrogen intended for consumption in a surface vehicle or
9 electricity production device with an internal combustion engine
10 or fuel cell that meets the standards for hydrogen prescribed by
11 this chapter.

12 (8) “Methanol fuel blend,” which is a motor vehicle fuel
13 consisting primarily of methanol mixed with gasoline meeting the
14 standards prescribed by this chapter.

15 (9) “Natural gas,” which is a gaseous mixture of hydrocarbon
16 compounds consisting of primarily methane in the form of a
17 compressed gas or a cryogenic liquid intended for use as a motor
18 vehicle fuel.

19 (10) “Propane,” which is a liquefied petroleum gas intended for
20 use as a motor vehicle fuel and meeting the standards prescribed
21 by this chapter.

22 (11) Any other fuel intended for use as a motor vehicle fuel that
23 the Secretary of Food and Agriculture determines is an alternative
24 fuel.

25 (c) “Automotive spark-ignition engine fuel” means a product
26 used for the generation of power in a spark-ignition internal
27 combustion engine.

28 (d) “Compression-ignition engine fuel” means a product used
29 for the generation of power in a compression-ignition internal
30 combustion engine.

31 (e) “Developmental engine fuel” means an experimental
32 automotive spark-ignition engine fuel or compression-ignition fuel
33 that does not meet standards established by this chapter but has
34 characteristics that may lead to an improved fuel standard or the
35 development of an alternative fuel standard.

36 (f) “Diesel fuel” means a hydrocarbon oil meant for combustion
37 in compression-ignition engines offered for sale that meets the
38 standards for diesel fuel prescribed by this chapter.

39 (g) “Engine fuel” means any gasoline, diesel, or alternative fuel
40 used for the generation of power in an internal combustion engine

1 or fuel cell in a motor vehicle, or electrical power delivered
2 conductively or inductively to an electric motor in electric or
3 plug-in hybrid vehicles. “Motor fuel” means “engine fuel” when
4 that term is used in this chapter.

5 (h) “Fuel oil” means any lubricant offered for sale that meets
6 the standards for fuel oil prescribed by this chapter.

7 (i) “Gasoline” means a volatile mixture of liquid hydrocarbons,
8 generally containing small amounts of additives, suitable for use
9 as a fuel in a spark-ignition internal combustion engine.

10 (j) “Gasoline-oxygenate blend” means a fuel consisting primarily
11 of gasoline along with a substantial amount of one or more
12 oxygenates. For purposes of this subdivision, “substantial amount”
13 means more than 0.35 mass percent oxygen or, if methanol is the
14 only oxygenate, more than 0.15 mass percent oxygen.

15 (k) “Kerosene” means a fuel offered for sale that meets the
16 standards for kerosene prescribed in this chapter.

17 (l) “Lubricant” means a lubricating oil or other substance that
18 reduces friction and wear between moving parts within an engine
19 and other motor vehicle components.

20 (m) “Lubricating oil” means motor oil, engine lubricant, engine
21 oil, lubricating axle oil, gear oil, or manual transmission fluid.

22 (n) “Manufacturer” means manufacturer, refiner, producer, or
23 importer.

24 (o) “Motor oil” or “engine oil” means an oil that reduces friction
25 and wear between the moving parts within an internal combustion
26 engine and also serves as a coolant.

27 (p) “Motor vehicle fuel” means an engine fuel intended for
28 consumption in, including, but not limited to, an internal
29 combustion engine, fuel cell, or electric motor to produce power
30 to self-propel a vehicle designed for transporting persons or
31 property on a public street or highway.

32 (q) “Octane number” or “antiknock index number,” when used
33 in this chapter, means that number assigned to a ~~spark-ignition~~
34 *spark-ignition* engine fuel that designates the antiknock quality.
35 The “octane number” or “antiknock index number” shall be
36 determined according to the ASTM International method or
37 methods designated in the latest ASTM International Standard
38 Specification ~~D-4814~~. *D4814*.

(r) “Oxygenate” means an oxygen-containing ashless organic compound, such as an alcohol or ether, that can be used as a fuel or fuel supplement.

(s) “Renewable diesel fuel” means a diesel fuel derived from nonpetroleum renewable resources.

(t) “Sell” or any of its variants means attempt to sell, offer for sale or assist in the sale of, permit to be sold or offered for sale or delivery, offer for delivery, trade, barter, or expose for sale.

(u) “Standard test,” as used in this chapter, means a test conducted in accordance with the latest published standard adopted by ASTM International.

SEC. 4. Section 13401 of the Business and Professions Code is repealed.

SEC. 5. Section 13402 of the Business and Professions Code is repealed.

SEC. 6. Section 13403 of the Business and Professions Code is repealed.

~~SEC. 7. Section 13404 of the Business and Professions Code is repealed.~~

~~SEC. 8.~~

~~SEC. 7.~~ Section ~~13404~~ 13404.5 is added to the Business and Professions Code, to read:

~~13404.~~

13404.5. The secretary shall establish the method of sale of motor vehicle fuels and lubricants sold at retail to the public. In doing so, the secretary shall adopt, by reference, the latest method of sale for motor vehicle fuels and lubricants adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130 “Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality,” except as specifically *provided by the Legislature* or modified, amended, or rejected by *regulations adopted by* the secretary. In the absence of national standards, the secretary may adopt interim standards of method of sale until the time when the standards are adopted by the National Conference on Weights and Measures. ~~Measures and published in the National Institute of Standards and Technology.~~

~~SEC. 9.~~

SEC. 8. Section 13405 of the Business and Professions Code is amended to read:

1 13405. (a) The department may grant a variance from the
2 specifications of this chapter for developmental engine fuels if all
3 of the following conditions apply:

4 (1) Variances may only be granted to provide for the
5 development of information under controlled test conditions to
6 assist in the creation of chemical and performance standards for
7 engine fuels.

8 (2) Developmental engine fuel shall only be distributed or sold
9 to fleet-type centrally fueled vehicle and equipment users.

10 (3) The applicant shall warn all parties in writing of any potential
11 risk associated with the use of the developmental engine fuel.

12 (4) The applicant shall report information when and as the
13 department may prescribe in order for the department to monitor
14 the progress of the developmental engine fuel technology
15 evaluation.

16 (b) The applicant for a variance shall comply with all other
17 requirements, terms, and conditions contained in this division and
18 regulations adopted by the department to further the purposes and
19 administration of this section.

