

AMENDED IN SENATE JULY 16, 2015

AMENDED IN SENATE JULY 1, 2015

AMENDED IN ASSEMBLY MAY 4, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 808**

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**Introduced by Assembly Member Ridley-Thomas**

February 26, 2015

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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, 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 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 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 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.

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:

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

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

- 1 (3) “Dimethyl ether,” an organic compound meant for  
2 combustion in compression-ignition engines that meets the  
3 requirements of dimethyl ether prescribed in this chapter.
- 4 (4) “Electricity,” electrical energy transferred to or stored  
5 onboard an electric vehicle primarily for the purpose of propulsion.
- 6 (5) “Ethanol,” denatured motor fuel ethanol meeting the  
7 requirements of ASTM International Standard Specification D4806.
- 8 (6) “Ethanol fuel blend,” a motor vehicle fuel consisting  
9 primarily of ethanol mixed with gasoline meeting the standards  
10 prescribed for ethanol fuel blends by this chapter.
- 11 (7) “Hydrogen,” a fuel consisting of high purity hydrogen  
12 intended for consumption in a motor vehicle with an internal  
13 combustion engine or fuel cell that meets the standards for  
14 hydrogen prescribed by this chapter.
- 15 (8) “Methanol fuel blend,” a motor vehicle fuel consisting  
16 primarily of methanol mixed with gasoline meeting the standards  
17 prescribed by this chapter.
- 18 (9) “Natural gas,” a gaseous mixture of hydrocarbon compounds  
19 consisting of primarily methane in the form of a compressed gas  
20 or a cryogenic liquid intended for use as a motor vehicle fuel.
- 21 (10) “Propane,” a liquefied petroleum gas intended for use as  
22 a motor vehicle fuel and meeting the standards prescribed by this  
23 chapter.
- 24 (11) Any other fuel intended for use as a motor vehicle fuel that  
25 the secretary determines is an alternative fuel that has a standard  
26 specification from a standards development organization accredited  
27 by the American National Standards Institute (ANSI), or an interim  
28 standard specification pursuant to Section 13446.
- 29 (c) “Automotive spark-ignition engine fuel” means a product  
30 used for the generation of power in a spark-ignition internal  
31 combustion engine.
- 32 (d) “Compression-ignition engine fuel” means a product used  
33 for the generation of power in a compression-ignition internal  
34 combustion engine.
- 35 (e) “Developmental engine fuel” means an engine fuel that does  
36 not meet standards established by this chapter but has  
37 characteristics that may lead to an improved fuel standard or the  
38 development of an alternative fuel standard.

- 1 (f) “Diesel fuel” means any hydrocarbon oil meant for  
2 combustion in compression-ignition engines offered for sale that  
3 meets the standards for diesel fuel prescribed by this chapter.
- 4 (g) “Engine fuel” means any gasoline, diesel, or alternative fuel  
5 used for the generation of power in an internal combustion engine  
6 or fuel cell in a motor vehicle, or electrical power delivered  
7 conductively or inductively to an electric motor in electric or  
8 plug-in hybrid vehicles. “Motor vehicle fuel” means “engine fuel”  
9 when that term is used in this chapter.
- 10 (h) “Fuel oil” means any product offered for sale that is burned  
11 in a furnace or boiler for the generation of heat and meets the  
12 standards prescribed for fuel oil by this chapter.
- 13 (i) “Gasoline” means a volatile mixture of liquid hydrocarbons,  
14 generally containing small amounts of additives, suitable for use  
15 as a fuel in a spark-ignition internal combustion engine.
- 16 (j) “Gasoline-oxygenate blend” means a fuel consisting primarily  
17 of gasoline along with a substantial amount of one or more  
18 oxygenates that meets ASTM International Standard D4814.
- 19 (k) “Kerosene” means a fuel offered for sale that meets the  
20 standards for kerosene prescribed in this chapter.
- 21 (l) “Lubricant” means a lubricating oil or other substance that  
22 reduces friction and wear between moving parts within an engine  
23 and other motor vehicle components.
- 24 (m) “Lubricating oil” means motor oil, engine lubricant, engine  
25 oil, lubricating axle oil, gear oil, or manual transmission fluid.
- 26 (n) “Manufacturer” means manufacturer, refiner, producer, or  
27 importer.
- 28 (o) “Motor oil” means an oil that reduces friction and wear  
29 between the moving parts within an internal combustion engine  
30 and also serves as a coolant. For purposes of this chapter, motor  
31 oil also means engine oil.
- 32 (p) “Motor vehicle fuel” means an engine fuel intended for  
33 consumption in, including, but not limited to, an internal  
34 combustion engine, fuel cell, or electric motor to produce power  
35 to self-propel a vehicle designed for transporting persons or  
36 property on a public street or highway.
- 37 (q) “Octane number” or “antiknock index number,” when used  
38 in this chapter, means that number assigned to a spark-ignition  
39 engine fuel that designates the antiknock quality. The “octane  
40 number” or “antiknock index number” shall be determined

