

DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF MEASUREMENT STANDARDS

The Department has illustrated changes to the original text in the following manner:

Proposed additions are underlined
Proposed deletions are ~~strikethrough~~

Title 4, Division 9, Chapter 7

Motor Vehicle Products,
Advertising, Labeling and Method of Sale Requirements
~~Advertising of Gasoline and Other Motor Vehicle Fuels~~

NOTE: Requirements that are bordered, shaded and numbered are different than, or in addition to, the most current requirements of NIST Handbook 130 - IV Uniform Regulations.

[Part G - Uniform Engine Fuels and Automotive Lubricants Regulation Section 3. Classification and Method of Sale of Petroleum Products \(2016 HB 130 Pages 173-188\)](#)

[Part B - Uniform Regulation Method of Sale of Commodities Section 2. Non-food Products \(2016 HB 130 Pages 125-133\)](#)

Handbook 130 requirements adopted by reference are indicated in Times Roman Font.

§ 4200. National Uniformity. The following method of sale regulations for motor vehicle fuels, lubricants and diesel exhaust fluid as set forth in the most recent publication of the National Institute of Standards and Technology's Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality," are adopted by reference.

Note: Authority cited: Sections 12027, 13400, 13404.5, 13700 and 13711(e) Business and Professions Code. Reference: Sections 12027, 13404.5 13700 and 13711(e) Business and Professions Code.

§ 4201. Exceptions. The following method(s) of sale for motor vehicle fuels and lubricants in Handbook 130 - IV. Uniform Regulations are not adopted or incorporated by reference:

(a) G. Uniform Engine Fuels, Petroleum Products, and Automotive Lubricants Regulation, Classification and Method of Sale of Petroleum Products.

3.2. Automotive Gasoline and Automotive Gasoline-Oxygenate Blends.

3.2.2. When the Term "Leaded" May be Used.

3.2.3. Use of Lead Substitute Must be Disclosed.

3.2.4. Nozzle requirements for Leaded Fuel.

3.2.5. Prohibition of Terms.

Table 1– Prohibition of Terms.

3.4. Aviation Turbine Fuels.

3.5. Aviation Gasoline.

3.6. Fuel Oils.

3.7. Kerosene (Kerosine).

3.11. Compressed Natural Gas (CNG).

3.12. Liquefied Natural Gas (LNG).

(b) B. Uniform Regulation for the Method of Sale of Commodities, Classification and Method of Sale of Petroleum Products

2.32. Retail Sales of Hydrogen Fuel (H).

2.32.1. Definitions for Hydrogen Fuel.

Note: Authority cited: Sections 12027, 13400, 13404.5, 13700 and 13711(e) Business and Professions Code. Reference: Sections 12027, 13404.5 and 13700, 13711(e) Business and Professions Code.

§ 4202. Additional Requirements. The following method(s) of sale for motor vehicle fuels and lubricants are in addition to in Handbook 130 methods of sale:

§ 4202.1. Application.

As used in this chapter, the advertising, labeling and method of sale requirements of motor vehicle products applies to engine fuels, lubricants and automotive products sold for use in vehicles for transporting persons or property on a public street or highway.

This chapter does not apply to the advertising, labeling and method of sale requirements for motor vehicle fuels and automotive products sold exclusively use in agricultural, aviation, and marine applications.

Note: Authority cited: Sections 12027, 12609, 13404.5, and 13711 Business and Professions Code. Reference: Sections 13400 and 13700 Business and Professions Code.

§4202.2. Definitions.

Advertising Medium. “Advertising medium,” as used in this chapter, includes banner, sign, placard, poster, streamer and card, whether or not mounted, whether appearing on the same or different standards, or whether or not physically connected with each other, provided, the advertised statements can reasonably be read as one advertising message.

Bulk. The term “bulk” means the sale of unpackaged motor oils and automotive products.

Container. The term “container” shall have the same meaning as:

(a) “package”, when motor oil or automotive products are enclosed in a package in advance of wholesale or retail sales; or

(b) “tank”, when engine fuels, motor oil or automotive products are stored and subsequently placed into packages, or sold and delivered into motor vehicles or customer provided vessels such as cans, bottles, barrels, totes, and drums; or

(c) “receptacle”, when engine fuels, motor oil or automotive products are stored and subsequently placed into packages, or sold and delivered into motor vehicles or customer provided vessels such as cans, bottles, barrels and drums.

Inactive Motor Oils. Inactive motor oils means any motor oil with an engine service category that has been declared “technically obsolete” by both the SAE Fuels and Lubricants Technical Committee 1 and the Fuels and Lubricants Council.

Method of Sale. As used in this chapter, the method of sale of motor vehicle fuels and other automotive products means the disclosure of information used in advertising mediums, markings, invoices, delivery tickets and labeling necessary to determine product: (1) identity, (2) responsibility, (3) quantity, (4) the unit of measure pursuant to section 13404.5, and when applicable, (5) minimum quality ratings and minimum performance levels.