20 (c) (1) In granting a variance, the department expresses no
21 opinion as to whether an applicant's developmental engine fuel
22 will perform as represented by the applicant nor any opinion to
23 the extent, if at all, that the developmental engine fuel may be
24 safely and effectively used as a substitute for other spark-ignition
25 or compression-ignition engine fuels without incident.

26 (2) Damages caused by the sale, delivery, storage, handling,
27 and usage of the developmental engine fuel shall be addressed in
28 accordance with contractual provisions negotiated and agreed upon
29 by the applicant and the user.

30 (d) The department may withdraw a variance if the applicant
31 does not adhere to the conditions required to obtain the variance
32 or if the department recognizes a high probability of equipment
33 harm with the continued use of the developmental engine fuel or
34 to protect public safety.

35 ~~SEC. 10.~~

36 *SEC. 9.* Section 13410 of the Business and Professions Code
37 is amended to read:

38 13410. (a) No person engaged in the business of extracting
39 oil or gas from lands within the state, or of producing motor vehicle
40 fuels for sale within the state, may refuse to sell to any city or

1 county sufficient quantities of his or her motor vehicle fuels or
2 lubricants, or both, sold during the normal course of business for
3 the essential services provided by the city or county.

4 (b) The board of supervisors of a county or its designated county
5 agency, upon application for the purchase of motor vehicle fuels
6 or lubricants, or both, to perform essential services by a city within
7 that county, by any agency of such city or county that performs
8 an essential service, or by any transit district created pursuant to
9 law, may arrange for the purchase and shall apportion the purchase
10 among all persons specified in subdivision (a) who engage in the
11 sale of motor vehicle fuels or lubricants, or both, within that county.
12 The board of supervisors or its designated county agency shall, to
13 the extent possible, apportion the total purchase of the motor
14 vehicle fuels or lubricants, or both, on the basis of the persons'
15 sales of that motor vehicle fuel or lubricant, or both, in the county
16 during the most recent 90-day period for which information is
17 available.

18 (c) For purposes of this section, "essential services" means
19 police, fire, health, and transportation services provided by public
20 agencies.

21 ~~SEC. 11.~~

22 *SEC. 10.* Section 13413 of the Business and Professions Code
23 is amended to read:

24 13413. (a) It is unlawful for any person or other legal entity
25 to make any deceptive, false, or misleading statement by any means
26 whatever regarding quality, quantity, performance, price, discount,
27 or saving used in the sale or selling of any commodity regulated
28 pursuant to this chapter.

29 (b) The following misleading, unfair, or deceptive acts or
30 practices committed or permitted by any person offering for sale
31 any product that is regulated by this chapter are also a violation
32 of this section:

33 (1) Misrepresenting the brand, grade, quality, or price of a motor
34 vehicle fuel or lubricant.

35 (2) Using false or deceptive representations or designations in
36 connection with the sale of motor vehicle fuels or lubricants.

37 (3) Advertising motor vehicle fuels or lubricants or services and
38 not selling them as advertised.

1 (4) Advertising motor vehicle fuels or lubricants of a designated
2 brand, grade, trademark, or trade name not actually sold or
3 available for sale.

4 (5) Making false, deceptive, or misleading statements concerning
5 conditions of sale or price reductions.

6 (6) Representing that the consumer will receive a rebate,
7 discount, or other economic benefit and then failing to give that
8 rebate, discount, or other economic benefit.

9 (7) Except as otherwise permitted, selling a grade of motor
10 vehicle fuel at more than one price and advertising only the lower
11 price without advertising each of the higher prices in equal size
12 numerals on the same advertising medium.

13 (8) Placing letters, words, figures, or numerals on any
14 advertising medium offering for sale any goods or merchandise,
15 other than motor vehicle fuel, if the advertising medium may be
16 construed by any reasonable person as advertising a price of motor
17 vehicle fuel.

18 (9) Forging or falsifying any records or documents required by
19 this chapter or knowingly keeping, using, or displaying the false
20 or forged records or documents.

21 ~~SEC. 12.~~

22 *SEC. 11.* Section 13420 of the Business and Professions Code
23 is amended to read:

24 13420. Every person, firm, partnership, association, trustee,
25 or corporation that owns, leases, or rents and operates a facility
26 that offers any motor vehicle fuel for sale to the public from the
27 facility abutting or adjacent to a street or highway shall accurately
28 update all signs, banners, or other advertising media that indicate
29 hours of the sale. Advertising media indicating hours of sale shall
30 be updated on a monthly basis.

31 ~~SEC. 13.~~

32 *SEC. 12.* Section 13421 of the Business and Professions Code
33 is amended to read:

34 13421. Every person, firm, partnership, association, trustee,
35 or corporation that owns, leases, or rents and operates a facility
36 that offers any motor vehicle fuel for sale to the public from the
37 facility abutting or adjacent to a street or highway shall turn off
38 all outdoor lighted advertising media at their place of business
39 when they are not open for business. This section shall only apply
40 to the fueling facility and not the retail business in a situation where

1 the fueling facility is a part of and adjacent to a retail business
2 provided the retail sale of gasoline or other motor vehicle fuel is
3 not the primary purpose of that business.

4 ~~SEC. 14.~~

5 *SEC. 13.* The heading of Article 5 (commencing with Section
6 13440) of Chapter 14 of Division 5 of the Business and Professions
7 Code is amended to read:

8
9 Article 5. Standards for Spark-Ignition Fuels

10
11 ~~SEC. 15.~~

12 *SEC. 14.* Section 13440 of the Business and Professions Code
13 is amended to read:

14 13440. (a) The department shall establish specifications for
15 automotive spark-ignition engine fuels. The department shall adopt
16 by reference the latest standards established by a recognized
17 consensus organization or standards writing organization such as
18 ~~the~~ ASTM International or ~~the~~ SAE International, for automotive
19 spark-ignition engine fuel, except that no specification shall be
20 less stringent than required by any California state law.

21 (b) Any gasoline-oxygenate blend containing methanol shall
22 also contain an alcohol cosolvent (butanol or higher molecular
23 weight alcohol) in an amount equal to or greater than the volume
24 percentage of methanol except those blends previously granted a
25 waiver by the United States Environmental Protection Agency.

26 (c) The antiknock index as defined in Section 13400 for gasoline
27 and gasoline-oxygenate blends shall not be less than 87.