1 according to the ASTM International method or methods  
2 designated in the latest ASTM International Standard Specification  
3 D4814.

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

7 (s) “Renewable diesel fuel” means a diesel fuel derived from  
8 nonpetroleum renewable resources. Renewable diesel fuel does  
9 not include biodiesel, as defined in paragraph (1) of subdivision  
10 (b).

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

14 (u) “Standard test” means a test conducted in accordance with  
15 the latest published standard adopted by ASTM International.

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

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

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

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

24 13404.5. The secretary shall establish the method of sale of  
25 motor vehicle fuels and lubricants sold at retail to the public. In  
26 doing so, the secretary shall adopt, by reference, the latest method  
27 of sale for motor vehicle fuels and lubricants adopted by the  
28 National Conference on Weights and Measures and published in  
29 the National Institute of Standards and Technology Handbook 130  
30 “Uniform Laws and Regulations in the Areas of Legal Metrology  
31 and Engine Fuel Quality,” except as specifically provided by the  
32 Legislature or modified, amended, or rejected by regulations  
33 adopted by the secretary. In the absence of national standards, the  
34 secretary may adopt interim standards of method of sale until the  
35 time when the standards are adopted by the National Conference  
36 on Weights and Measures and published in the National Institute  
37 of Standards and Technology.

38 SEC. 8. Section 13405 of the Business and Professions Code  
39 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. 9. The heading of Article 2 (commencing with Section  
36 13410) of Chapter 14 of Division 5 of the Business and Professions  
37 Code is amended to read:

38  
39 Article 2. Sale of Motor Vehicle Fuels and Lubricants  
40

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

3 13410. (a) No person engaged in the business of extracting  
4 oil or gas from lands within the state, or of producing motor vehicle  
5 fuels for sale within the state, may refuse to sell to any city or  
6 county sufficient quantities of his or her motor vehicle fuels or  
7 lubricants, or both, sold during the normal course of business for  
8 the essential services provided by the city or county.

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

23 (c) For purposes of this section, “essential services” means  
24 police, fire, health, and transportation services provided by public  
25 agencies.

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

28 13411. It is unlawful for any person to sell or offer to sell motor  
29 vehicle fuel for use in any vehicle, as the term vehicle is defined  
30 by the Vehicle Code, on the condition that the purchaser also must  
31 purchase or pay for any other products, merchandise, or services.  
32 This section does not apply to parking time charges at locations  
33 also selling electricity as a motor vehicle fuel.

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

36 13413. (a) It is unlawful for any person or other legal entity  
37 to make any deceptive, false, or misleading statement by any means  
38 whatever regarding quality, quantity, performance, price, discount,  
39 or saving used in the sale or selling of any commodity regulated  
40 pursuant to this chapter.

