

AMENDED IN SENATE JUNE 11, 1997  
AMENDED IN ASSEMBLY APRIL 7, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 178**

**Introduced by Assembly Member Gallegos**

January 29, 1997

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An act to amend Sections 13700, 13710, and 13711 of the Business and Professions Code, relating to automotive products.

LEGISLATIVE COUNSEL'S DIGEST

AB 178, as amended, Gallegos. Vehicles: automotive products.

(1) Under existing law, the Department of Food and Agriculture is required to establish specifications for engine coolants or antifreeze or prediluted engine coolants or prediluted antifreeze that do not fall below the minimum specifications for those products established by the American Society for Testing and Materials.

This bill would remove the reference to antifreezes in those provisions, *except for provisions relating to mislabeling*, and would require the department to, instead, establish specifications for engine coolants, prediluted engine coolants, recycled engine coolants, and recycled prediluted engine coolants, as defined. The bill would require the department, in establishing those specifications, to consider standards established by recognized consensus organizations or

standards writing organizations and, *with respect to recycled engine coolants and recycled prediluted engine coolants only, to consider standards established by manufacturers of at least 500,000 motor vehicles per year.* Because a violation of the specifications in the bill would be a crime under other provisions of existing law, the bill would, therefor, impose a state-mandated local program by creating a new crime.

(2) Under existing law, engine coolants, as defined, and prediluted engine coolants, as defined, are mislabeled if the containers do not bear a label that contains specified information.

This bill would require containers of recycled engine coolants and recycled prediluted engine coolants to bear labels that contain specified information, including a designation that the product contains recycled engine coolant ~~or~~, *recycled antifreeze, recycled prediluted engine coolant, or recycled prediluted antifreeze, as appropriate.* The bill would also provide that a recycled engine coolant or recycled prediluted engine coolant would be mislabeled by an automotive service facility, as defined, if it is intended to be applied by the automotive service facility to its customer's vehicles and there is no sign prominently displayed on its premises. Because a violation of the labeling requirements would be a crime under other provisions of existing law, the bill would, therefor, impose a state-mandated local program by creating a new crime.

(3) 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. It is the intent of the Legislature in  
 2 enacting this act to authorize the Department of Food  
 3 and Agriculture to adopt specifications for recycled



1 engine coolants, and to direct the department to consider  
2 leading industry standards in developing specifications  
3 for engine coolants, including recycled engine coolants.  
4 It is also the intent of the Legislature to promote the  
5 recycling of engine coolant in this state while at the same  
6 time promoting public safety in the operation of motor  
7 vehicles.

8 SEC. 2. Section 13700 of the Business and Professions  
9 Code is amended to read:

10 13700. (a) “Automotive product” means engine  
11 coolant, prediluted engine coolant, recycled engine  
12 coolant, recycled prediluted engine coolant, brake fluid,  
13 and automatic transmission fluid.

14 (b) “Automotive service facility” means a person  
15 engaged in the business of servicing motor vehicles,  
16 including, without limitation, the servicing of automotive  
17 engine cooling systems.

18 (c) “Automatic transmission fluid” means a product  
19 intended for use in a passenger vehicle, other than a bus,  
20 as either a lubricant, coolant, or liquid medium in any  
21 type of fluid automatic transmission, or any other type of  
22 unit through which or by which, force, energy, or power  
23 is transferred from a motor vehicle engine by hydraulic  
24 means to the driving assembly.

25 (d) “Brake fluid” means the fluid intended for use as  
26 the liquid medium through which force is transmitted in  
27 the hydraulic brake system of a vehicle operated upon the  
28 highways.

29 (e) “Carton” means the package or wrapping in which  
30 a number of containers are shipped or stored.

31 (f) “Container” means any receptacle in which a  
32 commodity is immediately contained when sold, but does  
33 not mean a carton or wrapping in which a number of  
34 receptacles are shipped or stored, or a tank car or truck.