28 (d) Gasoline and gasoline-oxygenate blends shall meet the latest
29 specifications set forth in ASTM International Standard
30 Specification D4814, except that no specification shall be less
31 stringent than required by any California state law.

32 (e) Notwithstanding any other provision of this section, gasoline
33 sold for use in Inyo or Mono County, or the portion of Kern County
34 lying east of the Los Angeles County Aqueduct, shall comply with
35 the latest specification set forth in ASTM International Standard
36 Specification D4814 relating to volatility class standards for the
37 season during which the gasoline is sold for either the interior
38 region or the southeast region of California, except that no
39 specification shall be less stringent than is required by any
40 California state law.

1 (f) Ethanol fuel blends shall meet the latest specifications set
2 forth in ASTM International Standard Specification D5798, except
3 that no specification shall be less stringent than required by any
4 California state law.

5 (g) Methanol fuel blends shall meet the latest specifications set
6 forth in ASTM International Standard Specification D5797, except
7 that no specification shall be less stringent than required by any
8 California state law.

9 (h) Liquefied petroleum gas shall meet the latest specifications
10 set forth in ASTM International Standard Specification D1835,
11 except that no specification shall be less stringent than required
12 by any California state law.

13 (i) Natural gas for use as a motor vehicle fuel shall meet the
14 latest specification set forth by the American Society for Testing
15 and Materials International or Society of Automotive Engineers
16 International, except that no specification shall be less stringent
17 than required by any California state law.

18 ~~SEC. 16.~~

19 *SEC. 15.* Section 13440.5 of the Business and Professions Code
20 is amended to read:

21 13440.5. For purposes of determining the percentage of ethanol
22 in a gasoline-oxygenate blend, the volume of ethanol includes the
23 volume of any denaturant (including gasoline) that is added to the
24 extent that these denaturants do not exceed 5 percent of the volume
25 of the ethanol.

26 ~~SEC. 17.~~

27 *SEC. 16.* Section 13442 of the Business and Professions Code
28 is amended to read:

29 13442. (a) It is unlawful for any person to sell, offer for sale,
30 or cause or permit to be sold or offered for sale, or deliver or offer
31 for delivery, any product as a fuel for internal combustion engines
32 at any place where motor vehicle fuels are kept or stored for sale,
33 which does not conform to the requirements of this article, unless
34 and until there shall be firmly attached to or painted upon each
35 container, receptacle, pump, and inlet end of the fill pipe of each
36 underground storage tank, from which or into which the motor
37 vehicle fuel is drawn or poured for sale or delivery, a sign or label,
38 plainly visible, comprising the brand, trademark, or trade name of
39 such fuel, or the words "no brand," that words shall be in letters
40 of gothic type with a stroke of not less than one-eighth inch in

1 width and not less than one inch in height, and also the words “not
2 gasoline” in red letters of gothic type with a stroke of not less than
3 one-half inch in width and not less than three inches in height, on
4 a white background and not less than twice the size of any other
5 letters or words appearing on or near the label or sign.

6 (b) The provisions of this article, as to the words “not gasoline,”
7 shall not apply to signs or labels used in connection with the sale
8 or delivery of kerosene, jet or turbine fuel, diesel fuel, liquefied
9 petroleum gas, or motor fuel comprised of a mixture of gasoline
10 and lubricating oil properly labeled in accordance with the
11 provisions of Article 9 (commencing with Section 13480).

12 (c) *This section does not apply to electricity sold as a motor*
13 *vehicle fuel.*

14 ~~SEC. 18.~~

15 *SEC. 17.* The heading of Article 5.5 (commencing with Section
16 13446) of Chapter 14 of Division 5 of the Business and Professions
17 Code is amended to read:

18
19 Article 5.5. Standards for Alternative Fuels

20
21 ~~SEC. 19.~~

22 *SEC. 18.* Section 13446 of the Business and Professions Code
23 is repealed.

24 ~~SEC. 20.~~

25 *SEC. 19.* Section 13446 is added to the Business and
26 Professions Code, to read:

27 13446. The department may establish interim specifications
28 for alternative fuel for use in motor vehicles until a standards
29 development organization accredited by the American National
30 Standards Institute (ANSI) formally adopts a standard for the fuel
31 for use in motor vehicles. The department shall then adopt, by
32 reference, the latest standard established by the ANSI-accredited
33 standards development organization for alternative fuel, except
34 that no specification shall be less stringent than required by any
35 California state law.

36 ~~SEC. 21.~~

37 *SEC. 20.* The heading of Article 6 (commencing with Section
38 13450) of Chapter 14 of Division 5 of the Business and Professions
39 Code is amended to read:

Article 6. Standards for Compression-Ignition Engine Fuels,
Kerosene, and Fuel Oils

~~SEC. 22.~~

SEC. 21. Section 13450 of the Business and Professions Code is amended to read:

13450. The department shall establish specifications for compression-ignition engine fuel, kerosene, and fuel oil. The department shall adopt by reference the latest standards established by a recognized consensus organization or standards writing organization such as the American Society of Testing and Materials (ASTM) International or the Society of Automotive Engineers International, for compression-ignition engine fuels, kerosene, and fuel oil, except that no specification shall be less stringent than required by any California state law.

(a) Diesel fuel oil *and renewable diesel fuel oil* shall meet the specifications set forth in ASTM International Standard Specification D975.

(b) Kerosene shall meet the specifications set forth in ASTM International Standard Specification D3699.

(c) Fuel oil shall meet the specifications set forth in ASTM International Standard Specification D396.

(d) Biodiesel blends shall meet the latest specifications set forth in ASTM International Standard Specification D7467.

(e) Dimethyl ether used as a motor vehicle fuel shall meet the latest specifications set forth in ASTM International Standard Specification D7901.

~~SEC. 23.~~

SEC. 22. The heading of Article 8 (commencing with Section 13470) of Chapter 14 of Division 5 of the Business and Professions Code is amended to read:

Article 8. Price Indications on Motor Vehicle Fuel Dispensing
Apparatus

~~SEC. 24.~~

SEC. 23. Section 13470 of the Business and Professions Code is amended to read:

13470. (a) A person shall not sell at retail to the general public, any motor vehicle fuel from any place of business in this state

1 unless there is displayed on the dispensing apparatus in a
2 conspicuous place at least one sign or price indicator showing the
3 actual total price per gallon, liter, or other unit of measurement
4 adopted pursuant to Section 12107 or 13404 of all motor vehicle
5 fuel sold therefrom. The actual total price per gallon, liter, or other
6 unit of measurement shall include applicable fuel taxes and all
7 sales taxes.