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

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

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

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

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

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

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

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

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

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

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

33 13420. Every person, firm, partnership, association, trustee,  
34 or corporation that owns, leases, or rents and operates a facility  
35 that offers any motor vehicle fuel for sale to the public from a  
36 fueling facility abutting or adjacent to a street or highway shall  
37 accurately update all signs, banners, or other advertising media  
38 that indicate hours of the sale. Advertising media indicating hours  
39 of sale shall be updated on a monthly basis.

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

3 13421. Every person, firm, partnership, association, trustee,  
4 or corporation that owns, leases, or rents and operates a facility  
5 that offers any motor vehicle fuel for sale to the public from the  
6 facility abutting or adjacent to a street or highway shall turn off  
7 all outdoor lighted advertising media at their place of business  
8 when they are not open for business. This section shall only apply  
9 to the fueling facility and not the retail business in a situation where  
10 the fueling facility is a part of and adjacent to a retail business  
11 provided the retail sale of gasoline or other motor vehicle fuel is  
12 not the primary purpose of that business.

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

16  
17 Article 5. Standards for Spark-Ignition Fuels  
18

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

21 13440. (a) The department shall establish specifications for  
22 automotive spark-ignition engine fuels. The department shall adopt  
23 by reference the latest standards established by a recognized  
24 consensus organization or standards writing organization such as  
25 ASTM International or SAE International, for automotive  
26 spark-ignition engine fuel, except that no specification shall be  
27 less stringent than required by any California state law.

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

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

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

38 (e) Notwithstanding any other provision of this section, gasoline  
39 sold for use in Inyo or Mono County, or the portion of Kern County  
40 lying east of the Los Angeles County Aqueduct, shall comply with

1 the latest specification set forth in ASTM International Standard  
2 Specification D4814 relating to volatility class standards for the  
3 season during which the gasoline is sold for either the interior  
4 region or the southeast region of California.

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

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

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

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

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

17 13440.5. For purposes of determining the percentage of ethanol  
18 in a gasoline-oxygenate blend for use as a fuel, the volume of  
19 ethanol includes the volume of any denaturant (including gasoline)  
20 that is added to the extent that these denaturants do not exceed the  
21 maximum volume percent specified in the latest standard  
22 established by ASTM International, except that no standard shall  
23 be less stringent than required by any California state law.

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

26 13442. (a) It is unlawful for any person to sell, offer for sale,  
27 or cause or permit to be sold or offered for sale, or deliver or offer  
28 for delivery, any product used as a motor vehicle fuel for internal  
29 combustion engines at any place where motor vehicle fuels are  
30 kept or stored for sale, which does not conform to the requirements  
31 of this article, unless and until there shall be firmly attached to or  
32 painted upon each container, receptacle, pump, and inlet end of  
33 the fill pipe of each underground storage tank, or other equipment  
34 used for storage of motor vehicle fuel, from which or into which  
35 the motor vehicle fuel is drawn or poured for sale or delivery, a  
36 sign or label, plainly visible, comprising the brand, trademark, or  
37 trade name of such fuel, or the words "no brand," that words shall  
38 be in letters of gothic type with a stroke of not less than one-eighth  
39 inch in width and not less than one inch in height, and also the  
40 words "not gasoline" in red letters of gothic type with a stroke of

1 not less than one-half inch in width and not less than three inches  
2 in height, on a white background and not less than twice the size  
3 of any other letters or words appearing on or near the label or sign.

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

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

12 SEC. 19. The heading of Article 5.5 (commencing with Section  
13 13446) of Chapter 14 of Division 5 of the Business and Professions  
14 Code is amended to read:

15  
16 Article 5.5. Standards for Alternative Fuels  
17

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

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

22 13446. The department may establish interim specifications  
23 for alternative fuel for use in motor vehicles until a standards  
24 development organization accredited by the American National  
25 Standards Institute (ANSI) formally adopts a standard for the fuel  
26 for use in motor vehicles. The department shall then adopt, by  
27 reference, the latest standard established by the ANSI-accredited  
28 standards development organization for alternative fuel, except  
29 that no specification shall be less stringent than required by any  
30 California state law.

