

**Assembly Bill No. 808**

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Passed the Assembly September 4, 2015

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*Chief Clerk of the Assembly*

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Passed the Senate September 3, 2015

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 13405, 13410, 13411, 13413, 13420, 13421, 13440, 13440.5, 13442, 13450, 13460, 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 2 (commencing with Section 13410) of Chapter 14 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 and 13446 of, the Business and Professions Code, relating to automotive fuels and products.

## LEGISLATIVE COUNSEL'S DIGEST

AB 808, 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 electricity onboard, an electric vehicle primarily for the purpose of propulsion and other alternative fuels. The bill would authorize the department to establish interim specifications 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 prohibits the sale of a petroleum product that is conditioned on the purchase of another product, merchandise, or service, except that a person who operates a full service car wash facility may condition the sale of petroleum products on the purchase of a car wash.

This bill would instead prohibit the conditional sale of motor vehicle fuel rather than petroleum products, and would delete the exemption for full service car wash facilities.

(3) 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 revise the classifications and specifications to which engine oil or lubricants and axle and manual transmission lubricants are required to conform.

(4) Existing law regulates the sale of automotive products, such as engine coolant and antifreeze. Existing law requires the department to establish specifications 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 transmission fluid to be mislabeled if the container and carton do not bear information 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.

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

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

(7) 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.

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

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

CHAPTER 14. FUELS AND LUBRICANTS

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

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

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

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

(b) "Alternative fuels" means:

(1) "Biodiesel," a fuel comprised of mono-alkyl esters of long chain fatty acids derived from plant or animal matter that meets the requirements of the ASTM International Standard Specification D6751 "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

(2) "Biodiesel blend," a fuel comprised of biodiesel mixed with diesel fuel that meets the requirements of ASTM International Standard Specification D7467.

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

(4) "Electricity," electrical energy transferred to or stored onboard an electric vehicle primarily for the purpose of propulsion.

(5) "Ethanol," denatured motor fuel ethanol meeting the requirements of ASTM International Standard Specification D4806.

(6) "Ethanol fuel blend," a motor vehicle fuel consisting primarily of ethanol mixed with gasoline meeting the standards prescribed for ethanol fuel blends by this chapter.

(7) "Hydrogen," a fuel consisting of high purity hydrogen intended for consumption in a motor vehicle with an internal

combustion engine or fuel cell that meets the standards for hydrogen prescribed by this chapter.

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

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

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

(11) Any other fuel intended for use as a motor vehicle fuel that the secretary determines is an alternative fuel that has a standard specification from a standards development organization accredited by the American National Standards Institute (ANSI), or an interim standard specification pursuant to Section 13446.

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

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

(e) “Developmental engine fuel” means an engine fuel that does not meet standards established by this chapter but has characteristics that may lead to an improved fuel standard or the development of an alternative fuel standard.

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

(g) “Engine fuel” means any gasoline, diesel, or alternative fuel used for the generation of power in an internal combustion engine or fuel cell in a motor vehicle, or electrical power delivered conductively or inductively to an electric motor in electric or plug-in hybrid vehicles. “Motor vehicle fuel” means “engine fuel” when that term is used in this chapter.

(h) “Fuel oil” means any product offered for sale that is burned in a furnace or boiler for the generation of heat and meets the standards prescribed for fuel oil by this chapter.

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

(j) “Gasoline-oxygenate blend” means a fuel consisting primarily of gasoline along with a substantial amount of one or more oxygenates that meets ASTM International Standard D4814.

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

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

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

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

(o) “Motor oil” means an oil that reduces friction and wear between the moving parts within an internal combustion engine and also serves as a coolant. For purposes of this chapter, motor oil also means engine oil.

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

(q) “Octane number” or “antiknock index number,” when used in this chapter, means that number assigned to a spark-ignition engine fuel that designates the antiknock quality. The “octane number” or “antiknock index number” shall be determined according to the ASTM International method or methods designated in the latest ASTM International Standard Specification 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. Renewable diesel fuel does not include biodiesel, as defined in paragraph (1) of subdivision (b).