8 (b) (1) A person shall not sell at retail to the general public,
9 any compressed natural gas for use as a motor vehicle fuel from
10 any place of business in this state unless there is displayed and
11 labeled on the dispensing apparatus in a conspicuous place
12 “Gasoline gallon equivalent.”

13 (2) A person shall not sell at retail to the general public, any
14 liquefied natural gas for use as a motor vehicle fuel from any place
15 of business in this state unless there is displayed and labeled on
16 the dispensing apparatus in a conspicuous place “Diesel gallon
17 equivalent.”

18 (c) When a discount is offered from a dispenser computing only
19 at a higher price, at least one sign or label shall be conspicuously
20 displayed on the dispenser indicating that the dispenser is
21 computing at the higher price and indicating the amount of the
22 discount per gallon, liter, or other unit of measurement in letters
23 and numerals not less than one-half inch high.

24 (d) If motor vehicle fuel is sold by unit of measurement other
25 than gallon, that unit shall be conspicuously displayed on the side
26 of the dispensing apparatus from which service can be made.

27 ~~SEC. 25.~~

28 *SEC. 24.* Section 13470.5 of the Business and Professions Code
29 is amended to read:

30 13470.5. Any person selling, offering for sale, or advertising
31 for sale, at retail to the general public, any gasoline or other motor
32 vehicle fuel from any place of business in this state by use of or
33 through or from any dispensing apparatus and displaying any sign
34 showing the actual total price per liter, shall, in addition, display
35 in a conspicuous fashion in full view of the retail purchaser and
36 in accordance with provisions of this chapter, a gallon-to-liter
37 conversion table showing quantity and price equivalents.

38 ~~SEC. 26.~~

39 *SEC. 25.* Section 13471 of the Business and Professions Code
40 is amended to read:

1 13471. Each sign required by this article shall be placed in a
2 conspicuous place on the dispensing apparatus and if service of
3 motor vehicle fuel may be made from more than one side of such
4 dispensing apparatus the sign shall be so placed as to be visible
5 from at least two sides of the dispensing apparatus.

6 ~~SEC. 27.~~

7 *SEC. 26.* Section 13472 of the Business and Professions Code
8 is amended to read:

9 13472. When a sign is used in addition to a price indicator, as
10 defined in Section 13470, and if the same grade of motor vehicle
11 fuel is sold at a different price from any other dispenser on the
12 same premises, it shall be unlawful to display the sign on a
13 dispenser unless a sign with price numerals of equal size is
14 displayed upon each dispenser from which the same grade of motor
15 vehicle fuel is dispensed at higher prices.

16 ~~SEC. 28.~~

17 *SEC. 27.* Section 13477 of the Business and Professions Code
18 is amended to read:

19 13477. The provisions of this article do not apply to the sale
20 of motor vehicle fuel for aircraft through or from any portable
21 dispensing device.

22 ~~SEC. 29.~~

23 *SEC. 28.* Section 13480 of the Business and Professions Code
24 is amended to read:

25 13480. (a) It is unlawful for any person to sell any motor
26 vehicle fuel or lubricant referred to in this chapter at any place
27 where motor vehicle fuels or lubricants are kept or stored for sale,
28 unless there is affixed to each container, receptacle, pump,
29 dispenser, and inlet end of the fill pipe of each underground storage
30 tank, from which or into which that product is drawn or poured
31 out for sale or delivery, a sign or label plainly visible consisting
32 of the name of the product, the brand, trademark, or trade name
33 of the product, and, in the case of motor vehicle fuel and kerosene,
34 the grade or brand name designation.

35 (b) When the product is a lubricant, as defined by Section 13400,
36 each sign or label shall also have in letters or numerals, plainly
37 visible, the viscosity grade classification as determined in
38 accordance with the SAE International latest standard for engine
39 oil viscosity classification SAE J300 or manual transmission and

1 axle lubricants viscosity classification SAE J306, as applicable,
2 and shall be preceded by the letters “SAE.”

3 (c) When the product is automotive spark-ignition engine fuel,
4 the secretary shall make rules and regulations as are reasonably
5 necessary to define and enforce the octane number or antiknock
6 index labeling requirements of the product sold.

7 (d) When the product is a motor vehicle fuel consisting of a
8 mixture or premixture of gasoline and oil or gasoline-oxygenate
9 blend and motor oil, there shall be conspicuously displayed on the
10 dispensing device at least one sign or label stating the ratio of
11 gasoline to motor oil or gasoline-oxygenate blend to motor oil.

12 (e) All signs or labels required by this section for retail motor
13 vehicle fuel dispensers and containers of more than one gallon
14 capacity shall be in letters and numerals not less than one-half inch
15 (12.70 mm) in height. On containers of one gallon or less, the signs
16 or labels shall be in letters and numerals not less than one-fourth
17 inch (6.35 mm) in height and one-sixteenth inch (1.59 mm) in
18 width.

19 (f) The provisions of this section pertaining to octane numbers
20 or antiknock index and motor oil SAE International viscosity
21 number grade shall not apply to products sold for aviation purposes.

22 (g) This section does not apply to electricity sold as a motor
23 vehicle fuel.

24 ~~SEC. 30.~~

25 *SEC. 29.* Section 13481 of the Business and Professions Code
26 is amended to read:

27 13481. (a) If any motor vehicle fuel or lubricant is offered for
28 sale, but not under any brand, trademark, or trade name, the words
29 “no brand” shall be used as the brand, trademark, or trade name
30 designation. The words ~~“No Brand”~~ “no brand” shall be in letters
31 of gothic type with a stroke of not less than one-half inch in width,
32 not less than three inches in height, and shall consist of red letters
33 on a white background.

34 (b) *This section does not apply to electricity sold as a motor*
35 *vehicle fuel.*

36 ~~SEC. 31.~~

37 *SEC. 30.* Section 13482 of the Business and Professions Code
38 is amended to read:

1 13482. (a) It is unlawful for any person to sell or distribute
2 engine oil or axle and manual transmission lubricant unless both
3 of following are met:

4 (1) The product conforms to SAE J183 "Engine Oil Performance
5 and Engine Service Classification," or the European Automobile
6 Manufacturers' Association (ACEA) "European Oil Sequences
7 specification."

