

AMENDED IN SENATE SEPTEMBER 3, 1997

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

~~An act to amend Sections 13700, 13710, and 13711 of the Act to add and repeal Section 13710.5 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, 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)~~

~~*This bill would allow the department to grant a variance from the chloride standard imposed by those specifications for recycled engine coolants or antifreeze, upon application by a producer of engine coolants or antifreeze or a manufacturer of an engine coolant or antifreeze recycling system, if the department is satisfied that certain conditions are met, including, among other things, that the chloride content is less than 150 parts per million.*~~

~~*The bill would provide that it shall remain in effect only until January 1, 2000, or until 150 days after the formal adoption by the American Society of Testing and*~~



Management of standards for recycled engine coolants or antifreeze, whichever occurs first.

(2) 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 *SECTION 1. Section 13710.5 is added to the Business*
3 *and Professions Code, to read:*
4 *13710.5. (a) The department may grant a variance*
5 *from the chloride standard adopted pursuant to Section*
6 *13710 for recycled engine coolants or antifreeze, upon*
7 *application by a producer of engine coolants or antifreeze*
8 *or the manufacturer of an engine coolant or antifreeze*
9 *recycling system, and upon a demonstration to the*
10 *satisfaction of the department of compliance with all of*
11 *the following conditions:*
12 *(1) The chloride content of the recycled engine*
13 *coolant or antifreeze is less than 150 parts per million (150*
14 *ppm).*
15 *(2) The recycled engine coolant or antifreeze*
16 *otherwise complies with standards adopted by the*
17 *department pursuant to Section 13710 for engine coolants*
18 *or antifreeze.*
19 *(3) The recycled engine coolant or antifreeze passes*
20 *tests recognized by the department as standard in the*
21 *industry for storage stability and compatibility, and*
22 *electrochemical pitting.*
23 *(b) The department shall conduct random sampling,*
24 *at a frequency to be determined by the department, to*
25 *determine whether the recycled engine coolant or*
26 *antifreeze subject to a variance granted pursuant to this*
27 *section complies with the conditions of the variance.*



1 (c) As used in this section, “engine coolant” or
2 “antifreeze” includes prediluted engine coolant or
3 antifreeze.

4 (d) This section shall remain in effect only until
5 January 1, 2000, or until 150 days after the formal adoption
6 by the American Society of Testing and Measurement of
7 standards for recycled engine coolants or antifreeze,
8 whichever occurs first, and as of that date is repealed,
9 unless a later enacted statute deletes or extends that date.

10 ~~enacting this act to authorize the Department of Food~~
11 ~~and Agriculture to adopt specifications for recycled~~
12 ~~engine coolants, and to direct the department to consider~~
13 ~~leading industry standards in developing specifications~~
14 ~~for engine coolants, including recycled engine coolants.~~
15 ~~It is also the intent of the Legislature to promote the~~
16 ~~recycling of engine coolant in this state while at the same~~
17 ~~time promoting public safety in the operation of motor~~
18 ~~vehicles.~~

19 ~~SEC. 2. Section 13700 of the Business and Professions~~
20 ~~Code is amended to read:~~

21 ~~13700. (a) “Automotive product” means engine~~
22 ~~coolant, prediluted engine coolant, recycled engine~~
23 ~~coolant, recycled prediluted engine coolant, brake fluid,~~
24 ~~and automatic transmission fluid.~~

25 ~~(b) “Automotive service facility” means a person~~
26 ~~engaged in the business of servicing motor vehicles,~~
27 ~~including, without limitation, the servicing of automotive~~
28 ~~engine cooling systems.~~

29 ~~(c) “Automatic transmission fluid” means a product~~
30 ~~intended for use in a passenger vehicle, other than a bus,~~
31 ~~as either a lubricant, coolant, or liquid medium in any~~
32 ~~type of fluid automatic transmission, or any other type of~~
33 ~~unit through which or by which, force, energy, or power~~
34 ~~is transferred from a motor vehicle engine by hydraulic~~
35 ~~means to the driving assembly.~~