Motor Vehicle. “Motor vehicle” and “vehicle” have the same meaning as the definitions in Division 1 “Words and Phrases” of the Vehicle Code.

Obsolete Motor Oils. Obsolete motor oils means any motor oil with an engine service category that has been declared “technically obsolete” by both the SAE Fuels and Lubricants Technical Committee 1 and the Fuels and Lubricants Council (i.e. pre-1931 API Category SA).

Package. Except as modified by Section 1. Application in NIST Handbook 130 Uniform Packaging and Labeling Regulation, the term “package”, whether standard package or random package, means any commodity:

(a) enclosed in a container or wrapped in any manner in advance of wholesale or retail sale; or

(b) whose weight or measure has been determined in advance of wholesale or retail sale. An individual item or lot of any commodity on which there is marked a selling price based on an established price per unit of weight or of measure shall be considered a package or packages.

Service Category. The Service Category is the rating of motor oils classified by the American Petroleum Institute (API) of passenger cars and heavy duty vehicles. API certifies that engine oil meets certain Original Equipment Manufacturer (OEM) quality and performance standards. The service rating is shown in the API “Service Symbol Donut” on the product label.

Note: Authority cited: Sections 12027, 12609 and 13404.5, Business and Professions Code. Reference: Sections 13400 and 13700 Business and Professions Code.

§4202.3. Price Sign Display on Dispensing Apparatus. In addition to the requirements of Sections 13470 and 13480, Business and Professions Code, any sign referring to the price of gasoline or other motor vehicle fuel displayed on any dispensing apparatus from which gasoline or other motor vehicle fuel is being offered for sale or sold, shall be limited to the following:

(a) The actual price per gallon, liter, kilogram, gasoline gallon equivalent (GGE), diesel gallon equivalent (DGE) or other units of measures adopted pursuant to Section 12027, Business and Professions Code, and

(b) A conversion chart information required for liter sales per Section 13470.5, Business and Professions Code

NOTE: Authority cited: Sections 12027, and 13404.5 Business and Professions Code. Reference: Sections 13400, 13404, 13470, 13470.5 and 13480 Business and Professions Code.

§ 4202.4. Illumination. - In addition to the requirements of Section 13536, Business and Professions Code, when any advertising message is illuminated, the entire message shall be uniformly illuminated.

NOTE: Authority cited: Section 12027 and 13404.5, Business and Professions Code. Reference: Section 13536, 13404, and 13404.5 Business and Professions Code.

3.1. General Considerations. [NOT ADOPTED Pursuant to §4201(a)]

§ 4202.5. General Considerations Except for Electricity Sold as a Motor Vehicle Fuel.

3.1.1. Documentation. –When products regulated by this rule are sold, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery other than a retail sale. This document must identify the quantity, the name of the product, the particular grade of the product, the applicable automotive fuel rating, and oxygenate type and content (if applicable), the name and address of the seller and buyer, and the date and time of the sale. Documentation must be retained at the retail establishment for a period not less than one year.

3.1.2. Retail Dispenser Labeling. – All retail dispensing devices must identify conspicuously the type of product, the particular grade of the product, and the applicable automotive fuel rating.

3.1.3. Grade Name. – The sale of any product under any grade name that indicates to the purchaser that it is of a certain automotive fuel rating or ASTM grade shall not be permitted unless the automotive fuel rating or grade

indicated in the grade name is consistent with the value and meets the requirements in Chapter 6. Standard Fuel Specifications.

NOTE: Authority cited: Section 12027, 13404.5, 13480 and 13481, Business and Professions Code. Reference: Sections 13404, 13442, 13480, 13481, 13481, 13532, and 13700, Business and Professions Code.

3.2. Automotive Gasoline and Automotive Gasoline-Oxygenate Blends.

3.2.1. Posting of Antiknock Index Required. – All automotive gasoline and automotive gasoline-oxygenate blends shall post the antiknock index in accordance with applicable regulations, 16 CFR Part 306 issued pursuant to the Petroleum Marketing Practices Act, as amended.

3.2.2. When the Term “Leaded” May be Used. – [NOT ADOPTED Pursuant to §4201(a)]

3.2.3. Use of Lead Substitute Must be Disclosed. – [NOT ADOPTED Pursuant to §4201(a)]

3.2.4. Nozzle Requirements for Leaded Fuel. – [NOT ADOPTED Pursuant to §4201(a)]

3.2.5. Prohibition of Terms. – [NOT ADOPTED Pursuant to §4201(a)]

**Table 1. [NOT ADOPTED Pursuant to §4201(a)]
Minimum Antiknock Index Requirements**

§ 4202.6. Prohibition of Terms. – It is prohibited to use specific terms to describe a grade of gasoline or gasoline-oxygenate blend unless it meets the minimum antiknock index requirement shown in Table 1. Minimum Antiknock Index Requirements.