(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” 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 13404.5 is added to the Business and Professions Code, to read:

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 and published in the National Institute of Standards and Technology.

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

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

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

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

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

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

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

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

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

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

SEC. 9. The heading of Article 2 (commencing with Section 13410) of Chapter 14 of Division 5 of the Business and Professions Code is amended to read:

#### Article 2. Sale of Motor Vehicle Fuels and Lubricants

SEC. 10. Section 13410 of the Business and Professions Code is amended to read:

13410. (a) No person engaged in the business of extracting oil or gas from lands within the state, or of producing motor vehicle fuels for sale within the state, may refuse to sell to any city or county sufficient quantities of his or her motor vehicle fuels or lubricants, or both, sold during the normal course of business for the essential services provided by the city or county.

(b) The board of supervisors of a county or its designated county agency, upon application for the purchase of motor vehicle fuels or lubricants, or both, to perform essential services by a city within



that county, by any agency of such city or county that performs an essential service, or by any transit district created pursuant to law, may arrange for the purchase and shall apportion the purchase among all persons specified in subdivision (a) who engage in the sale of motor vehicle fuels or lubricants, or both, within that county. The board of supervisors or its designated county agency shall, to the extent possible, apportion the total purchase of the motor vehicle fuels or lubricants, or both, on the basis of the persons' sales of that motor vehicle fuel or lubricant, or both, in the county during the most recent 90-day period for which information is available.

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

SEC. 11. Section 13411 of the Business and Professions Code is amended to read:

13411. It is unlawful for any person to sell or offer to sell motor vehicle fuel for use in any vehicle, as the term vehicle is defined by the Vehicle Code, on the condition that the purchaser also must purchase or pay for any other products, merchandise, or services. This section does not apply to parking time charges at locations also selling electricity as a motor vehicle fuel.

SEC. 12. Section 13413 of the Business and Professions Code is amended to read:

13413. (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, or saving used in the sale or selling of any commodity regulated pursuant to this chapter.

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

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

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

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

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

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

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

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

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

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

SEC. 13. Section 13420 of the Business and Professions Code is amended to read:

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

SEC. 14. Section 13421 of the Business and Professions Code is amended to read:

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

provided the retail sale of gasoline or other motor vehicle fuel is not the primary purpose of that business.

SEC. 15. The heading of Article 5 (commencing with Section 13440) of Chapter 14 of Division 5 of the Business and Professions Code is amended to read:

Article 5. Standards for Spark-Ignition Fuels

SEC. 16. Section 13440 of the Business and Professions Code is amended to read:

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

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

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

(d) Gasoline and gasoline-oxygenate blends shall meet the latest specifications set forth in ASTM International Standard Specification D4814.

(e) Notwithstanding any other provision of this section, gasoline sold for use in Inyo or Mono County, or the portion of Kern County lying east of the Los Angeles County Aqueduct, shall comply with the latest specification set forth in ASTM International Standard Specification D4814 relating to volatility class standards for the season during which the gasoline is sold for either the interior region or the southeast region of California.

(f) Ethanol fuel blends shall meet the latest specifications set forth in ASTM International Standard Specification D5798.

(g) Methanol fuel blends shall meet the latest specifications set forth in ASTM International Standard Specification D5797.

(h) Liquefied petroleum gas for use as a motor vehicle fuel shall meet the latest specifications set forth in ASTM International Standard Specification D1835.

(i) Natural gas for use as a motor vehicle fuel shall meet the latest specification set forth by the ASTM International or SAE International.

SEC. 17. Section 13440.5 of the Business and Professions Code is amended to read:

13440.5. For purposes of determining the percentage of ethanol in a gasoline-oxygenate blend for use as a fuel, the volume of ethanol includes the volume of any denaturant (including gasoline) that is added to the extent that these denaturants do not exceed the maximum volume percent specified in the latest standard established by ASTM International, except that no standard shall be less stringent than required by any California state law.