31 SEC. 22. The heading of Article 6 (commencing with Section  
32 13450) of Chapter 14 of Division 5 of the Business and Professions  
33 Code is amended to read:

34  
35 Article 6. Standards for Compression-Ignition Engine Fuels,  
36 Kerosene, and Fuel Oils  
37

38 SEC. 23. Section 13450 of the Business and Professions Code  
39 is amended to read:

1 13450. The department shall establish specifications for  
2 compression-ignition engine fuel, kerosene, and fuel oil. The  
3 department shall adopt by reference the latest standards established  
4 by a recognized consensus organization or standards writing  
5 organization such as the ASTM International or the SAE  
6 International, for compression-ignition engine fuels, kerosene, and  
7 fuel oil, except that no specification shall be less stringent than  
8 required by any California state law.

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

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

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

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

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

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

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

25 13460. Engine oil shall not be sold or distributed for use in an  
26 internal combustion engine unless the product conforms to the  
27 following specifications:

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

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

37 (c) Any engine oil that is represented to meet SAE International  
38 SAE J183 engine oil performance and engine service classification  
39 SA must have either an acid number or base number of 0.20 mg

1 of KOH/g as measured by ASTM International Standard Test  
2 Method D974 or equivalent.

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

6 SEC. 25. The heading of Article 8 (commencing with Section  
7 13470) of Chapter 14 of Division 5 of the Business and Professions  
8 Code is amended to read:

9  
10 Article 8. Price Indications on Motor Vehicle Fuel Dispensing  
11 Apparatus  
12

13 SEC. 26. Section 13470 of the Business and Professions Code  
14 is amended to read:

15 13470. (a) A person shall not sell at retail to the general public,  
16 any motor vehicle fuel from any place of business in this state  
17 unless there is displayed on the dispensing apparatus in a  
18 conspicuous place at least one sign or price indicator showing the  
19 total price per gallon, liter, or other unit of measurement adopted  
20 pursuant to Section 12107, 13404, or 13404.5 of all motor vehicle  
21 fuel sold therefrom. The total price per gallon, liter, or other unit  
22 of measurement shall include applicable fuel taxes and all sales  
23 taxes.

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

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

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

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

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

6 13470.5. Any person selling, offering for sale, or advertising  
7 for sale, at retail to the general public, any gasoline or other motor  
8 vehicle fuel from any place of business in this state by use of or  
9 through or from any dispensing apparatus and displaying any sign  
10 showing the total price per liter, shall, in addition, display in a  
11 conspicuous fashion in full view of the retail purchaser and in  
12 accordance with provisions of this chapter, a gallon-to-liter  
13 conversion table showing quantity and price equivalents.

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

16 13471. Each sign required by this article shall be placed in a  
17 conspicuous place on the dispensing apparatus and if service of  
18 motor vehicle fuel may be made from more than one side of such  
19 dispensing apparatus the sign shall be so placed as to be visible  
20 from at least two sides of the dispensing apparatus.

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

23 13472. When a sign is used in addition to a price indicator, as  
24 defined in Section 13470, and if the same grade of motor vehicle  
25 fuel is sold at a different price from any other dispenser on the  
26 same premises, it shall be unlawful to display the sign on a  
27 dispenser unless a sign with price numerals of equal size is  
28 displayed upon each dispenser from which the same grade of motor  
29 vehicle fuel is dispensed at higher prices.

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

32 13477. The provisions of this article do not apply to the sale  
33 of motor vehicle fuel for aircraft through or from any portable  
34 dispensing device.