Table 1. Minimum Antiknock Index Requirements	
<u>Term</u>	<u>Minimum Antiknock Index</u>
<u>Premium, Super, Supreme, High Test</u>	<u>91</u>
<u>Midgrade, Plus</u>	<u>89</u>
<u>Regular, Unleaded (alone)</u>	<u>87</u>

Note: Authority cited: Sections 12027 and 13404.5, Business and Professions Code. Reference: Sections 13400(q), 13440, 13480, and 13570 Business and Professions Code.

3.2.6. Method of Retail Sale. – Type of Oxygenate must be disclosed. All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as “with” or “containing” (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read “contains ethanol” or “with methyl *tertiary*-butyl ether (MTBE).” The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase “or other ethers” or alternatively post the phrase “contains MTBE or other ethers.” In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as “with” or “containing” methanol. This information shall be posted on the upper 50 % of the dispenser front panel in a position clear and conspicuous from the driver’s position in a type at least 12.7 mm (1/2 in) in height, 1.5 mm (1/16 in) stroke (width of type).

(Amended 1996)

3.2.7. Documentation for Dispenser Labeling Purposes. – The retailer shall be provided, at the time of delivery of the fuel, on product transfer documents such as an invoice, bill of lading, shipping paper, or other documentation:

(a) [NOT ADOPTED Pursuant to §4201(a)]

(b) [NOT ADOPTED Pursuant to §4201(a)]

(c) Gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as “with” or “containing” methanol.

(Added 2014)

(Amended 1996 and 2014)

3.2.8. EPA Labeling Requirements also Apply. [NOT ADOPTED Pursuant to §4201(a)]

3.3. Diesel Fuel.

3.3.1. Labeling of Grade Required. [NOT ADOPTED Pursuant to §4201(a)]

3.3.2. EPA Labeling Requirements Also Apply. [NOT ADOPTED Pursuant to §4201(a)]

3.3.3. Delivery Documentation for Premium Diesel. [NOT ADOPTED Pursuant to §4201(a)]

3.3.4. Nozzle Requirements for Diesel Fuel. – Each dispensing device from which diesel fuel is sold at retail shall be equipped with a nozzle spout with a diameter that conforms to the latest version of SAE J285, “Dispenser Nozzle Spouts for Liquid Fuels Intended for Use with Spark Ignition and Compression Ignition Engines.” (Enforceable effective July 1, 2013)

(Added 2012)

(Amended 1998, 1999, 2008, and 2012)

3.4. Aviation Turbine Fuels. [NOT ADOPTED Pursuant to §4201(a)]

3.5. Aviation Gasoline. [NOT ADOPTED Pursuant to §4201(a)]

3.6. Fuel Oils. [NOT ADOPTED Pursuant to §4201(a)]

3.7. Kerosene (Kerosine). [NOT ADOPTED Pursuant to §4201(a)]

§ 4202.7. Labeling and Price Sign Advertising Requirements for Ethanol Flex Fuel and M85. (formerly 4204)

(a) The labeling on Ethanol Flex Fuel and M85 Fuel Methanol dispensers shall meet the requirements found in FTC 16 CFR Part 306 “Automotive Fuel Ratings, Certification and Posting”.

(b) All dispensers, advertising signs and storage tank labels shall comply with the requirements of Section 13480 and 13532 of the Business and Professions Code.

(c) Ethanol Flex Fuel and M85 Fuel Methanol are defined as an alternative fuels by the Federal Trade Commission (FTC) and therefore no grade designations are required.

NOTE: Authority cited: Sections 12027, 13404.5, 13480 and 13484 Business and Professions Code. Reference: Sections 13400(b)(6), 13400(b)(8), 13440 and 13441 Business and Professions Code.

3.8. Ethanol Flex Fuel.

3.8.1. How to Identify Ethanol Flex Fuel. – Ethanol flex fuel shall be identified as Ethanol Flex Fuel or EXX Flex Fuel.

3.8.2. Labeling Requirements.

(a) Ethanol flex fuel with an ethanol concentration no less than 51 and no greater than 83 volume percent shall be labeled “Ethanol Flex Fuel, minimum 51 % ethanol.”

(b) Ethanol flex fuel with an ethanol concentration less than or equal to 50 volume percent shall be labeled “EXX Flex Fuel, minimum YY % ethanol,” where the XX is the ethanol concentration in volume percent and YY is XX minus five (– 5). The actual ethanol concentration of the fuel shall be XX volume percent plus or minus five (\pm 5) volume percent.

