

ASSEMBLY BILL

No. 2066

**Introduced by Assembly Member Lackey
(Principal coauthor: Assembly Member Jones)
(Coauthors: Assembly Members Baker, Gallagher, Hadley, and
Kim)**

February 17, 2016

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

LEGISLATIVE COUNSEL’S DIGEST

AB 2066, as introduced, Lackey. Service stations: petroleum supply and pricing.

Existing law requires every service station in this state to display at a conspicuous place on, at, or near the dispensing apparatus, or at or near the point of sale, at least one clearly visible sign showing a list of applicable state and federal fuel taxes per gallon of motor vehicle fuel sold from the dispensing apparatus. A violation of this provision is an infraction.

Existing law establishes the State Energy Resources Conservation and Development Commission in the Natural Resources Agency, and specifies the powers and duties of the commission with respect to energy resources in the state. Under existing law, various provisions regulate petroleum supply and pricing.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms.

This bill would require every service station to also display the average per-gallon cost of gasoline and diesel fuel, as calculated by the commission, across the industry of refiners producing transportation fuels as a result of their compliance with a market-based compliance mechanism. Because a violation of this requirement would be 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~~ Every
4 service station in this state shall ~~provide~~, provide during operating
5 hours, and make available at no cost to customers who purchase
6 motor vehicle fuel, water, compressed air, and a gauge for
7 measuring air ~~pressure~~, pressure to the public for use in servicing
8 any passenger vehicle, as defined in Section 465 of the Vehicle
9 Code, or any commercial vehicle, as defined in Section 260 of the
10 Vehicle 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~~,
13 apparatus at least one clearly visible sign ~~which~~ that shall read as
14 follows: "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 station
24 in this state located within 660 feet of an accessible right-of-way

1 of an interstate or primary highway, as defined in Sections 5215
2 and 5220, shall ~~provide~~, *provide* during business hours public
3 restrooms for use by its customers. Service stations shall not charge
4 customers separately for the use of restroom facilities.

5 (2) The public restroom shall not be temporary or portable but
6 shall be permanent and shall include separate facilities for men
7 and women, each with toilets and sinks suitable for use by disabled
8 persons in accordance with Section 19955.5 of the Health and
9 Safety Code and Title 24 of the California Code of Regulations.
10 However, a service station not located along an interstate highway
11 and in a rural area, as defined by Section 101 of Title 23 of the
12 United States Code, and where the annualized average daily traffic
13 count is 2,500 vehicles or less, is only required to provide a single
14 restroom to be used by both men and women unless the local
15 legislative body or, upon designation by the local legislative body,
16 the local building official determines and finds, based upon traffic
17 studies and local or seasonal tourist patterns, that a single restroom
18 would be inadequate to serve the public. In that event, the single
19 restroom exemption shall not apply. The single restroom shall
20 contain a toilet, urinal, and sink suitable for use by disabled persons
21 as required by the *federal* Americans With Disabilities Act of 1990
22 (42 U.S.C. Sec. 12101 et seq.) and Title 24 of the California Code
23 of Regulations. The single restroom shall be equipped with a
24 locking mechanism to be operated by the user of the restroom and
25 the restroom shall be maintained in a clean and sanitary manner.

26 (3) This subdivision does not apply to service stations that are
27 operational prior to January 1, 1990, and that would be obligated
28 to construct permanent restroom facilities to comply with this
29 subdivision.

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

34 (c) (1) Every service station in this state shall ~~display~~, *display*
35 at a conspicuous place on, at, or near the dispensing ~~apparatus~~
36 *apparatus*, or at or near the point of sale, at least one clearly visible
37 sign showing a list of applicable state and federal fuel taxes per
38 gallon of motor vehicle fuel sold from the dispensing apparatus.
39 The sign may display the federal excise tax rate as “up to \$.184.”

(2) *The sign described in paragraph (1) also shall display the average per-gallon cost of gasoline and diesel fuel, as calculated by the State Energy Resources Conservation and Development Commission, across the industry of refiners producing transportation fuels as a result of their compliance with a market-based compliance mechanism adopted by the State Air Resources Board pursuant to Section 38570 of the Health and Safety Code.*

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

(2) Notwithstanding any other ~~provision of law~~, employees of the Division of Measurement Standards, upon inspection, or upon notice of a complaint forwarded pursuant to this section, are empowered to investigate a complaint against a service station for lack of free air and water and issue a citation to the station, and to collect a fine of two hundred fifty dollars (\$250) per valid complaint, unless the citation is challenged in court. ~~No~~ A citation shall *not* be issued if the air and water equipment is in good working order upon initial inspection, or if they are repaired to the satisfaction of the inspecting entity within 10 working days of the initial inspection. In addition, no citation based on nonfunctional air and water equipment shall be issued if the service station can establish that the equipment has been the target of repeated vandalism, substantiated by three or more police reports within six months detailing the vandalism.

SEC. 2. 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.