36 ~~(d) “Brake fluid” means the fluid intended for use as~~
37 ~~the liquid medium through which force is transmitted in~~
38 ~~the hydraulic brake system of a vehicle operated upon the~~
39 ~~highways.~~



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

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

7 ~~(g) “Engine coolant” or “antifreeze” means any~~
8 ~~substance or preparation (other than recycled engine~~
9 ~~coolant), regardless of its origin, intended to be diluted~~
10 ~~before use as the cooling medium in the cooling system~~
11 ~~of an internal combustion engine to provide protection~~
12 ~~against freezing, overheating, and corrosion of the~~
13 ~~cooling system, or any product intended to be diluted~~
14 ~~before use which is labeled to indicate or imply that it will~~
15 ~~prevent freezing or overheating of the cooling system of~~
16 ~~an internal combustion engine.~~

17 ~~(h) “Label” means all written, printed, or graphic~~
18 ~~representations, in any form whatsoever, imprinted upon~~
19 ~~or affixed to any container or accompanying any product~~
20 ~~referred to in this chapter.~~

21 ~~(i) “Prediluted engine coolant” means any substance~~
22 ~~or preparation (other than recycled prediluted engine~~
23 ~~coolant), regardless of its origin, intended for use full~~
24 ~~strength as the cooling medium in the cooling system of~~
25 ~~an internal combustion engine to provide protection~~
26 ~~against freezing, overheating, and corrosion of the~~
27 ~~cooling system, or any substance or preparation intended~~
28 ~~for use full strength which is labeled to indicate or imply~~
29 ~~that it will prevent overheating or freezing of the cooling~~
30 ~~system of an internal combustion engine.~~

31 ~~(j) “Principal display panel” means that part of the~~
32 ~~label that is designed to most likely be displayed,~~
33 ~~presented, shown, or examined under normal and~~
34 ~~customary conditions of display and purchase.~~

35 ~~(k) “Recycled engine coolant” means prediluted~~
36 ~~engine coolant, or diluted engine coolant, to which all of~~
37 ~~the following apply:~~

38 ~~(1) It was removed from a vehicle.~~

39 ~~(2) It was subjected to a process that removes~~
40 ~~corrosion metals and other contaminants.~~



1 ~~(3) It was treated with chemicals that have~~
2 ~~anticorrosion properties.~~

3 ~~(4) It is intended to be diluted before use as the cooling~~
4 ~~medium in the cooling system of an internal combustion~~
5 ~~engine to provide protection against freezing,~~
6 ~~overheating, and corrosion of the cooling system, or is~~
7 ~~intended to be diluted before use and is labeled to~~
8 ~~indicate or imply that it will prevent freezing or~~
9 ~~overheating of the cooling system of an internal~~
10 ~~combustion engine.~~

11 ~~(f) "Recycled prediluted engine coolant" means~~
12 ~~prediluted engine coolant to which all of the following~~
13 ~~apply:~~

14 ~~(1) It was removed from a vehicle.~~

15 ~~(2) It was subjected to a process that removes~~
16 ~~corrosion metals and other contaminants.~~

17 ~~(3) It was treated with chemicals that have~~
18 ~~anticorrosion properties.~~

19 ~~(4) It was returned without further dilution, to the~~
20 ~~cooling system of the internal combustion engine of any~~
21 ~~vehicle.~~

22 ~~SEC. 3. Section 13710 of the Business and Professions~~
23 ~~Code is amended to read:~~