(Added 2014)

(c) A label shall be posted which states “For Use in Flexible Fuel Vehicles (FFV) Only.” This information shall be clearly and conspicuously posted on the upper 50 % of the dispenser front panel in a type at least 12.7 mm (1/2 in) in height, 1.5 mm (1/16 in) stroke (width of type). A label shall be posted which states, “CHECK OWNER’S MANUAL,” and shall not be less than 6 mm (1/4 in) in height by 0.8 mm (1/32 in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied.

(Amended 2007, 2008, and 2014)

3.9. M85 Fuel Methanol. [NOT ADOPTED Pursuant to §4201(a)]

3.10. Liquefied Petroleum Gas (LPG).

3.10.1. How LPG is to be Identified. – Liquefied petroleum gases shall be identified by grades Commercial Propane, Commercial Butane, Commercial PB Mixtures or Special-Duty Propane (HD5).

3.10.2. Retail Dispenser Labeling. – Each retail dispenser of LPGs shall be labeled as “Commercial Propane,” “Commercial Butane,” “Commercial PB Mixtures,” or “Special-Duty Propane (HD5).”

3.10.3. Additional Labeling Requirements. – LPG shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

3.10.4. NFPA Labeling Requirements Also Apply. [NOT ADOPTED Pursuant to §4201(a)]

2.21. Liquefied Petroleum Gas (*NOTE: From HB 130 –IV Part B. Uniform Regulation for the Method of Sale of Commodities, Classification and Method of Sale of Petroleum Products*). – All liquefied petroleum gas, including, but not limited to propane, butane, and mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot ^[HB 130 NOTE 7, page 125] of vapor (defined as 1 ft³ at 60 °F [15.6 °C]), or the gallon (defined as 231 in³ at 60 °F [15.6 °C]). All metered sales by the gallon, except those using meters with a maximum rated capacity of 20 gal/min or less, shall be accomplished by use of a meter and device that automatically compensates for temperature.

(Added 1986)

NOTE 7: Sources: American National Standards Institute, Inc., “American National Standard for Gas Displacement Meters (500 Cubic Feet per Hour Capacity and Under),” First edition, 1974, and NIST Handbook 44, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices.”

3.11. Compressed Natural Gas (CNG). [NOT ADOPTED Pursuant to §4201(a)]

3.12. Liquefied Natural Gas (LNG). [NOT ADOPTED Pursuant to §4201(a)]

3.13. Oil.

3.13.1. Labeling of Vehicle Engine (Motor) Oil Required.

3.13.1.1. Viscosity. – [NOT ADOPTED Pursuant to §4201(a)]

§ 4002.8. Viscosity. The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the viscosity grade classification preceded by the letters “SAE” in accordance with the SAE International’s latest version of SAE J300.

NOTE: Authority cited: Sections 12027 and 13404.5 Business and Professions Code. Reference: 13404.5 Business and Professions Code.

3.13.1.2. Brand. – The label on any vehicle engine (motor) oil container and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the name, brand, trademark, or trade name of the vehicle engine (motor) oil.

(Added 2012 and 2014)

3.13.1.3. Engine Service Category. [NOT ADOPTED Pursuant to §4201(a)]

§ 4202.9. Engine Service Category.

Except for “Inactive” or “Obsolete” service categories, the label on any vehicle engine (motor) oil container, receptacle, dispenser or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the engine service category, or categories, displayed in letters not less than 3.18 mm (1/8 in) in height, as defined by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than “Energy Conserving”)” API Publication 1509, “Engine Oil Licensing and Certification System,” European Automobile Manufacturers Association (ACEA), “European Oil Sequences,” or other “Vehicle or Engine Manufacturer Standards” as provided in Section 3.13.1.3.1.

NOTE: Authority cited: Sections 12027 and 13404.5 Business and Professions Code. Reference: 13404.5 Business and Professions Code.

3.13.1.3.1. Vehicle or Engine Manufacturer Standard. – The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall identify the specific vehicle or engine manufacturer standard, or standards, met in letters not less than 3.18 mm (1/8 in) in height. If the vehicle (motor) oil only meets a vehicle or engine manufacturer standard, the label must clearly identify that the oil is only intended for use where specifically recommended by the vehicle or engine manufacturer.

(Added 2014)

3.13.1.3.2. Inactive or Obsolete Service Categories. [NOT ADOPTED Pursuant to §4201(a)]

§ 4202.9. Inactive or Obsolete Vehicle Engine Oils.

(a) Inactive or Obsolete vehicle engine oils intended for use in vehicles that transport persons or property on a public street or highway shall not be sold at retail to the public.

(b) The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with the latest version of SAE J183, "Engine Oil Performance and Engine Service Classification (Other than "Energy Conserving")" Appendix A, whenever the vehicle engine (motor) oil in the container or in bulk does not meet an active API service category as defined by the latest version of SAE J183, "Engine Oil Performance and Engine Service Classification (Other than "Energy Conserving")." If a vehicle engine (motor) oil is identified as only meeting a vehicle or engine manufacturer standard, the labeling requirements in Section 3.13.1.3.1. Vehicle or Engine Manufacturer Standard applies.