35 (g) “Engine coolant” or “antifreeze” means any  
36 substance or preparation (other than recycled engine  
37 coolant), regardless of its origin, intended to be diluted  
38 before use as the cooling medium in the cooling system  
39 of an internal combustion engine to provide protection  
40 against freezing, overheating, and corrosion of the



1 cooling system, or any product intended to be diluted  
2 before use which is labeled to indicate or imply that it will  
3 prevent freezing or overheating of the cooling system of  
4 an internal combustion engine.

5 (h) “Label” means all written, printed, or graphic  
6 representations, in any form whatsoever, imprinted upon  
7 or affixed to any container or accompanying any product  
8 referred to in this chapter.

9 (i) “Prediluted engine coolant” means any substance  
10 or preparation (other than recycled prediluted engine  
11 coolant), regardless of its origin, intended for use full  
12 strength as the cooling medium in the cooling system of  
13 an internal combustion engine to provide protection  
14 against freezing, overheating, and corrosion of the  
15 cooling system, or any substance or preparation intended  
16 for use full strength which is labeled to indicate or imply  
17 that it will prevent overheating or freezing of the cooling  
18 system of an internal combustion engine.

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

23 (k) “Recycled engine coolant” means prediluted  
24 engine coolant, or diluted engine coolant, ~~that has been~~  
25 *to which all of the following apply:*

26 (1) *It was removed from a vehicle ~~and reconditioned,~~*  
27 *~~and then.~~*

28 (2) *It was subjected to a process that removes*  
29 *corrosion metals and other contaminants.*

30 (3) *It was treated with chemicals that have*  
31 *anticorrosion properties.*

32 (4) *It is intended to be diluted before use as the cooling*  
33 *medium in the cooling system of an internal combustion*  
34 *engine to provide protection against freezing,*  
35 *overheating, and corrosion of the cooling system, or is*  
36 *intended to be diluted before use and is labeled to*  
37 *indicate or imply that it will prevent freezing or*  
38 *overheating of the cooling system of an internal*  
39 *combustion engine.*



1 (l) “Recycled prediluted engine coolant” means  
2 prediluted engine coolant ~~that has been~~ *to which all of the*  
3 *following apply:*

4 (1) *It was removed from a vehicle and reconditioned*  
5 *for return.*

6 (2) *It was subjected to a process that removes*  
7 *corrosion metals and other contaminants.*

8 (3) *It was treated with chemicals that have*  
9 *anticorrosion properties.*

10 (4) *It was returned* without further dilution, to the  
11 cooling system of the internal combustion engine of any  
12 vehicle.

13 SEC. 3. Section 13710 of the Business and Professions  
14 Code is amended to read:

15 13710. (a) The department shall establish  
16 specifications for engine coolants, prediluted engine  
17 coolants, recycled engine coolants, and recycled  
18 prediluted engine coolants that promote the public safety  
19 in the operation of motor vehicles. In establishing the  
20 specifications, the department shall consider standards  
21 established by recognized consensus organizations or  
22 standards writing organizations such as the American  
23 Society for Testing and Materials (ASTM) or the Society  
24 of Automotive Engineers (SAE). ~~The~~ *With respect to*  
25 *recycled engine coolants and recycled prediluted engine*  
26 *coolants only, the* department also shall consider  
27 standards established by manufacturers of at least 500,000  
28 motor vehicles per year. Neither engine coolant nor  
29 recycled engine coolant shall contain, after dilution with  
30 30 percent water and subsequent mixing, visually  
31 identifiable suspended matter or sediment. Neither  
32 prediluted engine coolant nor recycled prediluted  
33 engine coolant shall contain, after mixing, visually  
34 identifiable suspended matter or sediment.  
35 Alcohol-based coolants, excluding glycols, are not suitable  
36 for use in automotive engines and shall not be sold or  
37 distributed for automotive use. Every manufacturer or  
38 packager of engine coolant that contains recycled engine  
39 coolant or recycled prediluted engine coolant shall  
40 include on the label of the coolant a designation that the



1 product contains recycled engine coolant or recycled  
2 prediluted engine coolant.

