

AMENDED IN ASSEMBLY MARCH 9, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1650

Introduced by Assembly Member Richter

January 7, 1998

An act to amend Section 13480 of the Business and Professions Code, and to amend Section 43830 of the Health and Safety Code, relating to gasoline.

LEGISLATIVE COUNSEL'S DIGEST

AB 1650, as amended, Richter. Gasoline: ~~MTBE oxygenates.~~

(1) Existing law makes it a misdemeanor to sell any ~~petroleum product~~ *motor fuel* that does not have a prescribed sign or label relating to the ethanol or methanol content.

This bill would ~~include additional specified fuel constituents within that provision, thereby imposing a state-mandated local program by creating a new crime~~ *repeal those provisions.*

(2) Existing law provides that specified blends of gasoline shall not violate a State Air Resources Board Reid vapor pressure standard unless test results show increased emissions, as specified.

This bill would provide that those blends shall not violate other state board regulations limiting the oxygen content of gasoline unless those test results show increased emissions. In making that determination, this bill would require the state board to include emissions of oxides of nitrogen.

(3) Existing law also provides that if the state board adopts standards for the acceptable levels for emissions of oxides of nitrogen for reformulated fuels, any blend of gasoline of at least 10% ethyl alcohol that exceeds those levels no longer qualifies for an exemption from the Reid vapor pressure standard.

This bill would repeal that provision.

(4) 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. Section 13480 of the Business and
2 Professions Code is amended to read:

3 13480. (a) It is unlawful for any person to sell any
4 petroleum product referred to in this chapter at any place
5 where petroleum products are kept or stored for sale,
6 unless there is affixed to each container, receptacle,
7 pump, dispenser, and inlet end of the fill pipe of each
8 underground storage tank, from which or into which that
9 product is drawn or poured out for sale or delivery, a sign
10 or label plainly visible consisting of the name of the
11 product, the brand, trademark, or trade name of the
12 product, and, in the case of engine fuel and kerosene, the
13 grade or brand name designation.

14 (b) When the product is oil, as defined by Section
15 13401, each sign or label shall also have in letters or
16 numerals, plainly visible, the viscosity grade classification
17 as determined in accordance with the Society of
18 Automotive Engineers (SAE) latest standard for engine
19 oil viscosity classification SAE J300 or manual
20 transmission and axle lubricants viscosity classification
21 SAE J306, as applicable, and shall be preceded by the
22 letters "SAE".



1 (c) When the product is automotive spark-ignition
2 engine fuel, except M-85 and M-100 methanol fuel, there
3 shall be conspicuously displayed on the dispensing device
4 at least one sign or label showing the minimum octane
5 number or antiknock index, as defined in Section 13403,
6 of the product sold therefrom.

7 ~~(d) When the product is a motor fuel that contains at
8 least 1 percent by volume ethanol (ethyl alcohol) or
9 methanol (methyl alcohol), or a combination thereof, or
10 ethyl tertiary butyl ether, or methyl tertiary butyl ether,
11 or tertiary amyl methyl ether, there shall be
12 conspicuously displayed on the dispensing device at least
13 one sign or label correctly stating the applicable one of
14 the following statements:~~

- 15 ~~(1) "Contains alcohol (ethanol)."~~
- 16 ~~(2) "Contains alcohol (methanol)."~~
- 17 ~~(3) "Contains alcohol (ethanol and methanol)."~~
- 18 ~~(4) "Contains ETBE (ethyl tertiary butyl ether)."~~
- 19 ~~(5) "Contains MTBE (methyl tertiary butyl ether)."~~
- 20 ~~(6) "Contains TAME (tertiary amyl methyl ether)."~~

21 ~~(e) (1) Devices dispensing M-85 or M-100 methanol
22 fuel shall be exempt from subdivision (d) if the dispenser
23 is labeled pursuant to subdivisions (a) and (g) using the
24 word "methanol" as the product name and M-85 or
25 M-100, as applicable, as grade designations.~~

26 ~~(2) Devices dispensing E-85 or E-100 ethanol fuel shall
27 be exempt from subdivision (d) if the dispenser is labeled
28 pursuant to subdivisions (a) and (g) using the word
29 "ethanol" as the product name and E-85 or E-100, as
30 applicable, as grade designations.~~

31 ~~(f)~~

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

38 ~~(g)~~

39 (e) All signs or labels required by this section for retail
40 motor fuel dispensers and containers of more than one



1 gallon capacity shall be in letters and numerals not less
2 than one-half inch (12.70 mm) in height. On containers
3 of one gallon or less, the signs or labels shall be in letters
4 and numerals not less than one-fourth inch (6.35 mm) in
5 height and one-sixteenth inch (1.59 mm) in width.

6 ~~(h)~~

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

11 ~~(i)~~

12 (g) This section shall apply, with respect to thinners or
13 solvents, only to the sale, delivery, or offer for sale of the
14 products through service stations, garages, and other
15 retail outlets.

16 SEC. 2. Section 43830 of the Health and Safety Code
17 is amended to read:

18 43830. (a) The state board shall establish, by
19 regulation, maximum standards for the volatility of
20 gasoline at or below nine pounds per square inch Reid
21 vapor pressure as determined by the American Society
22 for Testing and Materials, Test D 323-58, or by an
23 appropriate test determined by the state board, for
24 gasoline sold in this state.

25 (b) The state board, in adopting the regulations, shall
26 give full consideration to topography and climatic
27 conditions and may provide that the standards imposed
28 thereby shall apply in those areas which the state board
29 determines necessary to carry out the purposes of this
30 division.

31 (c) For the purposes of this section, "ethyl alcohol"
32 (also known as ethanol) means fuel that meets all of the
33 following requirements:

34 (1) It is produced from agricultural commodities,
35 renewable resources, or coal.

36 (2) It is rendered unsuitable for human consumption
37 at the time of its manufacture or immediately thereafter.

38 (d) For the purposes of determining the percentage of
39 ethyl alcohol contained in gasoline, the volume of alcohol
40 includes the volume of any denaturant approved for that



1 purpose by the United States Bureau of Alcohol, Tobacco
2 and Firearms, if these denaturants do not exceed 5
3 percent of the volume of alcohol (including
4 denaturants).

5 (e) On and after January 1, 1996, any blend of gasoline
6 of at least 10 percent ethyl alcohol shall not result in a
7 violation of the Reid vapor pressure standard adopted by
8 the state board pursuant to this section or any regulation
9 adopted by the state board limiting the oxygen content
10 of gasoline unless it is determined by the state board on
11 the basis of independently verifiable automobile exhaust
12 and evaporative emission tests performed on a
13 representative fleet of automobiles that the blend would
14 result in a net increase in the ozone forming potential of
15 the total emissions, including emissions of oxides of
16 nitrogen, when compared to the total emissions,
17 including emissions of oxides of nitrogen, from the same
18 automobile fleet using gasoline that meets all applicable
19 specifications for Phase II gasoline established by the state
20 board.

21 SEC. 3. No reimbursement is required by this act
22 pursuant to Section 6 of Article XIII B of the California
23 Constitution because the only costs that may be incurred
24 by a local agency or school district will be incurred
25 because this act creates a new crime or infraction,
26 eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section
28 17556 of the Government Code, or changes the definition
29 of a crime within the meaning of Section 6 of Article
30 XIII B of the California Constitution.

31 Notwithstanding Section 17580 of the Government
32 Code, unless otherwise specified, the provisions of this act
33 shall become operative on the same date that the act
34 takes effect pursuant to the California Constitution.