NOTE: Authority cited: Sections 12027 and 13404.5 Business and Professions Code. Reference: 13404.5 Business and Professions Code.

3.13.1.4. Tank Trucks or Rail Cars. – Tank trucks, rail cars, and types of delivery trucks that are used to deliver bulk vehicle engine (motor) oil are not required to display the SAE viscosity grade and service category or categories on such tank trucks, rail cars, and other types of delivery trucks.

(Added 2012) (Amend 2013 and 2014)

3.13.1.5. Documentation. - When the engine (motor) oil is sold in bulk, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery. This document must identify the quantity of bulk engine (motor) oil delivered as defined in Sections 3.13.1.1. Viscosity; 3.13.1.2. Brand; 3.13.1.3. Engine Service Category; the name and address of the seller and buyer; and the date and time of the sale. For inactive or obsolete service categories, the documentation shall also bear a plainly visible cautionary statement as required in Section 3.13.1.3.2. Inactive or Obsolete Service Categories. Documentation must be retained at the retail establishment for a period of not less than one year.

(Amend 2013 and 2014)

(Amended 2012, 2013, and 2014)

3.13.2. Labeling of Recreational Motor Oil.

3.13.2.1. Viscosity. – The label on each container of recreational motor oil shall contain the viscosity grade classification preceded by the letters "SAE" in accordance with the SAE International's latest version of SAE J300, "Engine Oil Viscosity Classification."

3.13.2.2. Intended Use. – The label on each container of recreational motor oil shall contain a statement of its intended use in accordance with the latest version of SAE J300, “Engine Oil Viscosity Classification.”

3.13.3. Labeling of Gear Oil.

3.13.3.1. Viscosity. – The label on each container of gear oil shall contain the viscosity grade classification preceded by the letters “SAE” in accordance with the SAE International’s latest version of SAE J306, “Automotive Gear Lubricant Viscosity Classification” or SAE J300, “Engine Oil Viscosity Classification.”

3.13.3.1.1. Exception. – Some automotive equipment manufacturers may not specify an SAE viscosity grade requirement for some applications. Gear oils intended to be used only in such applications are not required to contain an SAE viscosity grade on their labels.

3.13.3.2. Service Category. – The label on each container of gear oil shall contain the service category, or categories, in letters not less than 3.18 mm (1/8 in) in height, as defined by the latest version of SAE J308, “Axle and Manual Transmission Lubricants.”

(Added 2004)

3.14. Automatic Transmission Fluid. [NOT ADOPTED Pursuant to §4201(a)]

§ 4002.10. Transmission Fluid.

3.14.1. Labeling. – The label on a container of transmission fluid shall not contain any information that is false or misleading. In addition, each container of transmission fluid shall be labeled with the:

(a) brand name;

(b) name and place of business of the manufacturer, packer, seller, or distributor;

(c) words “Transmission Fluid”;

(d) duty type classification. The duty classification shall specify the transmission type and each applicable vehicle manufacturer’s trade name or specification number.

(e) statement of the quantity of the contents in terms of liquid measure.

NOTE: Authority cited: Sections 12027 and 13710 Business and Professions Code. Reference: 13700 Business and Professions Code.

3.14.2. Documentation of Claims Made Upon Product Label. – Any manufacturer or packer of any product subject to this article and sold in this state shall provide, upon request

of duly authorized representatives of the Director, documentation of any claim made upon their product label.

(Added 2004)

3.15. Biodiesel and Biodiesel Blends.

3.15.1. Identification of Product. – Biodiesel shall be identified by the term “biodiesel” with the designation “B100.” Biodiesel blends shall be identified by the term “Biodiesel Blend.”

§ 4202.11. Labeling and Price Sign Advertising Requirements for Biodiesel and Biodiesel Blends. (Formerly § 4202. Labeling and Price Sign Advertising Requirements for Biodiesel and Biodiesel Blends.)

(a) The labeling on biodiesel and biodiesel blend dispensers shall meet the requirements of the Federal Trade Commission (FTC) 16 CFR Part 306.

(b) The name of the product and grade designation shall be on all dispensers, advertising signs, and storage tank labels as required in Sections 13480 and 13532 of the Business and Professions Code.

(c) Every biodiesel dispenser dispensing blends greater than 5. volume percent shall display on each customer side, as required by Section 13484 of the Business and Professions Code, a sign clearly visible which reads as follows:

“THIS FUEL CONTAINS BIODIESEL. CHECK THE
OWNER’S MANUAL OR WITH YOUR ENGINE
MANUFACTURER BEFORE USING.”