SEC. 18. Section 13442 of the Business and Professions Code is amended to read:

13442. (a) It is unlawful for any person to sell, offer for sale, or cause or permit to be sold or offered for sale, or deliver or offer for delivery, any product used as a motor vehicle fuel for internal combustion engines at any place where motor vehicle fuels are kept or stored for sale, which does not conform to the requirements of this article, unless and until there shall be firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fill pipe of each underground storage tank, or other equipment used for storage of motor vehicle fuel, from which or into which the motor vehicle fuel is drawn or poured for sale or delivery, a sign or label, plainly visible, comprising the brand, trademark, or trade name of such fuel, or the words “no brand,” that words shall be in letters of gothic type with a stroke of not less than one-eighth inch in width and not less than one inch in height, and also the words “not gasoline” in red letters of gothic type with a stroke of not less than one-half inch in width and not less than three inches in height, on a white background and not less than twice the size of any other letters or words appearing on or near the label or sign.

(b) The provisions of this article, as to the words “not gasoline,” shall not apply to signs or labels used in connection with the sale or delivery of kerosene, jet or turbine fuel, diesel fuel, liquefied petroleum gas, natural gas, or motor fuel comprised of a mixture

of gasoline and lubricating oil properly labeled in accordance with the provisions of Article 9 (commencing with Section 13480).

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

SEC. 19. The heading of Article 5.5 (commencing with Section 13446) of Chapter 14 of Division 5 of the Business and Professions Code is amended to read:

Article 5.5. Standards for Alternative Fuels

SEC. 20. Section 13446 of the Business and Professions Code is repealed.

SEC. 21. Section 13446 is added to the Business and Professions Code, to read:

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

SEC. 22. The heading of Article 6 (commencing with Section 13450) of Chapter 14 of Division 5 of the Business and Professions Code is amended to read:

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

SEC. 23. 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 ASTM International or the SAE 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.

(f) Renewable diesel fuel shall meet the specifications set forth in ASTM International Standard Specification D975.

SEC. 24. Section 13460 of the Business and Professions Code is amended to read:

13460. Engine oil shall not be sold or distributed for use in an internal combustion engine unless the product conforms to the following specifications:

(a) It shall meet the engine oil requirements established by a minimum of one current API classification pursuant to the latest revision of the SAE International Standard SAE J183 for engine oil performance and engine service classification, or a minimum of one current sequence of the European Automobile Manufacturers Association (ACEA) “European Oil Specification.”

(b) It shall be free from water and suspended matter when tested by means of centrifuge, in accordance with the standard test ASTM D-2273.

(c) Any engine oil that is represented to meet SAE International SAE J183 engine oil performance and engine service classification SA must have either an acid number or base number of 0.20 mg of KOH/g as measured by ASTM International Standard Test Method D974 or equivalent.

(d) Any engine oil represented as “resource conserving” shall meet the requirements established by the latest revision of the SAE International Recommended Practice SAE J-1423.

SEC. 25. 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. 26. 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 unless there is displayed on the dispensing apparatus in a conspicuous place at least one sign or price indicator showing the total price per gallon, liter, or other unit of measurement adopted pursuant to Section 12107, 13404, or 13404.5 of all motor vehicle fuel sold therefrom. The total price per gallon, liter, or other unit of measurement shall include applicable fuel taxes and all sales taxes.

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

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

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

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

SEC. 27. Section 13470.5 of the Business and Professions Code is amended to read:

13470.5. Any person selling, offering for sale, or advertising for sale, at retail to the general public, any gasoline or other motor vehicle fuel from any place of business in this state by use of or through or from any dispensing apparatus and displaying any sign showing the total price per liter, shall, in addition, display in a

conspicuous fashion in full view of the retail purchaser and in accordance with provisions of this chapter, a gallon-to-liter conversion table showing quantity and price equivalents.

SEC. 28. Section 13471 of the Business and Professions Code is amended to read:

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

SEC. 29. Section 13472 of the Business and Professions Code is amended to read:

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

SEC. 30. Section 13477 of the Business and Professions Code is amended to read:

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

SEC. 31. Section 13480 of the Business and Professions Code is amended to read:

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

(b) When the product is a lubricant, as defined by Section 13400, each sign or label shall also have in letters or numerals, plainly visible, the viscosity grade classification as determined in accordance with the SAE International latest standard for engine



oil viscosity classification SAE J300 or manual transmission and axle lubricants viscosity classification SAE J306, as applicable, and shall be preceded by the letters “SAE.”

