



Extracts from the
CALIFORNIA BUSINESS AND PROFESSIONS CODE
DIVISION 5 - WEIGHTS AND MEASURES

**In the Areas of Weights and Measures, and
Fuels, Lubricants and Automotive Products**

CHAPTER 15. Automotive Products
§§13700-13741



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DIVISION OF MEASUREMENT STANDARDS

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BUSINESS AND PROFESSIONS CODE

DIVISION 5

Weights and Measures

[Added by Stats. 1939 ch 43 § 1.]

CHAPTER 15. – Automotive Products

[Formerly Chapter 15. Antifreeze, Added by Stats. 1949, ch 1430 § 1, effective January 1, 1950. Repealed by Stats. 1984 ch 698 § 9.]

Chapter 15. Automotive Products, Added Stats. 1984, ch 698 § 14.

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ARTICLE 1 - GENERAL PROVISIONS. §§ 13700. – 13702.

§ 13700. DEFINITIONS

For purposes of this chapter, the following terms mean the following:

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

(b) “Transmission fluid” means a product intended for use in a motor vehicle as either a lubricant, coolant, or liquid medium in any type of 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. Transmission fluid does not include manual transmission lubricant, as described in the latest revision of the SAE Information Report on axle and manual transmission lubricants, SAE International J308.

(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) “Diesel exhaust fluid” or “DEF” means an aqueous urea solution used in selective catalytic reduction to lower oxides of nitrogen concentration in the exhaust emissions of diesel engines that meets the last version of International Organization for Standardization (ISO) specification for DEF.

(g) “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 that is labeled to indicate or imply that it will prevent freezing or overheating of the cooling system of an internal combustion engine.

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

(i) “Prediluted engine coolant” or “prediluted antifreeze” means any substance or preparation, regardless of its origin, intended or labeled for use at 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.

(j) “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.

Added Stats. 1984 ch 698; Repealed Stats. 1992 ch 322 § 1; Added Stats. 1992 ch 322 § 2; Amended Stats. 1999 ch 494 § 1; Amended Stats. 2015 ch 591. § 51.

§ 13701. ADDITIVE TO AUTOMATIC TRANSMISSION FLUIDS

Any material offered for sale or sold as an additive to automatic transmission fluids shall be compatible with the automatic transmission fluid to which it is added, and the resulting mixture shall not fall below the minimum specifications for automatic transmission fluids, as established by the department.

Added Stats. 1984 ch 698; Repealed Stats. 1992 ch 322 § 8; Added Stats. 1992 ch 322 § 9.

§ 13702. LEGIBILITY OF REQUIRED LABELING

Any words and letters required to be displayed on a container by this chapter shall be in legible type.

Added Stats. 1984 ch 698; Added Stats. 1992 ch 322 § 9.

§ 13701. “CONTAINER” [REPEALED]

Added Stats. 1984 ch 698; Repealed Stats. 1992 ch 322 § 4.

§ 13702. “ANTIFREEZE” [REPEALED]

Added Stats. 1984 ch 698; Repealed Stats. 1992 ch 322 § 4.

§ 13703. “COOLANT” [REPEALED]

Added Stats. 1984 ch 698; Repealed Stats. 1992 ch 322 § 5.

§ 13704. “BRAKE FLUID” [REPEALED]

Added Stats. 1984 ch 698; Repealed Stats. 1992 ch 322 § 6.

§ 13705. “AUTOMATIC TRANSMISSION FLUID” [REPEALED]

Added Stats. 1984 ch 698; Repealed Stats. 1992 ch 322 § 7.

§ 13706. ADULTERATED PRODUCTS [REPEALED]

Added Stats. 1984 ch 698; Amended and Renumbered Stats. 1992 ch 322 § 8.

§ 13707. ADDITIVES TO AUTOMATIC TRANSMISSION FLUIDS [REPEALED]

Added Stats 1984 ch 698; Amended and Renumbered Stats 1992 ch 322 § 9.

§ 13708. LEGIBILITY OF REQUIRED LABELING [REPEALED]

Added Stats 1984 ch 698; Amended and Renumbered Stats 1992 ch 322 § 10.

ARTICLE 2 - SPECIFICATIONS AND LABELING. §§ 13710. – 13713.