The lettering of this legend shall not be less than 6 mm (¼ in) in height by 0.8 mm (1/32 in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied.

NOTE: Authority cited: Sections 12027, 13404.5 and 13450, Business and Professions Code. Reference: Sections 13400(a), 13400(b)(1), 13400(b)(2), 13480, 13484, and 13532 Business and Professions Code.

3.15.2. Labeling of Retail Dispensers. [NOT ADOPTED Pursuant to §4201(a)]

3.15.3. Documentation for Dispenser Labeling Purposes. – The retailer shall be provided, at the time of delivery of the fuel, a declaration of the volume percent biodiesel on an invoice, bill of lading, shipping paper, or other document. This documentation is for dispenser labeling purposes only; it is the responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior to blending.

3.15.4. Exemption. – Biodiesel blends that contain less than or equal to 5 % biodiesel by volume are exempted from the requirements of Sections 3.15.1. Identification of Product,

3.15.2. Labeling of Retail Dispensers, and 3.15.3. Documentation for Dispenser Labeling Purposes when it is sold as “diesel fuel” as required in Section 3.3.Diesel Fuel.

(Added 2005) (Amended 2008)

3.16. Diesel Exhaust Fluid (DEF).

3.16.1. Labeling of Diesel Exhaust Fluid (DEF). – DEF shall be labeled.

3.16.1.1. Retail Dispenser Labeling. – A label shall be clearly and conspicuously placed on the front panel of the Diesel Exhaust Fluid dispenser stating “for operation of selective catalytic reduction (SCR) converters in motor vehicles with diesel engines.”

3.16.1.2. Documentation for Retailers of Bulk Product. – A DEF supplier shall provide, at the time of delivery of the bulk shipment of DEF, identification of the fluid’s origin including the name of the fluid manufacturer, the brand name, trade name, or trademark, and a statement identifying the fluid as DEF conforming to specifications given in the latest version of ISO 22241, “Diesel engines - NOx reduction agent AUS 32.” This information shall be provided by the supplier on an invoice, bill of lading, shipping paper, or other document.

3.16.1.3. Labeling of Packaged Product. – Any DEF retail package shall bear a label that includes the name of the fluid manufacturer, the brand name, trade name, or trademark, a statement identifying the fluid as DEF conforming to specifications given in the latest version of ISO 22241 “Diesel engines - NOx reduction agent AUS 32,” and the statement, “It is recommended to store DEF between –5°C to 30 °C (23 °F to 86 °F).”

3.16.1.4. Documentation for Bulk Deliveries. – A carrier that transports or accepts for transportation any bulk shipment by tank truck, freight container, cargo tank, railcar, or any other vehicle used to transport or deliver bulk quantities of DEF shall, at the time of delivery of the DEF, provide identification of the fluid’s origin including the name of the fluid manufacturer, the brand name, trade name, or trademark, and a statement identifying the fluid as DEF conforming to specifications given in the latest version of ISO 22241, “Diesel engines - NOx reduction agent AUS 32.” This information shall be provided to the recipient on an invoice, bill of lading, shipping paper, or other document.

Effective date shall be January 1, 2016.

(Added 2014)

2.32. Retail Sales of Hydrogen Fuel (H).

2.32.1. Definitions for Hydrogen Fuel. [NOT ADOPTED Pursuant to §4201(b)]

2.32.2. Method of Retail Sale and Dispenser Labeling. – All hydrogen fuel kept, offered, or exposed for sale and sold at retail shall be in mass units in terms of the kilogram. The symbol for hydrogen vehicle fuel shall be the capital letter “H” (the word Hydrogen may also be used).

2.32.3. Retail Dispenser Labeling.

- (a) A computing dispenser must display the unit price in whole cents on the basis of price per kilogram.
- (b) The service pressure(s) of the dispenser must be conspicuously shown on the user interface in bar or the SI unit of pascal (Pa) (e.g., MPa).
- (c) The product identity must be shown in a conspicuous location on the dispenser.
- (d) National Fire Protection Association (NFPA) labeling requirements also apply.
- (e) Hydrogen shall be labeled in accordance with 16 CFR 309 – FTC Labeling Alternative Fuels.

2.32.4. Street Sign Prices and Advertisements.

- (a) The unit price must be in terms of price per kilogram in whole cents (e.g., \$3.49 per kg, not \$3.499 per kg).
- (b) The sign or advertisement must include the service pressure (expressed in megapascals) at which the dispenser(s) delivers hydrogen fuel (e.g., H35 or H70).

(Added 2010)

2.34. Retail Sales of Electricity Sold as a Vehicle Fuel.

2.34.1. Definitions.

2.34.1.1. Electricity Sold as Vehicle Fuel. [NOT ADOPTED Pursuant to §4201(b)]

§ 4202.12. Electricity Sold as Vehicle Fuel. Electrical energy transferred to or stored onboard an electric vehicle primarily for the purpose of propulsion.