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

37 13480. (a) It is unlawful for any person to sell any motor  
38 vehicle fuel or lubricant referred to in this chapter at any place  
39 where motor vehicle fuels or lubricants are kept or stored for sale,  
40 unless there is affixed to each container, receptacle, pump,

1 dispenser, and inlet end of the fill pipe of each underground storage  
2 tank, from which or into which that product is drawn or poured  
3 out for sale or delivery, a sign or label plainly visible consisting  
4 of the name of the product, the brand, trademark, or trade name  
5 of the product, and, in the case of motor vehicle fuel and kerosene,  
6 the grade or brand name designation.

7 (b) When the product is a lubricant, as defined by Section 13400,  
8 each sign or label shall also have in letters or numerals, plainly  
9 visible, the viscosity grade classification as determined in  
10 accordance with the SAE International latest standard for engine  
11 oil viscosity classification SAE J300 or manual transmission and  
12 axle lubricants viscosity classification SAE J306, as applicable,  
13 and shall be preceded by the letters “SAE.”

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

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

24 (e) All signs or labels required by this section for retail motor  
25 vehicle fuel dispensers and containers of more than one gallon  
26 capacity shall be in letters and numerals not less than one-half inch  
27 (12.70 mm) in height. On containers of one gallon or less, the signs  
28 or labels shall be in letters and numerals not less than one-fourth  
29 inch (6.35 mm) in height and one-sixteenth inch (1.59 mm) in  
30 width.

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

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

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

38 13481. (a) If any motor vehicle fuel or lubricant is offered for  
39 sale, but not under any brand, trademark, or trade name, the words  
40 “no brand” shall be used as the brand, trademark, or trade name

1 designation. The words “no brand” shall be in letters of gothic  
2 type with a stroke of not less than one-half inch in width, not less  
3 than three inches in height, and shall consist of red letters on a  
4 white background.

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

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

9 13482. (a) It is unlawful for any person to sell or distribute  
10 engine oil or lubricant unless both of the following are met:

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

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

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

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

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

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

34 13486. (a) It is unlawful, at any place of business where motor  
35 vehicle fuels or lubricants are sold, for any person to do either of  
36 the following:

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

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

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

8 SEC. 36. Section 13500 of the Business and Professions Code  
9 is amended to read:

10 13500. It is unlawful for any person to transport in any tank  
11 vehicle, for the purpose of sale or for delivery to any place where  
12 motor vehicle fuels or lubricants are stored for sale, any product  
13 referred to in this chapter unless there is firmly affixed at each  
14 outlet or valve of the tank vehicle, a metal tag, plate, or label. The  
15 tag, plate, or label shall display, in letters not less than one-half  
16 inch in height, the name and grade of the product in the tank  
17 compartment of the tank vehicle. In the case of motor oil, the SAE  
18 International viscosity number shall also be displayed on the tag,  
19 plate, or label.

20 SEC. 37. Section 13501 of the Business and Professions Code  
21 is amended to read:

22 13501. It is unlawful for any person, when delivering for the  
23 purpose of sale, or delivering to any place where products referred  
24 to in this chapter are kept for sale, to commingle any product with  
25 another product or to commingle grades of a product, if as a result  
26 of the commingling the product delivered does not meet the  
27 specifications adopted or established by the department.

28 SEC. 38. Section 13502 of the Business and Professions Code  
29 is amended to read:

30 13502. It is unlawful for any person to deliver into a storage  
31 tank or container at any place where products referred to in this  
32 chapter are stored for sale, any product other than the product  
33 identified on the label attached to the storage tank or container.

34 SEC. 39. Section 13530 of the Business and Professions Code  
35 is amended to read:

36 13530. (a) Nothing in this article applies to price indicators  
37 and signs referred to in Article 8 (commencing with Section  
38 13470). However, any numerals designating the total price per  
39 gallon, liter, or other unit of measurement adopted pursuant to  
40 Section 12107, 13404, or 13404.5 for a particular brand and grade

1 of motor vehicle fuel permitted or required under Article 8  
2 (commencing with Section 13470) shall, unless otherwise stated,  
3 be identical in numerical value with the price per gallon, liter, or  
4 other unit of measurement for the same brand and grade of motor  
5 vehicle fuel 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. 40. Section 13531 of the Business and Professions Code  
15 is amended to read:

16 13531. (a) (1) Every person offering for sale or selling any  
17 motor vehicle fuel to the public from any place of business shall  
18 display on the premises an advertising medium that complies with  
19 the requirements of this article and that advertises the total prices  
20 of the three major grades of motor vehicle fuel offered for sale.

