

Assembly Bill No. 963

CHAPTER 494

An act to amend Sections 13700, 13710, and 13710.5 of the Business and Professions Code, relating to weights and measures.

[Approved by Governor September 27, 1999. Filed
with Secretary of State September 27, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 963, Gallegos. Automotive products: coolants and antifreeze.

(1) Existing law requires the Department of Food and Agriculture to establish specifications for engine coolants and antifreeze, and prediluted engine coolants and prediluted antifreeze that promote the public safety in the operation of motor vehicles. Existing law prohibits the department from prescribing specifications that are less restrictive than the minimum specifications recommended by the American Society for Testing and Materials.

This bill also would require the department, on or before January 2002, to establish specifications for recycled engine coolants and antifreeze and recycled prediluted engine coolants and antifreeze that promote the public safety in the operation of motor vehicles if the American Society for Testing and Materials adopts standards for recycled engine coolants and antifreeze. Because, under existing law, a violation of those standards and specifications would be a misdemeanor, the bill would impose a state-mandated local program.

For the above purposes, the bill would revise the definition of "prediluted engine coolant" or "prediluted antifreeze." The bill also would require the department to adopt testing procedures and to specify a virgin reference coolant that it finds is recognized as standard in the industry.

(2) Existing law, until January 1, 2000, or 150 days from the date of the adoption of prescribed standards by the American Society for Testing and Materials, whichever occurs first, authorizes the Department of Food and Agriculture to grant a variance from the chloride standard adopted for recycled engine coolants and antifreeze if certain requirements are met.

This bill, instead, would extend those provisions to January 1, 2003.

(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.

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

SECTION 1. Section 13700 of the Business and Professions Code is amended to read:

13700. (a) “Automotive product” means engine coolant or antifreeze, prediluted engine coolant or prediluted antifreeze, brake fluid, and automatic transmission fluid.

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

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

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

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

(f) “Engine coolant” or “antifreeze” means any substance or preparation, regardless of its origin, intended to be diluted before use as the cooling medium in the cooling system of an internal combustion engine to provide protection against freezing, overheating, and corrosion of the cooling system, or any product intended to be diluted before use which is labeled to indicate or imply that it will prevent freezing or overheating of the cooling system of an internal combustion engine.

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

(h) “Prediluted engine coolant” or “prediluted antifreeze” means any substance or preparation, regardless of its origin, intended or labeled for use full strength as the cooling medium or as a top off in the cooling system of an internal combustion engine to provide or supplement protection against freezing, overheating, or corrosion of the cooling system.

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

SEC. 2. Section 13710 of the Business and Professions Code is amended to read:

13710. (a) (1) The department shall establish specifications for engine coolants and antifreeze, and prediluted engine coolants and



prediluted antifreeze that promote the public safety in the operation of motor vehicles.

(2) In addition to paragraph (1), if the American Society for Testing and Materials adopts standards for recycled engine coolants and antifreeze, the department, on or before January 1, 2002, shall establish specifications for recycled engine coolants and antifreeze, and recycled prediluted engine coolants and antifreeze that promote the public safety in the operation of motor vehicles.

(3) The chemical, physical, and performance specifications for engine coolants and antifreeze and prediluted engine coolants and prediluted antifreeze under paragraphs (1) and (2) shall not fall below the minimum specifications, if any, established by the American Society for Testing and Materials. Engine coolant and antifreeze shall not contain, after dilution with 30 percent water and subsequent mixing, visually identifiable suspended matter or sediment. Prediluted engine coolant and prediluted antifreeze shall not contain, after mixing, visually identifiable suspended matter or sediment.

(4) For purposes of this subdivision, the department shall adopt testing procedures and shall specify a virgin reference coolant that it finds is recognized as standard in the industry. Alcohol-based coolants and antifreeze, excluding glycols, are not suitable for use in automotive engines and shall not be sold or distributed for automotive use.

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

(c) The department shall establish specifications for brake fluid that promote the public safety in the operation of automotive vehicles. The specifications for brake fluid shall not fall below the minimum specifications established by the National Highway Traffic Safety Administration of the United States Department of Transportation.

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

SEC. 3. Section 13710.5 of the Business and Professions Code is amended to read:

13710.5. (a) The department may grant a variance from the chloride standard adopted pursuant to Section 13710 for recycled engine coolants and antifreeze, upon application by a producer of engine coolants or antifreeze or the manufacturer of an engine



coolant or antifreeze recycling system, and upon a demonstration to the satisfaction of the department of compliance with all of the following conditions:

(1) The chloride content of the recycled engine coolant or antifreeze is less than 150 parts per million (150 ppm).

(2) The recycled engine coolant or antifreeze otherwise complies with standards adopted by the department pursuant to Section 13710 for engine coolants or antifreeze.

(3) The recycled engine coolant or antifreeze passes tests adopted by the department as standard in the industry for storage stability and compatibility, and electrochemical pitting.

(4) The recycled engine coolant or antifreeze, when tested pursuant to procedures adopted by the department for storage stability and compatibility, shall visually exhibit similar or less precipitate than a virgin reference coolant. For purposes of this paragraph, the department shall adopt testing procedures and shall specify a virgin reference coolant that it finds is recognized as standard in the industry.

(b) The department shall conduct random sampling, at a frequency to be determined by the department, to determine whether the recycled engine coolant or antifreeze subject to a variance granted pursuant to this section complies with the conditions of the variance.

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

(d) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute deletes or extends that date.

SEC. 4. 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.

