

**ASSEMBLY BILL**

**No. 531**

---

---

**Introduced by Assembly Member Soto**

February 18, 1999

---

---

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

LEGISLATIVE COUNSEL'S DIGEST

AB 531, as introduced, Soto. Service stations: air and water.

Existing law requires every service station in this state to provide, during operating hours, water, compressed air, and a gauge for measuring air pressure, to the public for use in servicing any passenger or commercial vehicle, as defined. Existing law provides that an intentional violation of this provision is an infraction, and provides that the failure of an owner or manager of a service station to have adequate water and air facilities for use by the public for 5 consecutive working days constitutes a rebuttable presumption that the owner or manager has intentionally violated these provisions.

This bill would require that these services be provided at no cost to the user, and would provide that service stations that have installed fee-based air and water services must provide those services for free no later than January 1, 2001. This bill would also state legislative findings and declarations with regard to fee access to those services.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that  
2 air and water are essential to the safe operation of motor  
3 vehicles, and therefore public safety requires that free air  
4 and water be accessible at all service stations.

5 SEC. 2. Section 13651 of the Business and Professions  
6 Code is amended to read:

7 13651. (a) (1) On and after January 1, ~~1985~~ 2000,  
8 every service station in this state shall provide, during  
9 operating hours *and at no cost to the user*, water,  
10 compressed air, and a gauge for measuring air pressure,  
11 to the public for use in servicing any passenger vehicle,  
12 as defined in Section 465 of the Vehicle Code, or any  
13 commercial vehicle, as defined in Section 260 of the  
14 Vehicle Code, with an unladen weight of 6,000 pounds or  
15 less.

16 (2) *Notwithstanding paragraph (1), any service*  
17 *station that as of January 1, 2000, has installed fee-based*  
18 *air and water services shall provide those services for free*  
19 *no later than January 1, 2001.*

20 (b) (1) On and after January 1, 1990, every service  
21 station in this state located within 660 feet of an accessible  
22 right-of-way of any interstate or primary highway, as  
23 defined in Sections 5215 and 5220, shall provide, during  
24 business hours, public restrooms for use by its customers.  
25 Service stations shall not charge customers separately for  
26 the use of restroom facilities.

27 (2) The public restroom shall not be temporary or  
28 portable but shall be permanent and shall include  
29 separate facilities for men and women, each with toilets  
30 and sinks suitable for use by disabled persons in  
31 accordance with Section 19955.5 of the Health and Safety  
32 Code and Title 24 of the California Code of Regulations.  
33 However, a service station not located along an interstate  
34 highway and in a rural area, as defined by Section 101 of  
35 Title 23 of the United States Code, and where the  
36 annualized average daily traffic count is 2,500 vehicles or  
37 less, is only required to provide a single restroom to be  
38 used by both men and women unless the local legislative



1 body or, upon designation by the local legislative body,  
2 the local building official, determines and finds, based  
3 upon traffic studies and local or seasonal tourist patterns,  
4 that a single restroom would be inadequate to serve the  
5 public. In that event, the single restroom exemption shall  
6 not apply. The single restroom shall contain a toilet,  
7 urinal, and sink suitable for use by disabled persons as  
8 required by the Americans With Disabilities Act and Title  
9 24 of the California Code of Regulations. The single  
10 restroom shall be equipped with a locking mechanism to  
11 be operated by the user of the restroom and the restroom  
12 shall be maintained in a clean and sanitary manner.

13 (3) This subdivision does not apply to service stations  
14 which are operational prior to January 1, 1990, and which  
15 would be obligated to construct permanent restroom  
16 facilities to comply with this subdivision.

17 (4) For the purposes of this subdivision, "customer"  
18 means a person who purchases any product available for  
19 sale on the premises of the service station, including items  
20 not related to the repairing or servicing of a motor  
21 vehicle.

22 (c) On and after July 1, 1991, every service station in  
23 this state shall display, at a conspicuous place on, at, or  
24 near the dispensing apparatus or at or near the point of  
25 sale, at least one clearly visible sign showing a list of  
26 applicable state and federal fuel taxes per gallon of motor  
27 vehicle fuel sold from the dispensing apparatus.

O