8 (2) The SAE/API or ACEA service classification is
9 conspicuously marked on each container.

10 (b) Whenever the motor oil does not meet an active API service
11 category as defined to be the latest version of SAE J183, each sign
12 or label shall bear a plainly visible cautionary statement in
13 compliance with SAE J183 Appendix A.

14 (c) Each container of engine oil with a volume of one gallon or
15 less shall bear a plainly visible statement indicating generally the
16 automobile model years or condition of service for which the
17 engine oil is suitable for gasoline engines as described in SAE
18 J183.

19 ~~SEC. 32.~~

20 *SEC. 31.* Section 13485 of the Business and Professions Code
21 is amended to read:

22 13485. Small hand measures used for delivery of motor vehicle
23 fuels or lubricants, and filled in the presence of the customer, need
24 not be labeled in accordance with this chapter if the receptacle,
25 container, or pump from which motor vehicle fuels or lubricants
26 are drawn or poured into the hand measures is properly labeled as
27 required by this chapter.

28 ~~SEC. 33.~~

29 *SEC. 32.* Section 13486 of the Business and Professions Code
30 is amended to read:

31 13486. (a) It is unlawful, at any place of business where motor
32 vehicle fuels or lubricants are sold, for any person to do either of
33 the following:

34 (1) Deliver into a storage tank or container any motor vehicle
35 fuel or lubricant other than the product identified on the label
36 attached to the storage tank or container.

37 (2) Sell by means of, or through, a pump or other device, any
38 motor vehicle fuel or lubricant other than the product identified
39 on the required label, tag, or sign attached to the pump or other
40 device.

(b) This section does not prohibit the delivery of motor vehicle fuel into a storage tank labeled with the authorized rebrand as provided in Article 14 (commencing with Section 13560).

~~SEC. 34.~~

SEC. 33. Section 13500 of the Business and Professions Code is amended to read:

13500. It is unlawful for any person to transport in any tank vehicle, for the purpose of sale or for delivery to any place where motor vehicle fuels or lubricants are stored for sale, any product referred to in this chapter unless there is firmly affixed at each outlet or valve of the tank vehicle, a metal tag, plate, or label. The tag, plate, or label shall display, in letters not less than one-half inch in height, the name and grade of the product in the tank compartment of the tank vehicle. In the case of motor oil, the Society of Automotive Engineers International (SAE) viscosity number shall also be displayed on the tag, plate, or label.

~~SEC. 35.~~

SEC. 34. Section 13501 of the Business and Professions Code is amended to read:

13501. It is unlawful for any person, when delivering for the purpose of sale, or delivering to any place where products referred to in this chapter are kept for sale, to commingle any product with another product or to commingle grades of a product, if as a result of the commingling the product delivered does not meet the specifications adopted or established by the department.

~~SEC. 36.~~

SEC. 35. Section 13502 of the Business and Professions Code is amended to read:

13502. It is unlawful for any person to deliver into a storage tank or container at any place where products referred to in this chapter are stored for sale, any product other than the product identified on the label attached to the storage tank or container.

~~SEC. 37.~~

SEC. 36. Section 13530 of the Business and Professions Code is amended to read:

13530. (a) Nothing in this article applies to price indicators and signs referred to in Article 8 (commencing with Section 13470). However, any numerals designating the price per gallon, liter, or other unit of measurement adopted pursuant to Section 12107 or 13404 for a particular brand and grade of motor vehicle

1 fuel permitted or required under Article 8 (commencing with
2 Section 13470) shall, unless otherwise stated, be identical in
3 numerical value with the price per gallon, liter, or other unit of
4 measurement for the same brand and grade of motor vehicle fuel
5 permitted or required under this article.

6 (b) Nothing in this chapter requires that the cash or merchandise
7 value of trading stamps be stated on any advertising media that
8 either advertises the stamps or advertises the price of motor vehicle
9 fuel.

10 (c) Unless otherwise prohibited, any person selling motor vehicle
11 fuel by the liter shall be authorized to advertise its price by
12 displaying on the advertising medium either the price per liter or
13 the price per gallon.

14 ~~SEC. 38.~~

15 *SEC. 37.* Section 13531 of the Business and Professions Code
16 is amended to read:

17 13531. (a) Every person offering for sale or selling any motor
18 vehicle fuel to the public from any place of business shall display
19 on the premises an advertising medium that complies with the
20 requirements of this article and that advertises the prices of the
21 three major grades of motor vehicle fuel offered for sale. The
22 advertising medium shall be clearly visible from the street or
23 highway adjacent to the premises. When the place of business is
24 situated at an intersection, the advertising medium shall be clearly
25 visible from each street of the intersection. For purposes of this
26 subdivision, motor vehicle fuel does not include propane or
27 electricity.

28 (b) The governing body of any city, county, or city and county
29 may, by ordinance, exempt specified geographic areas from the
30 provisions of this section if, pursuant to Article 5 (commencing
31 with Section 65300) of Chapter 3 of Title 7 of the Government
32 Code, the areas are designated on the local general plan as scenic
33 corridors or historic preservation areas.

34 (c) (1) Except as provided in paragraph (2), any person who
35 violates the provisions of subdivision (a) is guilty of an infraction
36 and, upon conviction, is punishable by a fine not to exceed five
37 hundred dollars (\$500).

38 (2) Any person who violates the provisions of subdivision (a)
39 and who has been previously convicted two or more times of a
40 violation of subdivision (a) is guilty of a misdemeanor and, upon

conviction, is punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding one thousand dollars (\$1,000), or by both.

(d) Notwithstanding Section 13590, the district attorney of each county, or pursuant to Section 41803.5 of the Government Code, the city attorney of any general law city or chartered city within each county, or the county sealer, shall, upon complaint or upon his or her own motion, enforce the provisions of this section and, in addition, may bring an action for injunctive relief in accordance with Section 13611.

~~SEC. 39.~~

SEC. 38. Section 13532 of the Business and Professions Code is amended to read:

13532. (a) It is unlawful for any person to display any advertising medium that indicates the price of motor vehicle fuel unless the advertising medium displays all of the following:

(1) The price per gallon, liter, or other unit of measurement adopted pursuant to Section 12107 or 13404, including all taxes, in numerals, and fractions when applicable, not less than six inches in height and of uniform size and color. ~~For the purpose~~ *purposes* of this article, fractions are considered one numeral. For purposes of this section, electricity sold as a motor vehicle fuel shall meet only the requirements adopted pursuant to Section 13404.