§ 13710. MINIMUM SPECIFICATIONS

- (a) (1) The department shall establish specifications for engine coolants, antifreeze, prediluted engine coolants, and prediluted antifreeze that promote the public safety in the operation of motor vehicles.
- (2) The chemical, physical, and performance specifications for engine coolants and antifreeze and prediluted engine coolants and prediluted antifreeze under paragraph (1) shall not fall below the minimum specifications, if any, established by ASTM International. 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.
- (3) For purposes of this subdivision, the department shall adopt the ASTM International testing procedures. Methanol- and ethanol-based coolants and antifreeze are not suitable for use in automotive engines and shall not be sold or distributed for automotive use.
- (b) Transmission fluid shall meet the latest automotive manufacturers' recommended requirements for all transmissions disclosed on the label of its container. No transmission fluid shall be sold without clearly disclosing, on the label of its container, the type of transmission for which it is intended.
- (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.

Amended Stats. 1999 ch 494 § 2. Amended Stats. 2012 ch 661 § 57; Amended Stats. ch 591 § 52.

§ 13710.5. VARIANCE FROM ENGINE/ANTIFREEZE STANDARDS FOR RECYCLED PRODUCTS [Expired]

Added Stats. 1997 ch 634 § 1; Amended Stats. 1999 ch 494 § 3; Expired by own terms January 1, 2003.

§ 13711. MISLABELING

- (a) An engine coolant or antifreeze is mislabeled if any of the following occurs:
- (1) The container does not bear a label on which is printed the brand name,

principal ingredient, intended application of the coolant or antifreeze, name and place of business of the manufacturer, packer, seller, or distributor, and an accurate statement of the quantity of the contents in terms of liquid measure.

- (2) The container does not bear a chart on the label showing appropriate amounts of engine coolant or antifreeze and water in terms of liquid measure to be used to provide protection from freezing at temperatures to at least 30 degrees below zero Fahrenheit.
 - (3) The container does not bear a statement on the label showing the boiling point of a 50 percent by volume mixture of engine coolant or antifreeze and water in degrees Fahrenheit.
 - (4) The container is one quart or less and does not bear a label on which is printed the words "engine coolant" or "antifreeze" in letters at least 1/8 inch high on the principal display panel. The container is greater than one quart and does not bear a label on which is printed the words "engine coolant" or "antifreeze" in letters at least 1/4 inch high on the principal display panel.
 - (5) The principal ingredient is propylene glycol or glycerin and the container does not bear a statement on the label not to use an ethylene glycol hydrometer concentration tester for propylene glycol or glycerin coolants.
 - (6) The container and carton do not bear a lot or batch number on the label identifying the container lot and date of packaging.
- (b) A prediluted engine coolant or prediluted antifreeze is mislabeled if any of the following occurs:
- (1) The container does not bear a label on which is printed the brand name, principal ingredient, intended application of the coolant or antifreeze, name and place of business of the manufacturer, packer, seller, or distributor, and an accurate statement of the quantity of the contents in terms of liquid measure.
 - (2) The container does not bear a statement on the label showing the protection from freezing in degrees Fahrenheit.
 - (3) The container does not bear a statement on the label showing the boiling point in degrees Fahrenheit.
 - (4) The container is one quart or less and does not bear a label on which is printed the words "prediluted engine coolant" or "prediluted antifreeze" in letters at least 1/8 inch high on the principal display panel. The container is greater than one quart and does not bear a label on which is printed the words "prediluted engine coolant" or "prediluted antifreeze" in letters at least 1/4 inch high on the principal display panel.
 - (5) The container is one quart or less and does not bear a label on which is printed the words "DO NOT ADD WATER" in letters at least 1/8 inch high. The container is greater than one quart and does not bear a label on which is

printed the words "DO NOT ADD WATER" in letters at least 1/4 inch high.