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

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

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

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

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

SEC. 32. Section 13481 of the Business and Professions Code is amended to read:

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

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

SEC. 33. Section 13482 of the Business and Professions Code is amended to read:

13482. (a) It is unlawful for any person to sell or distribute engine oil or lubricant unless both of the following are met:

(1) The product conforms to a minimum of one active API classification pursuant to the latest revision of SAE J183 “Engine Oil Performance and Engine Service Classification,” a minimum of one active sequence of the European Automobile Manufacturers’ Association (ACEA) “European Oil Sequences specification,” or a minimum of one active OEM specification.

(2) The API classification or ACEA sequence or OEM specification and SAE J300 viscosity grade is conspicuously marked on each container or, if provided in bulk, properly described in product transfer documents.

(b) It is unlawful for any person to sell or distribute axle and manual transmission lubricant unless it conforms to an SAE J306 viscosity grade.

SEC. 34. Section 13485 of the Business and Professions Code is amended to read:

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

SEC. 35. Section 13486 of the Business and Professions Code is amended to read:

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

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

(2) Sell by means of, or through, a pump or other device, any motor vehicle fuel or lubricant other than the product identified on the required label, tag, or sign attached to the pump or other 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. 36. 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 SAE International viscosity number shall also be displayed on the tag, plate, or label.

SEC. 37. 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. 38. 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. 39. 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 total price per gallon, liter, or other unit of measurement adopted pursuant to Section 12107, 13404, or 13404.5 for a particular brand and grade of motor vehicle fuel permitted or required under Article 8 (commencing with Section 13470) shall, unless otherwise stated, be identical in numerical value with the price per gallon, liter, or other unit of measurement for the same brand and grade of motor vehicle fuel permitted or required under this article.

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

(c) Unless otherwise prohibited, any person selling motor vehicle fuel by the liter shall be authorized to advertise its price by

displaying on the advertising medium either the price per liter or the price per gallon.

SEC. 40. Section 13531 of the Business and Professions Code is amended to read:

13531. (a) (1) Every person offering for sale or selling any motor vehicle fuel to the public from any place of business shall display on the premises an advertising medium that complies with the requirements of this article and that advertises the total prices of the three major grades of motor vehicle fuel offered for sale.

(2) The advertising medium shall be clearly visible from the street or highway adjacent to the premises. When the place of business is situated at an intersection, the advertising medium shall be clearly visible from each street of the intersection.

(3) For purposes of this subdivision, motor vehicle fuel does not include propane.

(4) For purposes of this subdivision, electricity and natural gas sold as a motor vehicle fuel shall meet only the requirements adopted pursuant to Sections 13404 and 13404.5.

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

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

(2) Any person who violates the provisions of subdivision (a) and who has been previously convicted two or more times of a 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. 41. 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 total price per gallon, liter, or other unit of measurement adopted pursuant to Section 12107, 13404, or 13404.5, including all taxes, in numerals, and fractions when applicable, not less than six inches in height and of uniform size and color. For 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 vehicle fuel, unless the advertising medium contains all the following:

(A) The total price per gallon, liter, or other unit of measurement adopted pursuant to Section 12107, 13404, or 13404.5 from which the discount or price reduction is to be taken.

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

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

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

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

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

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

(d) Nothing in this section prohibits any person who has posted or displayed a sign or advertising medium in compliance with this chapter from displaying additional signs or advertising media that state either (1) the amount of discount in cents per gallon, liter, or other unit of measurement adopted pursuant to Section 12107, 13404, or 13404.5, or (2) the total price of one or more brands or grades of motor vehicle fuel sold or offered for sale, provided the conditions and any limitations of the discount or price of the brand or grade of motor vehicle fuel are included in the additional advertising media in letters not less than one-third the size of the numerals indicating the discount or price.