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

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

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

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

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

1 (2) Any person who violates the provisions of subdivision (a)  
2 and who has been previously convicted two or more times of a  
3 violation of subdivision (a) is guilty of a misdemeanor and, upon  
4 conviction, is punishable by imprisonment in the county jail not  
5 exceeding six months, by a fine not exceeding one thousand dollars  
6 (\$1,000), or by both.

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

14 SEC. 41. Section 13532 of the Business and Professions Code  
15 is amended to read:

16 13532. (a) It is unlawful for any person to display any  
17 advertising medium that indicates the price of motor vehicle fuel  
18 unless the advertising medium displays all of the following:

19 (1) The total price per gallon, liter, or other unit of measurement  
20 adopted pursuant to Section 12107, 13404, or 13404.5, including  
21 all taxes, in numerals, and fractions when applicable, not less than  
22 six inches in height and of uniform size and color. For purposes  
23 of this article, fractions are considered one numeral. For purposes  
24 of this section, electricity sold as a motor vehicle fuel shall meet  
25 only the requirements adopted pursuant to Section 13404.

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

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

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

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

1 (b) (1) It is unlawful for any person to display an advertising  
2 medium that advertises a discount or price reduction for motor  
3 vehicle fuel, unless the advertising medium contains all the  
4 following:

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

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

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

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

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

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

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

1 (d) Nothing in this section prohibits any person who has posted  
 2 or displayed a sign or advertising medium in compliance with this  
 3 chapter from displaying additional signs or advertising media that  
 4 state either (1) the amount of discount in cents per gallon, liter, or  
 5 other unit of measurement adopted pursuant to Section 12107,  
 6 13404, or 13404.5, or (2) the total price of one or more brands or  
 7 grades of motor vehicle fuel sold or offered for sale, provided the  
 8 conditions and any limitations of the discount or price of the brand  
 9 or grade of motor vehicle fuel are included in the additional  
 10 advertising media in letters not less than one-third the size of the  
 11 numerals indicating the discount or price.

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

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

17 SEC. 43. The heading of Article 13 (commencing with Section  
 18 13550) of Chapter 14 of Division 5 of the Business and Professions  
 19 Code is amended to read:

20  
 21 Article 13. Inducements for the Sale of Motor Vehicle Fuel  
 22

23 SEC. 44. 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. 45. Section 13570 of the Business and Professions Code  
 35 is amended to read:

36 13570. (a) A manufacturer, blender, agent, jobber, consignment  
 37 agent, or distributor who distributes motor vehicle fuel that contain  
 38 at least 1 percent alcohol by volume, shall state on an invoice, bill  
 39 of lading, shipping paper, or other documentation used in normal  
 40 and customary business practices, the percentage of alcohol, the

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

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

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

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

14 13590. It is the duty of the department acting through the  
15 Division of Measurement Standards to enforce the provisions of  
16 this chapter, and to appoint and employ inspectors as may be  
17 necessary.

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

20 13591. (a) The department, its inspectors, and each sealer, are  
21 hereby authorized and empowered to inspect the motor vehicle  
22 fuels or lubricants referred to in this chapter and to enter, for the  
23 purpose of the inspection, any place where motor vehicle fuels or  
24 lubricants are kept or stored for sale.

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

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

28 13592. The department, each sealer, and any person now or  
29 hereafter authorized or empowered by law to inspect the motor  
30 vehicle fuels or lubricants referred to in this chapter, may take  
31 such sample or samples as may be necessary of any motor vehicle  
32 fuel or lubricant kept or stored for the purpose of sale.