- (6) The principal ingredient is propylene glycol or glycerin and the container does not bear a statement on the label not to use an ethylene glycol hydrometer concentration tester for propylene glycol or glycerin coolants.
 - (7) The container and carton do not bear a lot or batch number on the label identifying the container lot and date of packaging.
- (c) Transmission fluid shall be deemed to be mislabeled if any of the following occurs:
- (1) The container does not bear a label on which is printed the brand name, the name and place of business of the manufacturer, packer, seller, or distributor, the words "Transmission Fluid", and the duty type classification.
 - (2) The container does not bear a label on which is printed an accurate statement of the quantity of the contents in terms of liquid measure.
 - (3) The labeling on the container is false or misleading.
 - (4) The container and carton do not bear information that identifies the container lot or batch.
- (d) Brake fluid is mislabeled if any of the following occurs:
- (1) The container does not bear a label that conforms to the requirements of the National Highway Traffic Safety Administration, United States Department of Transportation, and upon which is printed the brand name.
 - (2) The container does not bear an accurate statement on the label of the quantity of the contents in terms of liquid measure.
 - (3) The labeling on the container is false or misleading.
- (e) The secretary shall establish the method of sale of diesel exhaust fluid sold at retail to the public. In doing so, the secretary shall adopt, by reference, the latest method of sale for diesel exhaust fluid adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130 "Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality," except as specifically modified, amended, or rejected by regulation adopted by the secretary.
- ((f) If a container or lot of containers of any commodity subject to this chapter is found to contain a commodity not in conformity with this chapter, the sealer may take one or more samples reasonably necessary for enforcement purposes and may, in writing, order the containers off sale. Any lot or container ordered off sale pursuant to this section shall be subject to a disposal order by the enforcing officer and shall not be sold, offered for sale, or transported, except in accordance with that disposal order. Any action pursuant to this section shall not affect any rights of a retailer under a warranty of merchantability or warranty of fitness.

Added Stats. 1984 ch 698; Amended Stats. 1992 ch 322 § 12; Amended Stats. ch 591 § 53.

§ 13712. BRAKE FLUID RECEPTACLES EXEMPT FROM CONTAINER LABELING REQUIREMENTS

A brake fluid receptacle or dispensing device, including “bleeders”, pressurized containers, or any container used to fill a brake system or to expel air from the system after servicing, are exempt from the container labeling requirements in this chapter except for designation of the contents as “DOT _____ Motor Vehicle Brake Fluid” with the appropriate identification number filled in. The smallest letter and numeral shall not be less than one eighth inch in height.

Added Stats. 1984 ch 698 § 10.

§ 13713. ADULTERATED PRODUCTS

Any product referred to in this chapter is adulterated if its characteristics fall below the specifications for that product established by the department as minimum standards.

Added Stats. 1992 ch 322 § 8.

ARTICLE 3. - CONTAINER REQUIREMENTS - § 13720.

§ 13720. BRAKE FLUID CONTAINERS

Each brake fluid container with a capacity of six fluid ounces or more shall be provided with a resealable closure that has an inner seal impervious to the packaged brake fluid. The container closure shall include a tamper-proof feature that will either be destroyed or substantially altered when the container closure is initially opened.

Added Stats. 1984 ch 698 § 10.

ARTICLE 4. - ENFORCEMENT OF THE CHAPTER §§ 13730. – 13731.

§ 13730. INSPECTION AND TESTING OF PRODUCTS: ACCESS TO PREMISES AND VEHICLES

The department and each county sealer shall enforce the provisions of this chapter, and may sample, inspect, analyze, and test any product referred to in this chapter manufactured, packed, stored, sold, or distributed within this state. The department, through its agents, has free access by all legal means during business hours to all premises, buildings, vehicles, cars, and vessels used in the manufacture, packing, storage, sale, or transportation of, and may, by legal means, open any box, carton, parcel, or container of, any product referred to in this chapter and take therefrom samples for analysis or for evidence.

Added Stats. 1984 ch 698 § 10.

§ 13731. OFF-SALE AUTHORITY

The department and each county sealer is authorized to order off-sale any product referred to in this chapter which is adulterated or mislabeled. The off-sale order shall be given in writing to the retail seller and the distributor or manufacturer of the product.

Added Stats. 1984 ch 698 § 10.

ARTICLE 5. - UNLAWFUL ACTS - §§ 13740. – 13741.

§ 13740. SALE OR DISTRIBUTION OF ADULTERATED OR MISLABELED PRODUCT

It is unlawful to sell or distribute any product referred to in this chapter which is adulterated or mislabeled.

Added Stats. 1984 ch 698 § 10.

§ 13741. DECEPTIVE, FALSE OR MISLEADING STATEMENTS ARE UNLAWFUL

(a) It is unlawful for any person or other legal entity to make any deceptive, false, or misleading statement by any means whatever regarding quality, quantity, performance, price, discount, or saving in the sale or selling of any commodity regulated pursuant to this chapter.

(b) Any manufacturer or packager of any product subject to this chapter and sold in this state shall provide, upon request, to a duly authorized representative of the department documentation of any claim made on his or her product's label.

Added Stats. 1992 ch 322 § 13; Amended Stats. 2015 ch 591 § 54.



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