NOTE: Authority cited: Sections 12027 and 13404.5 Business and Professions Code. Reference: 13404.5 Business and Professions Code.

2.34.1.2. Electric Vehicle Supply Equipment (EVSE). – The conductors, including the ungrounded, grounded, and equipment grounding conductors; the electric vehicle connectors; attachment plugs; and all other fittings, devices, power

outlets, or apparatuses installed specifically for the purpose of measuring, delivering, and computing the price of electrical energy delivered to the electric vehicle.

2.34.1.3. Fixed Service. – Service that continuously provides the nominal power that is possible with the equipment as it is installed.

2.34.1.4. Variable Service. – Service that may be controlled resulting in periods of reduced, and/or interrupted transfer of electrical energy.

2.34.1.5. Nominal Power. – Refers to the “intended” or “named” or “stated” as opposed to “actual” rate of transfer of electrical energy (i.e., power).

2.34.2. Method of Sale. – All electrical energy kept, offered, or exposed for sale and sold at retail as a vehicle fuel shall be in units in terms of the megajoule (MJ) or kilowatt-hour (kWh). In addition to the fee assessed for the quantity of electrical energy sold, fees may be assessed for other services; such fees may be based on time measurement and/or a fixed fee.

2.34.3. Retail Electric Vehicle Supply Equipment (EVSE) Labeling.

- (a) A computing EVSE shall display the unit price in whole cents (e.g., \$0.12) or tenths of one cent (e.g., \$0.119) on the basis of price per megajoule (MJ) or kilowatt-hour (kWh). In cases where the electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place of the unit price.
- (b) For fixed service applications, the following information shall be conspicuously displayed or posted on the face of the device:
 - (1) the level of EV service expressed as the nominal power transfer (i.e., nominal rate of electrical energy transfer), and
 - (2) the type of electrical energy transfer (e.g., AC, DC, wireless).
- (c) For variable service applications, the following information shall be conspicuously displayed or posted on the face of the device:
 - (1) the type of delivery (i.e., variable);
 - (2) the minimum and maximum power transfer that can occur during a transaction, including whether service can be reduced to zero;
 - (3) the condition under which variations in electrical energy transfer will occur; and
 - (4) the type of electrical energy transfer (e.g., AC, DC, wireless).
- (d) Where fees will be assessed for other services in direct connection with the fueling of the vehicle, such as fees based on time measurement and/or a fixed fee, the additional fees shall be displayed.
- (e) The EVSE shall be labeled in accordance with 16 CFR, Part 309 – FTC Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles.

- (f) The EVSE shall be listed and labeled in accordance with the National Electric Code® (NEC) NFPA 70, Article 625 Electric Vehicle Charging Systems (www.nfpa.org).

2.34.4. Street Sign Prices and Other Advertisements. – Where electrical energy unit price information is presented on street signs or in advertising other than on EVSE:

- (a) The electrical energy unit price shall be in terms of price per megajoule (MJ) or kilowatt-hour (kWh) in whole cents (e.g., \$0.12) or tenths of one cent (e.g., \$0.119). In cases where the electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place of the unit price.
- (b) In cases where more than one electrical energy unit price may apply over the duration of a single transaction to sales to the general public, the terms and conditions that will determine each unit price and when each unit price will apply shall be clearly displayed.
- (c) For fixed service applications, the following information shall be conspicuously displayed or posted:
 - (1) the level of EV service expressed as the nominal power transfer (i.e., nominal rate of electrical energy transfer), and
 - (2) the type of electrical energy transfer (e.g., AC, DC, wireless).
- (d) For variable service applications, the following information shall be conspicuously displayed or posted:
 - (1) the type of delivery (i.e., variable);
 - (2) the minimum and maximum power transfer that can occur during a transaction, including whether service can be reduced to zero;
 - (3) the conditions under which variations in electrical energy transfer will occur; and
 - (4) the type of electrical energy transfer (e.g., AC, DC, wireless).

Where fees will be assessed for other services in direct connection with the fueling of the vehicle, such as fees based on time measurement and/or a fixed fee, the additional fees shall be included on all street signs or other advertising.

(Added 2013)

§ 4202.13. Engine Coolant Labeling Requirements. Each package or container of engine coolant, prediluted engine coolant, recycled engine coolant, and recycled prediluted engine coolant shall:

(a) Comply with Section 13711(a) and (b), Business and Professions Code;

(b) Bear a distinctive brand name in letters not less than one-eighth inch (3.18 mm) in height; and

(c) Clearly identify the applicable ASTM International Standard Designation which the

product meets.

Note: Authority cited: Sections 12027 and 12609, Business and Professions Code. Reference: Sections 13700(g), 13700(i), and 13710, 13711(a) and 13711(b), Business and Professions Code.