(2) The trademark or brand of the motor vehicle fuel in letters, figures, or numerals not less than one-third the size of the numerals designating the price.

(3) The word “gasoline” or the name of other motor vehicle fuel in letters not less than one-third the size of the numerals designating the price, but these words need not be more than four inches in height.

(4) The grade designation of the motor vehicle fuel in letters or numerals not less than one-sixth the size of the numerals designating the price, but this designation need not be more than four inches in height.

(5) If motor vehicle fuel prices are advertised by the unit of measurement other than gallon, the unit shall be displayed on the advertising medium in letters not less than one-third the size of the numerals designating the price.

(b) (1) It is unlawful for any person to display an advertising medium that advertises a discount or price reduction for motor

1 vehicle fuel, unless the advertising medium contains all the
2 following:

3 (A) The price per gallon, liter, or other unit of measurement
4 adopted pursuant to Section 12107 or 13404 from which the
5 discount or price reduction is to be taken.

6 (B) The amount of the discount or price reduction in cents per
7 gallon, liter, or other unit of measurement using numerals that do
8 not exceed the height of the numerals in the advertised price.

9 (C) The conditions of the discount or price reduction using
10 words whose letters are not less than one-third the size of the price
11 numerals.

12 (2) Any limitations under which the discount or price reduction
13 is offered shall be explained in words whose letters are not less
14 than one-third the size of the numerals indicating the prices.

15 (3) There shall be available for each customer's reference, a
16 chart showing the amount of discount for each type *of* unit being
17 sold or fraction thereof in one cent (\$0.01) increments, or the retail
18 dispensers used to dispense fuel at the discount price shall be set
19 to compute the total sale at the discounted price per gallon or liter
20 and shall be clearly labeled "Includes Cash Discount" in letters
21 not less than one inch in height.

22 (4) For purposes of this subdivision, the motor vehicle fuel shall
23 be sold in the same unit of measure in which the discount and the
24 price from which the discount is taken are advertised.

25 (c) In the event that the same grade of motor vehicle fuel is sold
26 at different prices from any single place of business, it is unlawful
27 for any person to display any advertising medium that advertises
28 a price of a grade of motor vehicle fuel unless the advertising
29 medium advertises in numerals of equal size each of the higher
30 prices, including all taxes for which the grade is sold or offered
31 for sale, and unless the advertising medium explains the conditions,
32 and any limitations, under which that grade is sold or offered for
33 sale at different prices. The words of explanation shall be clearly
34 shown in letters at least one-third the size of the numerals
35 indicating the prices. The different prices at which the same grade
36 of motor vehicle fuel is sold or offered for sale shall be advertised
37 in the same unit of measure as permitted or required by law.

38 (d) Nothing in this section prohibits any person who has posted
39 or displayed a sign or advertising medium in compliance with this
40 chapter from displaying additional signs or advertising media that

1 state either (1) the amount of discount in cents per gallon, liter, or
2 other unit of measurement adopted pursuant to Section 12107 or
3 13404, or (2) the price of one or more brands or grades of motor
4 vehicle fuel sold or offered for sale, provided the conditions and
5 any limitations of the discount or price of the brand or grade of
6 motor vehicle fuel are included in the additional advertising media
7 in letters not less than one-third the size of the numerals indicating
8 the discount or price.

9 ~~SEC. 40.~~

10 *SEC. 39.* Section 13535 of the Business and Professions Code
11 is amended to read:

12 13535. If any motor vehicle fuel or lubricant is advertised for
13 sale, but not under any brand designation, the words “no brand”
14 shall be used on the advertising medium as a brand designation.

15 ~~SEC. 41.~~

16 *SEC. 40.* The heading of Article 13 (commencing with Section
17 13550) of Chapter 14 of Division 5 of the Business and Professions
18 Code is amended to read:

19
20 Article 13. Inducements for the Sale of Motor Vehicle Fuel

21
22 ~~SEC. 42.~~

23 *SEC. 41.* Section 13550 of the Business and Professions Code
24 is amended to read:

25 13550. No motor vehicle fuel producer or distributor shall
26 compel or unduly or unreasonably influence any retail dealer to
27 participate in the giveaway or offer to give away free of charge
28 any item of value, including trading stamps or any kind of
29 merchandise or goods, whether or not the giveaway is conditional
30 upon the purchase of motor vehicle fuels or lubricants. The decision
31 to participate in those giveaways shall be solely that of the retail
32 dealer. Nothing in this section shall prohibit a retail dealer from
33 entering into an agreement to participate in any giveaway program.

34 ~~SEC. 43.~~

35 *SEC. 42.* Section 13570 of the Business and Professions Code
36 is amended to read:

37 13570. (a) A manufacturer, blender, agent, jobber, consignment
38 agent, or distributor who distributes motor vehicle fuel that contain
39 at least 1 percent alcohol by volume, shall state on an invoice, bill
40 of lading, shipping paper, or other documentation used in normal

1 and customary business practices, the percentage of alcohol, the
2 type of alcohol, and, except in documentation certifying the octane
3 rating of gasoline as required by federal law, the minimum
4 antiknock index number, as defined in Section 13403, of the
5 products distributed.

6 (b) If a motor vehicle fuel product contains less than 10 percent
7 ethanol, a statement in the documentation that the product “contains
8 up to 10% ethanol” meets the requirement of subdivision (a) that
9 it state the percentage of alcohol.

10 (c) This section, as it relates to certification of the minimum
11 antiknock index number, applies to all motor vehicle gasoline
12 distributed.

13 ~~SEC. 44.~~

14 *SEC. 43.* Section 13590 of the Business and Professions Code
15 is amended to read:

16 13590. It is the duty of the department acting through the
17 Division of Measurement Standards to enforce the provisions of
18 this chapter, and to appoint and employ inspectors as may be
19 necessary.

20 ~~SEC. 45.~~

21 *SEC. 44.* Section 13591 of the Business and Professions Code
22 is amended to read:

23 13591. (a) The department, its inspectors, and each sealer, are
24 hereby authorized and empowered to inspect the motor vehicle
25 fuels or lubricants referred to in this chapter and to enter, for the
26 purpose of the inspection, any place where motor vehicle fuels or
27 lubricants are kept or stored for sale.

28 (b) All those officers shall enforce the provisions of this chapter.

