

AMENDED IN ASSEMBLY JUNE 19, 2007

**SENATE BILL**

**No. 970**

---

---

**Introduced by Senator Ridley-Thomas**

February 23, 2007

---

---

An act to amend Section 12500 of the Business and Professions Code, relating to weights and measures *add Chapter 16 (commencing with Section 13800) to Division 5 of the Business and Professions Code, relating to rental vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 970, as amended, Ridley-Thomas. ~~Weights and measures.~~ *Rental vehicles.*

Existing law provides that the Secretary of Food and Agriculture by rules and regulations shall provide for submission for approval of types or designs of measuring instruments or devices used for commercial purposes and shall issue certificates of approval for those he or she finds to meet specified provisions of law and the tolerance and specifications thereunder. Existing law provides that it is unlawful to sell or use an unapproved measuring instrument or device for commercial purposes. Existing law defines a measuring instrument for purposes of these provisions *does not regulate the use of rental vehicle fuel gauges as a measuring instrument in rental vehicle transactions.*

This bill would provide that a measuring instrument does not include a fuel gauge installed in a motor vehicle by the motor vehicle manufacturer *may be used in a rental transaction to calculate an optional charge for fueling a rental vehicle, as specified.*

*Existing law requires the county sealer to inspect, try, and test all instruments and devices used for weighing or for measurements in*

commercial transactions, and may charge a fee therefor established by the board of supervisors.

This bill would provide that the use of a fuel gauge in calculating an optional charge for fueling the rental vehicle under specified circumstances does not qualify as a use for commercial purposes.

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

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

1 SECTION 1. Chapter 16 (commencing with Section 13800) is  
2 added to Division 5 of the Business and Professions Code, to read:

3  
4

CHAPTER 16. RENTAL VEHICLES

5  
6

13800. (a) Notwithstanding any other provision of this division,  
7 a rental vehicle’s fuel gauge installed by the vehicle’s manufacturer  
8 may be used in a rental transaction by a rental company to  
9 calculate an optional charge for fueling when any of the following  
10 occurs:

11 (1) The customer could have avoided incurring the charge by  
12 returning the rental vehicle with the same amount of fuel as was  
13 in the fuel tank at the commencement of the rental.

14 (2) The customer chose to purchase the amount of fuel inside  
15 the fuel tank at the commencement of the rental.

16 (b) For the purposes of this division, the use of a fuel gauge in  
17 calculating an optional charge for fueling the rental vehicle  
18 pursuant to subdivision (a) does not qualify as a use for  
19 commercial purposes.

20 ~~SECTION 1. Section 12500 of the Business and Professions~~  
21 ~~Code is amended to read:~~

22 ~~12500. As used in this chapter the following terms mean:~~

23 ~~(a) “Weighing instrument” means any device, contrivance,~~  
24 ~~apparatus, or instrument used, or designed to be used, for~~  
25 ~~ascertaining weight and includes any tool, appliance, or accessory~~  
26 ~~used or connected therewith.~~

27 ~~(b) “Measuring instrument” means any device, contrivance,~~  
28 ~~apparatus, or instrument used, or designed to be used, for~~  
29 ~~ascertaining measure and includes any tool, appliance, or accessory~~  
30 ~~used or connected therewith. “Measuring instrument,” however,~~

1 does not include a fuel gauge installed in a motor vehicle by the  
2 motor vehicle manufacturer.

3 (e) ~~“Correct” means any weight or measure or weighing,~~  
4 ~~measuring, or counting instrument which meet all of the tolerance~~  
5 ~~and specification requirements established by the director pursuant~~  
6 ~~to Section 12107.~~

7 (d) ~~“Incorrect” means any instrument which fails to meet all of~~  
8 ~~the requirements of Section 12107.~~

9 (e) ~~“Commercial purposes” include the determination of the~~  
10 ~~weight, measure, or count of any commodity or thing which is~~  
11 ~~sold on the basis of weight, measure, or count; or the determination~~  
12 ~~of the weight, measure, or count of any commodity or thing upon~~  
13 ~~which determination a charge for service is based. Devices used~~  
14 ~~in a determination upon which a charge for service is based include,~~  
15 ~~but are not limited to, taximeters, odometers, timing devices, parcel~~  
16 ~~scales, shipping scales, and scales used in the payment of~~  
17 ~~agricultural workers.~~

18 ~~“Commercial purposes” do not include the determination of the~~  
19 ~~weight, measure, or count of any commodity or thing which is~~  
20 ~~performed within a plant or business as a part of the manufacturing,~~  
21 ~~processing, or preparing for market of that commodity or thing,~~  
22 ~~or the determination of charges for the transmission of letters or~~  
23 ~~parcels of less than 150 pounds, except when that determination~~  
24 ~~is made in the presence of the customer charged for the service.~~