3 (b) Any automatic transmission fluid sold without  
4 limitation as to type of transmission for which it is  
5 intended, shall meet all automotive manufacturers'  
6 recommended requirements for transmissions in general  
7 use in the state. Automatic transmission fluids which are  
8 intended for use only in certain transmissions, as disclosed  
9 on the label of its container, shall meet the latest  
10 automotive manufacturers' recommended requirements  
11 for those transmissions.

12 (c) The department shall establish specifications for  
13 brake fluid which shall promote the public safety in the  
14 operation of automotive vehicles. The specifications for  
15 brake fluid shall not fall below the minimum  
16 specifications established by the National Highway  
17 Traffic Safety Administration, United States Department  
18 of Transportation.

19 (d) Any manufacturer or packager of any product  
20 regulated by this chapter and sold in the state shall  
21 provide, upon request to duly authorized representatives  
22 of the department, documentation of any claim made  
23 upon their products' label.

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

26 13711. (a) An engine coolant is mislabeled if any of  
27 the following occurs:

28 (1) The container does not bear a label on which is  
29 printed the brand name, principal ingredient, intended  
30 application of the coolant, name and place of business of  
31 the manufacturer, packer, seller, or distributor, and an  
32 accurate statement of the quantity of the contents in  
33 terms of liquid measure.

34 (2) The container does not bear a chart on the label  
35 showing appropriate amounts of engine coolant and  
36 water in terms of liquid measure to be used to provide  
37 protection from freezing at temperatures to at least 30  
38 degrees below zero Fahrenheit.

39 (3) The container does not bear a statement on the  
40 label showing the boiling point of a 50 percent by volume



1 mixture of engine coolant and water in degrees  
2 Fahrenheit.

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

10 (5) The principal ingredient is propylene glycol and  
11 the container does not bear a statement on the label not  
12 to use an ethylene glycol hydrometer concentration  
13 tester for propylene glycol coolants.

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

17 (b) A prediluted engine coolant is mislabeled if any of  
18 the following occurs:

19 (1) The container does not bear a label on which is  
20 printed the brand name, principal ingredient, intended  
21 application of the coolant, name and place of business of  
22 the manufacturer, packer, seller, or distributor, and an  
23 accurate statement of the quantity of the contents in  
24 terms of liquid measure.

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

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

30 (4) The container is one quart or less and does not bear  
31 a label on which is printed the words “prediluted engine  
32 coolant” *or* “*prediluted antifreeze*” in letters at least  $\frac{1}{8}$   
33 inch high on the principal display panel. The container is  
34 greater than one quart and does not bear a label on which  
35 is printed the words “prediluted engine coolant” *or*  
36 “*prediluted antifreeze*” in letters at least  $\frac{1}{4}$  inch high on  
37 the principal display panel.

38 (5) The container is one quart or less and does not bear  
39 a label on which is printed the words “DO NOT ADD  
40 WATER” in letters at least  $\frac{1}{8}$  inch high. The container



1 is greater than one quart and does not bear a label on  
2 which is printed the words “DO NOT ADD WATER” in  
3 letters at least  $\frac{1}{4}$  inch high.

4 (6) The principal ingredient is propylene glycol and  
5 the container does not bear a statement on the label not  
6 to use an ethylene glycol hydrometer concentration  
7 tester for propylene glycol coolants.

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

11 (c) A recycled engine coolant intended to be sold to  
12 consumers for application by ~~such~~ *those* consumers in  
13 their vehicles is mislabeled if any of the following occurs:

14 (1) The container does not bear a label on which is  
15 printed the brand name, principal ingredient, intended  
16 application of the recycled engine coolant, name and  
17 place of business of the person that recycled the coolant,  
18 the packer, seller, or distributor, and an accurate  
19 statement of the quantity of the contents in terms of  
20 liquid measure.