29 ~~SEC. 46.~~

30 *SEC. 45.* Section 13592 of the Business and Professions Code
31 is amended to read:

32 13592. The department, each sealer, and any person now or
33 hereafter authorized or empowered by law to inspect the motor
34 vehicle fuels or lubricants referred to in this chapter, may take
35 such sample or samples as may be necessary of any motor vehicle
36 fuel or lubricant kept or stored for the purpose of sale.

37 ~~SEC. 47.~~

38 *SEC. 46.* Section 13595 of the Business and Professions Code
39 is amended to read:

1 13595. (a) It is unlawful for any person to sell or deliver any
2 motor vehicle fuel or lubricant referred to in this chapter that fails
3 to meet the specifications required by this chapter.

4 (b) It is unlawful for any person to sell or deliver any motor
5 vehicle fuel or lubricant referred to in this chapter into, from, or
6 through an unlabeled or mislabeled container or device.

7 (c) (1) The department, each county sealer, deputy county
8 sealer, and inspector may close and seal outlets and inlets of any
9 receptacles, containers, pumps, dispensers, or storage tanks
10 connected to the outlets and inlets, containing any motor vehicle
11 fuel or lubricant referred to in this chapter that fails to meet the
12 requirements of this chapter.

13 (2) The person so sealing shall post in a conspicuous place on
14 the premises, where a receptacle, container, pump, dispenser, or
15 storage tank connected to the outlets and inlets has been sealed, a
16 notice stating that the action of sealing has been taken in
17 accordance with this chapter, and giving warning that it is unlawful
18 to break, mutilate, or destroy the seal or seals of the outlets and
19 inlets, to move the container, or to remove the contents from the
20 container, under the penalty provided in this division.

21 (d) If a container or lot of containers of any commodity subject
22 to this chapter is found to contain a commodity not in conformity
23 with this chapter, the secretary or sealer representing the secretary
24 may take a sample or samples reasonably necessary for
25 enforcement purposes and ~~may in writing~~ *may, in writing*, order
26 the containers off sale. Any lot or container ordered off sale
27 pursuant to this section shall be subject to a disposal order by the
28 enforcing officer and shall not be sold, offered for sale, or
29 transported, except in accordance with that disposal order. Any
30 action pursuant to this section shall not affect any rights of a retailer
31 under a warranty of merchantability or warranty of fitness.

32 ~~SEC. 48.~~

33 *SEC. 47.* Section 13600 of the Business and Professions Code
34 is amended to read:

35 13600. It is unlawful for any person, or any member, officer,
36 agent, or employee of a firm, association, or corporation, other
37 than the department or any of the officers mentioned in this article,
38 to break, mutilate, or destroy any seal or seals placed upon a
39 container, receptacle, pump, or storage tank connected thereto, or
40 any other storage tank containing a motor vehicle fuel or lubricant,

1 when placed thereon as provided by this article, or to move a
2 container so sealed, or remove the contents therefrom, or to cover,
3 deface, or remove the notice of sealing required by this article.

4 ~~SEC. 49.~~

5 *SEC. 48.* Section 13700 of the Business and Professions Code
6 is amended to read:

7 13700. For purposes of this chapter, the following terms mean
8 the following:

9 (a) “Automotive product” means engine coolant or antifreeze,
10 prediluted engine coolant or prediluted antifreeze, brake fluid, ~~and~~
11 automatic transmission ~~fluid~~, *fluid, and diesel exhaust fluid*.

12 (b) “Automatic transmission fluid” means a product intended
13 for use in a passenger vehicle, other than a bus, as either a lubricant,
14 coolant, or liquid medium in any type of fluid automatic
15 transmission, or any other type of unit through which, or by which,
16 force, energy, or power is transferred from a motor vehicle engine
17 by hydraulic means to the driving assembly.

18 (c) “Brake fluid” means the fluid intended for use as the liquid
19 medium through which force is transmitted in the hydraulic brake
20 system of a vehicle operated upon the highways.

21 (d) “Carton” means the package or wrapping in which a number
22 of containers are shipped or stored.

23 (e) “Container” means any receptacle in which a commodity is
24 immediately contained when sold, but does not mean a carton or
25 wrapping in which a number of receptacles are shipped or stored,
26 or a tank car or truck.

27 (f) “Diesel exhaust fluid” or “DEF” means an aqueous urea
28 solution used in selective catalytic reduction to lower oxides of
29 nitrogen concentration in the exhaust emissions of diesel engines
30 that meets the last version of International Organization for
31 Standardization (ISO) specification for DEF.

32 (g) “Engine coolant” or “antifreeze” means any substance or
33 preparation, regardless of its origin, intended to be diluted before
34 use as the cooling medium in the cooling system of an internal
35 combustion engine to provide protection against freezing,
36 overheating, and corrosion of the cooling system, or any product
37 intended to be diluted before use that is labeled to indicate or imply
38 that it will prevent freezing or overheating of the cooling system
39 of an internal combustion engine.

1 (h) “Label” means all written, printed, or graphic
2 representations, in any form whatsoever, imprinted upon or affixed
3 to any container or accompanying any product referred to in this
4 chapter.

5 (i) “Prediluted engine coolant” or “prediluted antifreeze” means
6 any substance or preparation, regardless of its origin, intended or
7 labeled for use *at* full strength as the cooling medium or as a top
8 off in the cooling system of an internal combustion engine to
9 provide or supplement protection against freezing, overheating,
10 or corrosion of the cooling system.

11 (j) “Principal display panel” means that part of the label that is
12 designed to most likely be displayed, presented, shown, or
13 examined under normal and customary conditions of display and
14 purchase.

15 ~~SEC. 50.~~

16 *SEC. 49.* Section 13710 of the Business and Professions Code
17 is amended to read:

18 13710. (a) (1) The department shall establish specifications
19 for engine coolants, antifreeze, prediluted engine coolants, and
20 prediluted antifreeze that promote the public safety in the operation
21 of motor vehicles.

22 (2) The chemical, physical, and performance specifications for
23 engine coolants and antifreeze and prediluted engine coolants and
24 prediluted antifreeze under paragraph (1) shall not fall below the
25 minimum specifications, if any, established by—the ASTM
26 International. Engine coolant and antifreeze shall not contain, after
27 dilution with 30 percent water and subsequent mixing, visually
28 identifiable suspended matter or sediment. Prediluted engine
29 coolant and prediluted antifreeze shall not contain, after mixing,
30 visually identifiable suspended matter or sediment.

