

**Division of Measurement Standards
Business and Professions Code
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Extracts from the
BUSINESS AND PROFESSIONS CODE
of California

PERTAINING TO
WEIGHTS AND MEASURES
AND PETROLEUM PRODUCTS

JANUARY 2010



CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF MEASUREMENT STANDARDS

Arnold Schwarzenegger, Governor

BUSINESS AND PROFESSIONS CODE

DIVISION 5

Weights and Measures

[Added by Stats 1939 ch 43 § 1.]

Chapter

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PETROLEUM

ARTICLE 3

Hours of Business

[Added by Stats 1974 ch 1238 § 1.]
Renumbered Stats 1980 ch 636

- § 13420. Operators of petroleum dealerships required to make monthly update of advertising medium indicating hours of sale
- § 13421. Operators of petroleum dealerships required to turn off outdoor lighted advertising medium when not open for business
- § 13422. Punishment for violations

§ 13420. OPERATORS OF PETROLEUM DEALERSHIPS REQUIRED TO MAKE MONTHLY UPDATE OF ADVERTISING MEDIUM INDICATING HOURS OF SALE

Every person, firm, partnership, association, trustee or corporation which owns, leases or rents and operates a gasoline service station or other facility which offers gasoline or other motor vehicle fuel for sale to the public from such a facility abutting or adjacent to a street or highway shall accurately update all signs, banners or other advertising medium which indicate hours of such sale. Advertising medium indicating hours of sale shall be updated on a monthly basis.

Added Stats 1974 ch 1238 § 1; Renumbered Stats 1980 ch 636.

§ 13421. OPERATORS OF PETROLEUM DEALERSHIPS REQUIRED TO TURN OFF OUTDOOR LIGHTED ADVERTISING MEDIUM WHEN NOT OPEN FOR BUSINESS

Every person, firm, partnership, association, trustee or corporation which owns, leases or rents and operates a gasoline service station or other facility which offers gasoline or other motor vehicle fuel for sale to the public from such a facility abutting or adjacent to a street or highway shall turn off all outdoor lighted advertising medium at their place of business when they are not open for business. This section shall only apply to the service station and not the retail business in a situation where gasoline service station or other facility is a part of and adjacent to a retail business provided the retail sale of gasoline or other motor vehicle fuel is not the primary purpose of that business.

Added Stats 1974 ch 1238 § 1; Renumbered Stats 1980 ch 636.

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§ 13422. PUNISHMENT FOR VIOLATIONS

A violation of this article is an infraction punishable by a fine not to exceed one hundred dollars (\$100).

Added Stats 1974 ch 1238 § 1; Renumbered Stats 1980 ch 636; Amended Stats 1983 ch 1092 § 46.

ARTICLE 4

Motor Oil Fee

[Added by Stats 1979 ch 1016 § 2.]
Renumbered Stats 1980 ch 636

- § 13430. “Motor oil dealer”**
- § 13431. Amount: Persons liable**
- § 13432. Adjustments to maximum fee**
- § 13433. Regulations prescribing frequency of payments, procedures for payment of refunds, and penalties**
- § 13434. Deposit of moneys in Department of Food and Agriculture Fund**

§ 13430. “MOTOR OIL DEALER”

As used in this article, “motor oil dealer” means any person, firm, or corporation engaged in the business of producing, packaging or otherwise preparing motor oil for market, or selling or distributing motor oil.

Notwithstanding any other provision of this division, and for the purpose of this article, “motor oil” means any product used to lubricate the moving parts of an internal combustion engine.

Added Stats 1979 ch 1016 § 2; Renumbered Stats 1980 ch 636.

§ 13431. AMOUNT: PERSONS LIABLE

The following persons shall pay to the secretary a maximum fee of five cents (\$0.05) for each gallon of motor oil sold or purchased on or after January 1, 2010, as hereinafter provided:

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(a) The first person who produced the motor oil shall pay the fee when the motor oil is sold to any retail establishment or motor oil dealer including any sold to the federal government, or its agencies.

(b) A retailer shall pay the fee for motor oil received when he or she transports or causes to be transported motor oil into this state from out of state.

(c) On any other sale of motor oil the dealer shall pay the fee except that this subdivision shall not apply to any person selling motor oil at retail.

(d) The assessment provided for in this section shall only be paid once on any particular motor oil. The secretary may apply a fee of three cents (\$0.03) for each gallon of motor oil sold or purchased, as provided in subdivisions (a) to (d), inclusive, prior to the adoption of regulations.

The provisions of this section shall not apply to motor oil exported for sale outside this state.

Added Stats 1979 ch 1016 § 2; Renumbered Stats 1980 ch 636; Amended Stats 1980 ch 280; Amended Stats 2010 ch 260.

§ 13432. ADJUSTMENTS TO MAXIMUM FEE

The fees provided in Section 13431 are maximum fees and may be established at a lower rate by the director at any time the funds derived from such assessment are more than reasonably necessary to cover the cost of administration and enforcement of this chapter, including the maintenance of a reasonable reserve fund for such purposes.

Added Stats 1979 ch 1016 § 2; Renumbered Stats 1980 ch 636.

§ 13433. REGULATIONS PRESCRIBING FREQUENCY OF PAYMENTS, PROCEDURES FOR PAYMENT OR REFUNDS, AND PENALTIES

The director may, by regulation, prescribe the frequency of payments of such assessments, the procedures for such payment, the procedures for refunds of payment, and penalties for late payment.

Added Stats 1979 ch 1016 § 2; Renumbered Stats 1980 ch 636.

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§ 13434. DEPOSIT OF MONEYS IN DEPARTMENT OF FOOD AND AGRICULTURE FUND

The moneys which are received by the director pursuant to this chapter shall be deposited in the Department of Food and Agriculture Fund and shall be used only for the administration and enforcement of this chapter and Chapter 15 (commencing with Section 13700).

Added Stats 1979 ch 1016 § 2; Renumbered Stats 1980 ch 636; Amended Stats 1985 ch 345 § 1.

ARTICLE 5

Standards for Gasoline

§ 13440. Specifications: Rules and regulations: Standards applicable in adoption thereof

§ 13440.5. Determining alcohol percentage

§ 13441. Sale or delivery of nonstandard product

§ 13442. Sale or delivery of nonstandard product as fuel for internal combustion engines: Display of sign or label: Inapplicability of provisions of article as to words "not gasoline" regarding signs

or

labels used in connection with certain products

§ 13443. Specifications of sign or label

§ 13440. SPECIFICATIONS: RULES AND REGULATIONS: STANDARDS APPLICABLE IN ADOPTION THEREOF

(a) The department shall establish specifications for automotive spark-ignition engine fuels. The department shall adopt by reference the latest standards established by a recognized consensus organization or standards writing organization such as the American Society for Testing and Materials (ASTM) or the Society of Automotive Engineers (SAE), for automotive spark-ignition engine fuel, except that no specification shall be less stringent than required by any California state law.

(b) Any gasoline-oxygenate blend containing methanol shall also contain an alcohol cosolvent (butanol or higher molecular weight alcohol) in an amount equal to or greater than the volume percentage of methanol except those blends previously granted a waiver by the Environmental Protection Agency.