24 ~~13710. (a) The department shall establish~~
25 ~~specifications for engine coolants, prediluted engine~~
26 ~~coolants, recycled engine coolants, and recycled~~
27 ~~prediluted engine coolants that promote the public safety~~
28 ~~in the operation of motor vehicles. In establishing the~~
29 ~~specifications, the department shall consider standards~~
30 ~~established by recognized consensus organizations or~~
31 ~~standards writing organizations such as the American~~
32 ~~Society for Testing and Materials (ASTM) or the Society~~
33 ~~of Automotive Engineers (SAE). With respect to~~
34 ~~recycled engine coolants and recycled prediluted engine~~
35 ~~coolants only, the department also shall consider~~
36 ~~standards established by manufacturers of at least 500,000~~
37 ~~motor vehicles per year. Neither engine coolant nor~~
38 ~~recycled engine coolant shall contain, after dilution with~~
39 ~~30 percent water and subsequent mixing, visually~~
40 ~~identifiable suspended matter or sediment. Neither~~



1 ~~prediluted engine coolant nor recycled prediluted~~
2 ~~engine coolant shall contain, after mixing, visually~~
3 ~~identifiable suspended matter or sediment.~~
4 ~~Alcohol-based coolants, excluding glycols, are not suitable~~
5 ~~for use in automotive engines and shall not be sold or~~
6 ~~distributed for automotive use. Every manufacturer or~~
7 ~~packager of engine coolant that contains recycled engine~~
8 ~~coolant or recycled prediluted engine coolant shall~~
9 ~~include on the label of the coolant a designation that the~~
10 ~~product contains recycled engine coolant or recycled~~
11 ~~prediluted engine coolant.~~

12 ~~(b) Any automatic transmission fluid sold without~~
13 ~~limitation as to type of transmission for which it is~~
14 ~~intended, shall meet all automotive manufacturers'~~
15 ~~recommended requirements for transmissions in general~~
16 ~~use in the state. Automatic transmission fluids which are~~
17 ~~intended for use only in certain transmissions, as disclosed~~
18 ~~on the label of its container, shall meet the latest~~
19 ~~automotive manufacturers' recommended requirements~~
20 ~~for those transmissions.~~

21 ~~(c) The department shall establish specifications for~~
22 ~~brake fluid which shall promote the public safety in the~~
23 ~~operation of automotive vehicles. The specifications for~~
24 ~~brake fluid shall not fall below the minimum~~
25 ~~specifications established by the National Highway~~
26 ~~Traffic Safety Administration, United States Department~~
27 ~~of Transportation.~~

28 ~~(d) Any manufacturer or packager of any product~~
29 ~~regulated by this chapter and sold in the state shall~~
30 ~~provide, upon request to duly authorized representatives~~
31 ~~of the department, documentation of any claim made~~
32 ~~upon their products' label.~~

33 ~~SEC. 4. Section 13711 of the Business and Professions~~
34 ~~Code is amended to read:~~

35 ~~13711. (a) An engine coolant is mislabeled if any of~~
36 ~~the following occurs:~~

37 ~~(1) The container does not bear a label on which is~~
38 ~~printed the brand name, principal ingredient, intended~~
39 ~~application of the coolant, name and place of business of~~
40 ~~the manufacturer, packer, seller, or distributor, and an~~



1 ~~accurate statement of the quantity of the contents in~~
2 ~~terms of liquid measure.~~

3 ~~(2) The container does not bear a chart on the label~~
4 ~~showing appropriate amounts of engine coolant and~~
5 ~~water in terms of liquid measure to be used to provide~~
6 ~~protection from freezing at temperatures to at least 30~~
7 ~~degrees below zero Fahrenheit.~~

8 ~~(3) The container does not bear a statement on the~~
9 ~~label showing the boiling point of a 50 percent by volume~~
10 ~~mixture of engine coolant and water in degrees~~
11 ~~Fahrenheit.~~

12 ~~(4) The container is one quart or less and does not bear~~
13 ~~a label on which is printed the words “engine coolant” or~~
14 ~~“antifreeze” in letters at least $\frac{1}{8}$ inch high on the~~
15 ~~principal display panel. The container is greater than one~~
16 ~~quart and does not bear a label on which is printed the~~
17 ~~words “engine coolant” or “antifreeze” in letters at least~~
18 ~~$\frac{1}{4}$ inch high on the principal display panel.~~

