

ASSEMBLY BILL

No. 830

Introduced by Assembly Member Oropeza

February 20, 2003

An act to amend Section 13651 of the Business and Professions Code, relating to service stations.

LEGISLATIVE COUNSEL'S DIGEST

AB 830, as introduced, Oropeza. Service stations: restrooms.

Existing law requires every service station in the state located within 660 feet of an accessible right-of-way of any interstate or primary highway, as defined, to provide, during business hours, public restrooms for use by its customers. An intentional violation of this provision is a crime.

This bill would require every service station in the state, regardless of location, to provide public restrooms for its customers. By expanding the definition of a crime, this bill would impose a state-mandated local program.

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 13651 of the Business and Professions
2 Code is amended to read:

3 13651. (a) (1) On and after January 1, 2000, every service
4 station in this state shall provide, during operating hours, and make
5 available *to the public, and* at no cost to customers who purchase
6 motor vehicle fuel, water, compressed air, and a gauge for
7 measuring air pressure, ~~to the public~~ for use in servicing any
8 passenger vehicle, as defined in Section 465 of the Vehicle Code,
9 or any commercial vehicle, as defined in Section 260 of the Vehicle
10 Code, with an unladen weight of 6,000 pounds or less.

11 (2) Every service station in this state shall display, at a
12 conspicuous place on, at, or near the dispensing apparatus, at least
13 one clearly visible sign which shall read as follows:
14 “CALIFORNIA LAW REQUIRES THIS STATION TO
15 PROVIDE FREE AIR AND WATER FOR AUTOMOTIVE
16 PURPOSES TO ITS CUSTOMERS WHO PURCHASE MOTOR
17 VEHICLE FUEL. IF YOU HAVE A COMPLAINT NOTIFY
18 THE STATION ATTENDANT AND/OR CALL THIS
19 TOLL-FREE TELEPHONE NUMBER: 1 (800) ____ ____.” This
20 sign shall meet the requirements of Sections 13473 and 13474 with
21 regard to letter size and contrast. As used in this paragraph,
22 automotive purposes does not include the washing of vehicles.

23 (b) (1) ~~On and after January 1, 1990, every~~ Every service
24 station in this state ~~located within 660 feet of an accessible~~
25 ~~right-of-way of any interstate or primary highway, as defined in~~
26 ~~Sections 5215 and 5220,~~ shall provide, during business hours,
27 public restrooms for use by its customers. Service stations shall not
28 charge customers separately for the use of restroom facilities.

29 (2) The public restroom shall not be temporary or portable but
30 shall be permanent and shall include separate facilities for men and
31 women, each with toilets and sinks suitable for use by disabled
32 persons in accordance with Section 19955.5 of the Health and
33 Safety Code and Title 24 of the California Code of Regulations.
34 However, a service station not located along an interstate highway
35 and in a rural area, as defined by Section 101 of Title 23 of the
36 United States Code, and where the annualized average daily traffic
37 count is 2,500 vehicles or less, is only required to provide a single
38 restroom to be used by both men and women unless the local



1 legislative body or, upon designation by the local legislative body,
2 the local building official, determines and finds, based upon traffic
3 studies and local or seasonal tourist patterns, that a single restroom
4 would be inadequate to serve the public. In that event, the single
5 restroom exemption shall not apply. The single restroom shall
6 contain a toilet, urinal, and sink suitable for use by disabled
7 persons as required by the Americans With Disabilities Act and
8 Title 24 of the California Code of Regulations. The single restroom
9 shall be equipped with a locking mechanism to be operated by the
10 user of the restroom and the restroom shall be maintained in a clean
11 and sanitary manner.

12 (3) This subdivision does not apply to service stations ~~which~~
13 *that* are operational prior to January 1, 1990, and ~~which~~ *that* would
14 be obligated to construct permanent restroom facilities to comply
15 with this subdivision.

16 (4) For the purposes of this subdivision, “customer” means a
17 person who purchases any product available for sale on the
18 premises of the service station, including items not related to the
19 repairing or servicing of a motor vehicle.

20 (c) Every service station in this state shall display, at a
21 conspicuous place on, at, or near the dispensing apparatus or at or
22 near the point of sale, at least one clearly visible sign showing a list
23 of applicable state and federal fuel taxes per gallon of motor
24 vehicle fuel sold from the dispensing apparatus.

25 (d) (1) The Division of Measurement Standards of the
26 Department of Food and Agriculture shall, no later than January
27 1, 2001, establish a toll-free customer complaint telephone
28 number. The toll-free telephone number thereby established shall
29 be printed on the sign required pursuant to paragraph (2) of
30 subdivision (a).

31 (2) Notwithstanding any other provision of law, employees of
32 the Division of Measurement Standards, upon inspection, or upon
33 notice of a complaint forwarded pursuant to this section, are
34 empowered to investigate a complaint against a service station for
35 lack of free air and water and issue a citation to the station, and to
36 collect a fine of two hundred fifty dollars (\$250) per valid
37 complaint, unless the citation is challenged in court. No citation
38 shall be issued if the air and water equipment is in good working
39 order upon initial inspection, or if they are repaired to the
40 satisfaction of the inspecting entity within 10 working days of the



1 initial inspection. In addition, no citation based on nonfunctional
2 air and water equipment shall be issued if the service station can
3 establish that the equipment has been the target of repeated
4 vandalism, substantiated by three or more police reports within six
5 months detailing the vandalism.

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

