

August 13, 2018

DMS NOTICE  
P – 18 – 03  
DISCARD: Retain

**TO:** WEIGHTS AND MEASURES OFFICIALS

**SUBJECT:** Air and Water Complaints and Advertising Mediums – Exempted Entities

DMS has prepared this notice regarding the proper enforcement of laws concerning air and water complaints and motor vehicle fuel advertising mediums as the requirements relate to cardlock stations and membership-only stores selling or offering for sale petroleum products.

BPC Division 5, Chapter 14.5, § 13650 (Service Stations) defines “Service station” as any establishment which offers for sale or sells gasoline or other motor vehicle fuel to the public. Cardlock stations are not open to the public because they are usually unattended fueling sites designed for commercial fleet vehicles. Also, the buyer enters into a contract specifying the condition of the sales of fuel.

Membership stores (e.g., Costco or Sam’s Club) are not open to the public, but to paid members only. Therefore, cardlock stations and membership stores are not considered “Service Stations.” Since these businesses are not being considered “service stations,” by definition, they are exempt from the following BPC sections:

- BPC Division 5, Chapter 14.5, § 13531 (Display Requirements: Exemption of Specified Geographic Areas) (a) (1) “Every person offering for sale or selling any motor vehicle fuel to the general public from any place of business shall display on the premises an advertising medium that complies with the requirements of this article and that advertises the total prices of the three major grades of motor vehicle fuel offered for sale.”
- BPC Division 5, Chapter 14.5, § 13651. (Provision of Air, Water, and Pressure Gauge) (a) (1) “On and after January 1, 2000, every service station in this state shall provide, during operating hours, and make available at no cost to customers who purchase motor vehicle fuel, water, compressed air, and a gauge for measuring air pressure, to the public for use in servicing any passenger vehicle, as defined in Vehicle Code § 465, or any commercial vehicle, as defined in Vehicle Code § 260, with an unladen weight of 6,000 pounds or less.”

Since cardlock stations and membership stores do not sell to the public, and therefore do not meet the definition of a “service station,” advertising medium are not required nor is free water, compressed air, and an air pressure gauge.



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If you have questions, please contact John Larkin, Supervising Special Investigator, Petroleum Enforcement Program at (916) 229-3000 or by email at [John.Larkin@cdfa.ca.gov](mailto:John.Larkin@cdfa.ca.gov).

Sincerely,



Kristin Macey

Director

cc: Hyrum Eastman, County/State Liaison, California Department of Food and Agriculture