19 ~~(5) The principal ingredient is propylene glycol and~~
20 ~~the container does not bear a statement on the label not~~
21 ~~to use an ethylene glycol hydrometer concentration~~
22 ~~tester for propylene glycol coolants.~~

23 ~~(6) The container and carton do not bear a lot or batch~~
24 ~~number on the label identifying the container lot and~~
25 ~~date of packaging.~~

26 ~~(b) A prediluted 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 statement on the~~
35 ~~label showing the protection from freezing in degrees~~
36 ~~Fahrenheit.~~

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

39 ~~(4) The container is one quart or less and does not bear~~
40 ~~a label on which is printed the words “prediluted engine~~



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

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

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

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

20 (c) A recycled engine coolant intended to be sold to
21 consumers for application by those consumers in their
22 vehicles is mislabeled if any of the following occurs:

23 (1) The container does not bear a label on which is
24 printed the brand name, principal ingredient, intended
25 application of the recycled engine coolant, name and
26 place of business of the person that recycled the coolant,
27 the packer, seller, or distributor, and an accurate
28 statement of the quantity of the contents in terms of
29 liquid measure.

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

35 (3) The container does not bear a statement on the
36 label showing the boiling point of a 50 percent by volume
37 mixture of recycled engine coolant and water in degrees
38 Fahrenheit.

39 (4) The container is one quart or less and does not bear
40 a label on which is printed the words “recycled engine



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

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

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

14 (d) A recycled prediluted engine coolant intended to
15 be sold to consumers for application by such consumers
16 in their vehicles is mislabeled if any of the following
17 occurs:

18 (1) The container does not bear a label on which is
19 printed the brand name, principal ingredient, intended
20 application of the recycled prediluted engine coolant,
21 name and place of business of the person that recycled the
22 coolant, the packer, seller, or distributor, and an accurate
23 statement to the quantity of the contents in terms of
24 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 “recycled
32 prediluted engine coolant” or “recycled prediluted
33 antifreeze” in letters at least $\frac{1}{8}$ inch high on the principal
34 display panel. The container is greater than one quart and
35 does not bear a label on which is printed the words
36 “recycled prediluted engine coolant” or “recycled
37 prediluted antifreeze” in letters at least $\frac{1}{4}$ inch high on
38 the principal display panel.

39 (5) The container is one quart or less and does not bear
40 a label on which is printed the words “DO NOT ADD



1 ~~WATER” in letters at least 1/8 inch high. The container~~
2 ~~is greater than one quart and does not bear a label on~~
3 ~~which is printed the words “DO NOT ADD WATER” in~~
4 ~~letters at least 1/4 inch high.~~

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

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

12 ~~(e) A recycled engine coolant or recycled prediluted~~
13 ~~engine coolant that is intended to be applied by an~~
14 ~~automotive service facility to its customers’ vehicles is~~
15 ~~misabeled by the automotive service facility if it does not~~
16 ~~display prominently on its premises, in public view, a sign~~
17 ~~printed in letters at least 1/2 inch high that reads “This~~
18 ~~facility uses recycled coolant,” or words to that effect.~~

19 ~~(f) Automatic transmission fluid is mislabeled if any of~~
20 ~~the following occurs:~~

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

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

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

30 ~~(g) Brake fluid is mislabeled if any of the following~~
31 ~~occurs:~~

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

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

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



1 ~~SEC. 5.—~~

2 SEC. 2. No reimbursement is required by this act
3 pursuant to Section 6 of Article XIII B of the California
4 Constitution because the only costs that may be incurred
5 by a local agency or school district will be incurred
6 because this act creates a new crime or infraction,
7 eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section
9 17556 of the Government Code, or changes the definition
10 of a crime within the meaning of Section 6 of Article
11 XIII B of the California Constitution.

12 Notwithstanding Section 17580 of the Government
13 Code, unless otherwise specified, the provisions of this act
14 shall become operative on the same date that the act
15 takes effect pursuant to the California Constitution.