SEC. 42. Section 13535 of the Business and Professions Code is amended to read:

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

SEC. 43. The heading of Article 13 (commencing with Section 13550) of Chapter 14 of Division 5 of the Business and Professions Code is amended to read:

Article 13. Inducements for the Sale of Motor Vehicle Fuel

SEC. 44. Section 13550 of the Business and Professions Code is amended to read:

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

SEC. 45. Section 13570 of the Business and Professions Code is amended to read:

13570. (a) A manufacturer, blender, agent, jobber, consignment agent, or distributor who distributes motor vehicle fuel that contain at least 1 percent alcohol by volume, shall state on an invoice, bill of lading, shipping paper, or other documentation used in normal and customary business practices, the percentage of alcohol, the type of alcohol, and, except in documentation certifying the octane rating of gasoline as required by federal law, the minimum antiknock index number, as defined in Section 13403, of the products distributed.

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

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

SEC. 46. Section 13590 of the Business and Professions Code is amended to read:

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

SEC. 47. Section 13591 of the Business and Professions Code is amended to read:

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

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

SEC. 48. Section 13592 of the Business and Professions Code is amended to read:

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

SEC. 49. Section 13595 of the Business and Professions Code is amended to read:

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

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

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

(2) The person so sealing shall post in a conspicuous place on the premises, where a receptacle, container, pump, dispenser, or storage tank connected to the outlets and inlets has been sealed, a notice stating that the action of sealing has been taken in accordance with this chapter, and giving warning that it is unlawful



to break, mutilate, or destroy the seal or seals of the outlets and inlets, to move the container, or to remove the contents from the container, under the penalty provided in this division.

(d) 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 secretary or sealer representing the secretary may take a sample or 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. 50. Section 13600 of the Business and Professions Code is amended to read:

13600. It is unlawful for any person, or any member, officer, agent, or employee of a firm, association, or corporation, other than the department or any of the officers mentioned in this article, to break, mutilate, or destroy any seal or seals placed upon a container, receptacle, pump, or storage tank connected thereto, or any other storage tank containing a motor vehicle fuel or lubricant, when placed thereon as provided by this article, or to move a container so sealed, or remove the contents therefrom, or to cover, deface, or remove the notice of sealing required by this article.

SEC. 51. Section 13700 of the Business and Professions Code is amended to read:

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

(a) "Automotive product" means engine coolant or antifreeze, prediluted engine coolant or prediluted antifreeze, brake fluid, transmission fluid, and diesel exhaust fluid.

(b) "Transmission fluid" means a product intended for use in a motor vehicle as either a lubricant, coolant, or liquid medium in any type of transmission, or any other type of unit through which, or by which, force, energy, or power is transferred from a motor vehicle engine by hydraulic means to the driving assembly. Transmission fluid does not include manual transmission lubricant, as described in the latest revision of the SAE Information Report

on axle and manual transmission lubricants, SAE International J308.

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

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

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

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

(g) “Engine coolant” or “antifreeze” means any substance or preparation, regardless of its origin, intended to be diluted before use 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 any product intended to be diluted before use that is labeled to indicate or imply that it will prevent freezing or overheating of the cooling system of an internal combustion engine.

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

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

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

SEC. 52. Section 13710 of the Business and Professions Code is amended to read:

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

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

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

(b) Transmission fluid shall meet the latest automotive manufacturers' recommended requirements for all transmissions disclosed on the label of its container. No transmission fluid shall be sold without clearly disclosing, on the label of its container, the type of transmission for which it is intended.

(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. 53. 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 ethylene glycol hydrometer concentration tester for propylene glycol or glycerin coolants.

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

(b) A prediluted engine coolant or prediluted 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 statement on the label showing the protection from freezing in degrees Fahrenheit.

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

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

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

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

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

(c) “Transmission fluid” is mislabeled if any of the following occurs:

(1) The container does not bear a label on which is printed the brand name, the name and place of business of the manufacturer, packer, seller, or distributor, the words “Transmission 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 information that identifies 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. 54. 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, or saving in the sale or selling of any commodity regulated pursuant to this chapter.

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

SEC. 55. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Approved \_\_\_\_\_, 2015

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*Governor*