

AMENDED IN ASSEMBLY MARCH 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2066

Introduced by Assembly Member Lackey
(Principal coauthor: Assembly Member Jones)
(Coauthors: Assembly Members *Travis Allen, Baker, Brough,*
Chang, Gallagher, Hadley, and Kim Kim, Obernolte, Olsen, and
***Patterson*)**
(Coauthors: Senators Bates and Runner)

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 amended, 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~~ gasoline and diesel fuel, as *annually* 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) Every service station in this state shall provide
4 during operating hours, and make available at no cost to customers
5 who purchase motor vehicle fuel, water, compressed air, and a
6 gauge for measuring air pressure to the public for use in servicing
7 any passenger vehicle, as defined in Section 465 of the Vehicle
8 Code, or any commercial vehicle, as defined in Section 260 of the
9 Vehicle Code, with an unladen weight of 6,000 pounds or less.
10 (2) Every service station in this state shall display, at a
11 conspicuous place on, at, or near the dispensing apparatus at least
12 one clearly visible sign that shall read as follows: "CALIFORNIA
13 LAW REQUIRES THIS STATION TO PROVIDE FREE AIR
14 AND WATER FOR AUTOMOTIVE PURPOSES TO ITS
15 CUSTOMERS WHO PURCHASE MOTOR VEHICLE FUEL.
16 IF YOU HAVE A COMPLAINT NOTIFY THE STATION
17 ATTENDANT AND/OR CALL THIS TOLL-FREE TELEPHONE
18 NUMBER: 1 (800) ____ ____." This sign shall meet the
19 requirements of Sections 13473 and 13474 with regard to letter
20 size and contrast. As used in this paragraph, automotive purposes
21 does not include the washing of vehicles.

1 (b) (1) Every service station in this state located within 660
2 feet of an accessible right-of-way of an interstate or primary
3 highway, as defined in Sections 5215 and 5220, shall provide
4 during business hours public restrooms for use by its customers.
5 Service stations shall not charge customers separately for the use
6 of restroom facilities.

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

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

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

36 (c) (1) Every service station in this state shall display at a
37 conspicuous place on, at, or near the dispensing apparatus, or at
38 or near the point of sale, at least one clearly visible sign showing
39 a list of applicable state and federal fuel taxes per gallon of motor

1 vehicle fuel sold from the dispensing apparatus. The sign may
2 display the federal excise tax rate as “up to \$.184.”

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

11 (d) (1) The Division of Measurement Standards of the
12 Department of Food and Agriculture shall, no later than January
13 1, 2001, establish a toll-free customer complaint telephone number.
14 The toll-free telephone number thereby established shall be printed
15 on the sign required pursuant to paragraph (2) of subdivision (a).

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

31 SEC. 2. 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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