21 (2) The container does not bear a chart on the label  
22 showing appropriate amounts of recycled engine coolant  
23 and water in terms of liquid measure to be used to provide  
24 protection from freezing at temperatures to a least 30  
25 degrees below zero Fahrenheit.

26 (3) The container does not bear a statement on the  
27 label showing the boiling point of a 50 percent by volume  
28 mixture of recycled engine coolant and water in degrees  
29 Fahrenheit.

30 (4) The container is one quart or less and does not bear  
31 a label on which is printed the words “recycled engine  
32 coolant” *or* “*recycled antifreeze*” in letters at least  $\frac{1}{8}$   
33 inch high on the principal display panel. The container is  
34 greater than one quart and does not bear a label on which  
35 is printed the words “recycled engine coolant” *or*  
36 “*recycled antifreeze*” in letters at least  $\frac{1}{4}$  inch high on  
37 the principal display panel.

38 (5) The principal ingredient is propylene glycol and  
39 the container does not bear a statement on the label not



1 to use an ethylene glycol hydrometer concentration  
2 tester for propylene glycol coolants.

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

6 (d) A recycled prediluted engine coolant intended to  
7 be sold to consumers for application by such consumers  
8 in their vehicles is mislabeled if any of the following  
9 occurs:

10 (1) The container does not bear a label on which is  
11 printed the brand name, principal ingredient, intended  
12 application of the recycled prediluted engine coolant,  
13 name and place of business of the person that recycled the  
14 coolant, the packer, seller, or distributor, and an accurate  
15 statement to the quantity of the contents in terms of  
16 liquid measure.

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

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

22 (4) The container is one quart or less and does not bear  
23 a label on which is printed the words “recycled  
24 prediluted engine coolant” or “*recycled prediluted*  
25 *antifreeze*” in letters at least  $\frac{1}{8}$  inch high on the principal  
26 display panel. The container is greater than one quart and  
27 does not bear a label on which is printed the words  
28 “recycled prediluted engine coolant” or “*recycled*  
29 *prediluted antifreeze*” in letters at least  $\frac{1}{4}$  inch high on  
30 the principal display panel.

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

37 (6) The principal ingredient is propylene glycol and  
38 the container does not bear a statement on the label not  
39 to use an ethylene glycol hydrometer concentration  
40 tester for propylene glycol coolants.



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

4 (e) A recycled engine coolant or recycled prediluted  
5 engine coolant that is intended to be applied by an  
6 automotive service facility to its customers' vehicles is  
7 mislabeled by the automotive service facility if it does not  
8 display prominently on its premises, in public view, a sign  
9 printed in letters at least  $\frac{1}{2}$  inch high that reads "This  
10 facility uses recycled coolant," or words to that effect.

11 (f) Automatic transmission fluid is mislabeled if any of  
12 the following occurs:

13 (1) The container does not bear a label on which is  
14 printed the brand name, the name and place of business  
15 of the manufacturer, packer, seller, or distributor, the  
16 words "Automatic Transmission Fluid," and the duty  
17 type classification.

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

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

22 (g) Brake fluid is mislabeled if any of the following  
23 occurs:

24 (1) The container does not bear a label which  
25 conforms to the requirements of the National Highway  
26 Traffic Safety Administration, United States Department  
27 of Transportation, and upon which is printed the brand  
28 name.

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

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

33 SEC. 5. No reimbursement is required by this act  
34 pursuant to Section 6 of Article XIII B of the California  
35 Constitution because the only costs that may be incurred  
36 by a local agency or school district will be incurred  
37 because this act creates a new crime or infraction,  
38 eliminates a crime or infraction, or changes the penalty  
39 for a crime or infraction, within the meaning of Section  
40 17556 of the Government Code, or changes the definition



1 of a crime within the meaning of Section 6 of Article  
2 XIII B of the California Constitution.  
3 Notwithstanding Section 17580 of the Government  
4 Code, unless otherwise specified, the provisions of this act  
5 shall become operative on the same date that the act  
6 takes effect pursuant to the California Constitution.

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