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

35 13595. (a) It is unlawful for any person to sell or deliver any  
36 motor vehicle fuel or lubricant referred to in this chapter that fails  
37 to meet the specifications required by this chapter.

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

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

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

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

26 SEC. 50. Section 13600 of the Business and Professions Code  
 27 is amended to read:

28 13600. It is unlawful for any person, or any member, officer,  
 29 agent, or employee of a firm, association, or corporation, other  
 30 than the department or any of the officers mentioned in this article,  
 31 to break, mutilate, or destroy any seal or seals placed upon a  
 32 container, receptacle, pump, or storage tank connected thereto, or  
 33 any other storage tank containing a motor vehicle fuel or lubricant,  
 34 when placed thereon as provided by this article, or to move a  
 35 container so sealed, or remove the contents therefrom, or to cover,  
 36 deface, or remove the notice of sealing required by this article.

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

39 13700. For purposes of this chapter, the following terms mean  
 40 the following:

1 (a) “Automotive product” means engine coolant or antifreeze,  
2 prediluted engine coolant or prediluted antifreeze, brake fluid,  
3 transmission fluid, and diesel exhaust fluid.

4 (b) “Transmission fluid” means a product intended for use in a  
5 motor vehicle as either a lubricant, coolant, or liquid medium in  
6 any type of transmission, or any other type of unit through which,  
7 or by which, force, energy, or power is transferred from a motor  
8 vehicle engine by hydraulic means to the driving assembly.  
9 Transmission fluid does not include manual transmission lubricant,  
10 as described in the latest revision of the SAE Information Report  
11 on axle and manual transmission lubricants, SAE International  
12 J308.

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

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

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

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

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

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

38 (i) “Prediluted engine coolant” or “prediluted antifreeze” means  
39 any substance or preparation, regardless of its origin, intended or  
40 labeled for use at full strength as the cooling medium or as a top

1 off in the cooling system of an internal combustion engine to  
2 provide or supplement protection against freezing, overheating,  
3 or corrosion of the cooling system.

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

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

10 13710. (a) (1) The department shall establish specifications  
11 for engine coolants, antifreeze, prediluted engine coolants, and  
12 prediluted antifreeze that promote the public safety in the operation  
13 of motor vehicles.

14 (2) The chemical, physical, and performance specifications for  
15 engine coolants and antifreeze and prediluted engine coolants and  
16 prediluted antifreeze under paragraph (1) shall not fall below the  
17 minimum specifications, if any, established by ASTM International.  
18 Engine coolant and antifreeze shall not contain, after dilution with  
19 30 percent water and subsequent mixing, visually identifiable  
20 suspended matter or sediment. Prediluted engine coolant and  
21 prediluted antifreeze shall not contain, after mixing, visually  
22 identifiable suspended matter or sediment.

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

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

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

39 (d) Any manufacturer or packager of any product regulated by  
40 this chapter and sold in the state shall provide, upon request to

1 duly authorized representatives of the department, documentation  
2 of any claim made upon their products' label.

3 SEC. 53. Section 13711 of the Business and Professions Code  
4 is amended to read:

5 13711. (a) An engine coolant or antifreeze is mislabeled if  
6 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 chart on the label showing  
13 appropriate amounts of engine coolant or antifreeze and water in  
14 terms of liquid measure to be used to provide protection from  
15 freezing at temperatures to at least 30 degrees below zero  
16 Fahrenheit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (4) The container and carton do not bear information that  
32 identifies the container lot or batch.

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

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

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

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

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

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

20 SEC. 54. Section 13741 of the Business and Professions Code  
21 is amended to read:

22 13741. (a) It is unlawful for any person or other legal entity  
23 to make any deceptive, false, or misleading statement by any means  
24 whatever regarding quality, quantity, performance, price, discount,  
25 or saving in the sale or selling of any commodity regulated pursuant  
26 to this chapter.

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

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

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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