Note: Authority cited: Sections 12027, 12609 and 13404.5, Business and Professions Code. Reference: Sections 13710, 13711(b), 13711(a), 13400, 13404 and 13404.5 Business and Professions Code.

~~Chapter 7. Advertising of Gasoline and Other Motor Vehicle Fuels~~

~~§ 4200. Advertising Medium.~~ Advertising medium," as used in this subchapter, includes banner, sign, placard, poster, streamer and card, whether or not mounted, whether appearing on the same or different standards, or whether or not physically connected with each other, provided, the advertised statements can reasonably be read as one advertising message.

~~NOTE: Authority cited: Sections 12027 and 12609, Business and Professions Code. Reference: Sections 13531, 13532, 13534, 13535, 13536, 13537, 13538, 13539, and 13540 Business and Professions Code.~~

~~§ 4201. Price Sign Display on Dispensing Apparatus.~~ In addition to the requirements of Sections 13470 and 13480, Business and Professions Code, any sign referring to the price of gasoline or other motor vehicle fuel displayed on any dispensing apparatus from which gasoline or other motor vehicle fuel is being offered for sale or sold, shall be limited to the following:

- ~~(a) — actual price per gallon or liter, and~~
- ~~(b) — conversion chart information required for liter sales per Section 13470.5, Business and Professions Code~~
- ~~(c) — brand name and the name of the product may be displayed.~~

~~NOTE: Authority cited: Sections 12027 and 12609, Business and Professions Code. Reference: Sections 13470, 13470.5 and 13480, Business and Professions Code.~~

~~§ 4202. Labeling and Price Sign Advertising Requirements for Biodiesel and Biodiesel Blends.~~

- ~~(a) — The labeling on biodiesel and biodiesel blend dispensers shall meet the requirements of the Federal Trade Commission (FTC) 16 CFR Part 306 "Automotive Fuel Ratings, Certification and Posting" Rule, as published in the Federal Register Volume 75, Number 50, dated March 16, 2010, which are hereby incorporated.~~

- (b) ~~The name of the product and grade designation shall be on all dispensers, advertising signs, and storage tank labels as required in Section 13480 and 13532 of the Business and Professions Code.~~
- (c) ~~Every biodiesel dispenser dispensing blends greater than 5. volume percent shall display on each customer side, as required by Section 13484 of the Business and Professions Code, a sign clearly visible which reads as follows:~~

~~“THIS FUEL CONTAINS BIODIESEL. CHECK THE OWNER’S MANUAL OR WITH YOUR ENGINE MANUFACTURER BEFORE USING.”~~

~~NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13480 and 13484, Business and Professions Code.~~

~~§ 4203. Labeling and Price Sign Advertising Requirements for Biomass-Based Diesel and Biomass-Based Diesel Blends.~~

- (a) ~~The labeling on biomass-based diesel and biomass-based diesel blend dispensers shall meet the requirements found in the Federal Trade Commission (FTC) 16 CFR Part 306 “Automotive Fuel Ratings, Certification and Posting” Rule, as published in the Federal Register Volume 75, Number 50, dated March 16, 2010, which are hereby incorporated.~~
- (b) ~~The name of the product and grade designation shall be on all dispensers, advertising signs, and storage tank labels as required in Section 13480 and 13532 of the Business and Professions Code.~~

~~NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13480 and 13484, Business and Professions Code.~~

~~§ 4204. Labeling and Price Sign Advertising Requirements for E85 Fuel Ethanol and M85 Fuel Methanol.~~

- (a) ~~The labeling on E85 Fuel Ethanol and M85 Fuel Methanol dispensers shall meet the requirements found in FTC 16 CFR Part 306 “Automotive Fuel Ratings, Certification and Posting” Rule, as published in the Federal Register Volume 75, Number 50, dated March 16, 2010, which are hereby incorporated.~~
- (b) ~~All dispensers, advertising signs and storage tank labels shall comply with the requirements of Section 13480 and 13532 of the Business and Professions Code. E85 Fuel Ethanol and M85 Fuel Methanol shall use, at a minimum, the words “E85” “Ethanol”, or “M85” “Methanol” in close proximity to describe the name of the product.~~
- (c) ~~E85 Fuel Ethanol and M85 Fuel Methanol are defined as alternative fuels by the Federal Trade Commission (FTC) and therefore no grade designation is required.~~

~~NOTE: Authority cited: Sections 12027, 13480 and 13484, Business and Professions Code. Reference: Sections 13401(m), 13440 and 13441, Business and Professions Code.~~

~~**§ 4205. Illumination.** In addition to the requirements of Section 13536, Business and Professions Code, when any advertising message is illuminated, the entire message shall be uniformly illuminated.~~

~~NOTE: Authority cited: Section 12027, Business and Professions Code. Reference: Section 13536, Business and Professions Code.~~

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