31 (3) For purposes of this subdivision, the department shall adopt
32 the ASTM International testing procedures. Methanol- and
33 ethanol-based coolants and antifreeze are not suitable for use in
34 automotive engines and shall not be sold or distributed for
35 automotive use.

36 (b) Any automatic transmission fluid sold without limitation as
37 to type of transmission for which it is intended, shall meet all
38 automotive manufacturers’ recommended requirements for
39 transmissions in general use in the state. Automatic transmission
40 fluids that are intended for use only in certain transmissions, as

disclosed on the label of its container, shall meet the latest automotive manufacturers' recommended requirements for those transmissions.

(c) The department shall establish specifications for brake fluid that promote the public safety in the operation of automotive vehicles. The specifications for brake fluid shall not fall below the minimum specifications established by the National Highway Traffic Safety Administration of the United States Department of Transportation.

(d) Any manufacturer or packager of any product regulated by this chapter and sold in the state shall provide, upon request to duly authorized representatives of the department, documentation of any claim made upon their products' label.

~~SEC. 51.~~

SEC. 50. Section 13711 of the Business and Professions Code is amended to read:

13711. (a) An engine coolant or antifreeze is mislabeled if any of the following occurs:

(1) The container does not bear a label on which is printed the brand name, principal ingredient, intended application of the coolant or antifreeze, name and place of business of the manufacturer, packer, seller, or distributor, and an accurate statement of the quantity of the contents in terms of liquid measure.

(2) The container does not bear a chart on the label showing appropriate amounts of engine coolant or antifreeze and water in terms of liquid measure to be used to provide protection from freezing at temperatures to at least 30 degrees below zero Fahrenheit.

(3) The container does not bear a statement on the label showing the boiling point of a 50 percent by volume mixture of engine coolant or antifreeze and water in degrees Fahrenheit.

(4) The container is one quart or less and does not bear a label on which is printed the words "engine coolant" or "antifreeze" in letters at least $\frac{1}{8}$ inch high on the principal display panel. The container is greater than one quart and does not bear a label on which is printed the words "engine coolant" or "antifreeze" in letters at least $\frac{1}{4}$ inch high on the principal display panel.

(5) The principal ingredient is propylene glycol or glycerin and the container does not bear a statement on the label not to use an

1 ethylene glycol hydrometer concentration tester for propylene
2 glycol or glycerin coolants.

3 (6) The container and carton do not bear a lot or batch number
4 on the label identifying the container lot and date of packaging.

5 (b) A prediluted engine coolant or prediluted antifreeze is
6 mislabeled if any of the following occurs:

7 (1) The container does not bear a label on which is printed the
8 brand name, principal ingredient, intended application of the
9 coolant or antifreeze, name and place of business of the
10 manufacturer, packer, seller, or distributor, and an accurate
11 statement of the quantity of the contents in terms of liquid measure.

12 (2) The container does not bear a statement on the label showing
13 the protection from freezing in degrees Fahrenheit.

14 (3) The container does not bear a statement on the label showing
15 the boiling point in degrees Fahrenheit.

16 (4) The container is one quart or less and does not bear a label
17 on which is printed the words “prediluted engine coolant” or
18 “prediluted antifreeze” in letters at least $\frac{1}{8}$ inch high on the
19 principal display panel. The container is greater than one quart
20 and does not bear a label on which is printed the words “prediluted
21 engine coolant” or “prediluted antifreeze” in letters at least $\frac{1}{4}$ inch
22 high on the principal display panel.

23 (5) The container is one quart or less and does not bear a label
24 on which is printed the words “DO NOT ADD WATER” in letters
25 at least $\frac{1}{8}$ inch high. The container is greater than one quart and
26 does not bear a label on which is printed the words “DO NOT
27 ADD WATER” in letters at least $\frac{1}{4}$ inch high.

28 (6) The principal ingredient is propylene glycol or glycerin and
29 the container does not bear a statement on the label not to use an
30 ethylene glycol hydrometer concentration tester for propylene
31 glycol or glycerin coolants.

32 (7) The container and carton do not bear a lot or batch number
33 on the label identifying the container lot and date of packaging.

34 (c) Automatic transmission fluid is mislabeled if any of the
35 following occurs:

36 (1) The container does not bear a label on which is printed the
37 brand name, the name and place of business of the manufacturer,
38 packer, seller, or distributor, the words “Automatic Transmission
39 Fluid,” and the duty type classification.

(2) The container does not bear a label on which is printed an accurate statement of the quantity of the contents in terms of liquid measure.

(3) The labeling on the container is false or misleading.

(4) The container and carton do not bear a lot or batch number on the label identifying the container lot or batch.

(d) Brake fluid is mislabeled if any of the following occurs:

(1) The container does not bear a label that conforms to the requirements of the National Highway Traffic Safety Administration, United States Department of Transportation, and upon which is printed the brand name.

(2) The container does not bear an accurate statement on the label of the quantity of the contents in terms of liquid measure.

(3) The labeling on the container is false or misleading.

(e) The secretary shall establish the method of sale of diesel exhaust fluid sold at retail to the public. In doing so, the secretary shall adopt, by reference, the latest method of sale for diesel exhaust fluid adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130 “Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality,” except as specifically modified, amended, or rejected by regulation adopted by the secretary.

(f) If a container or lot of containers of any commodity subject to this chapter is found to contain a commodity not in conformity with this chapter, the sealer may take one or more samples reasonably necessary for enforcement purposes and may, in writing, order the containers off sale. Any lot or container ordered off sale pursuant to this section shall be subject to a disposal order by the enforcing officer and shall not be sold, offered for sale, or transported, except in accordance with that disposal order. Any action pursuant to this section shall not affect any rights of a retailer under a warranty of merchantability or warranty of fitness.

~~SEC. 52.~~

SEC. 51. Section 13741 of the Business and Professions Code is amended to read:

13741. (a) It is unlawful for any person or other legal entity to make any deceptive, false, or misleading statement by any means whatever regarding quality, quantity, performance, price, discount,

1 or saving in the sale or selling of any commodity regulated pursuant
2 to this chapter.

3 (b) Any manufacturer or packager of any product subject to this
4 chapter and sold in this state shall provide, upon request, to a duly
5 authorized representative of the department documentation of any
6 claim made on his or her product's label.

7 ~~SEC. 53.~~

8 *SEC. 52.* No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.