



Spotlight *on* Weights & Measures

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Petroleum Inspections

Sonoma County currently has 156 fuel stations operating 3,894 meters. Besides selling fuel, service stations now advertise car washes, food, flowers and boating supplies, to name a few. Our petroleum inspection program makes sure that state regulations are being adhered to by local businesses. These regulations cover everything from letter size requirements on petroleum advertising signs, product labeling on dispensers, to the labeling required on fuel storage tanks.

Did you know that it is illegal for a business to advertise the price of cigarettes or oil on the same sign they use to advertise their fuel prices? (See Figure 1). Petroleum fuel advertisements are just one of the things that Weights and Measures inspectors look at when conducting petroleum inspection at local stations.

Take the true or false petroleum inspection quiz on the following page to test your knowledge about what is permitted, and what is not, when it comes to service stations...



Fig. 1

Petroleum Inspections

(...continued)

True or False? All fuel stations are required to advertise their fuel prices on clearly marked street advertisements signs in order for the public to make informed decisions prior to purchasing fuel.

False. Under California Business and Professions Code §13532 only service stations that sell to the general public are required to advertise the prices of their three largest volume fuels. Other stations such as “card locks” and “membership only” businesses such as Costco are not required to advertise their prices to the public. This exception exists because some card locks have different prices for different fleet customers that are based on negotiated contracts.

True or False? Service stations must provide “free” air and water to all customers that shop at their business.

False. Under California’s Business and Professions Code section §13651 service stations must make available free of charge, compressed air, a tire pressure gauge and water but only to fuel purchasing customers. They can charge a fee to anyone else that does not purchase fuel from them, even if that customer purchases a bag of chips, a soft drink and a package of gum.

True or False? Service stations are allowed to charge you “full service” prices if you ask them to help you fill your vehicle’s fuel tank, even if you present a California issued disabled driver placard.

False. Stations can charge higher prices for “full service” but if a customer presents a disabled driver placard issued by the state of California, that customer is entitled to receive, under certain conditions, assistance with the fueling of their vehicle at no additional cost. California Business and Professions Code section §13660 obligates service stations with sufficient personnel to assist all disabled drivers with fueling if they present their State issued placard. A station is exempt if they have only one person on staff or one person working the register and one person handling food. All stations that have sufficient

personnel are required to assist with the fueling of vehicles belonging to disabled drivers and they also must post their policy in a conspicuous location for public viewing.

True or False? Service stations do not have to provide restroom facilities to customers if they are located a ½ mile or further from a major interstate or primary highway.

True. Under Business and Professions Code section §13651, service stations are required to provide public restrooms “free of charge” to their customers but only if they are within 1/8 of a mile (660 feet) from a major interstate or primary highway. These facilities must include separate facilities for men and women and must be of a permanent nature.

True or False? Water present in a service station’s fuel storage tanks is a chargeable violation.

False. The presence of water in the storage tanks is not illegal but it presents a potentially costly fuel contamination issue to the business. Weights and Measures officials routinely check for water in the storage tanks but we are not permitted to take enforcement action until it can be proven that the water is being dispensed through the dispenser’s nozzle in to the customer’s vehicle. This occurrence can only be proved by taking an official fuel sample at the nozzle and having it officially tested for contamination at the Sacramento Measurement Standards Petroleum laboratory. With the passing of stricter regulations that govern the construction and installation of storage tanks, water in storage tanks is less of a problem these days. Leaking fuel tanks are mostly a thing of the past. A more likely scenario is the introduction of the wrong product in to the wrong tank. This year we did have one reported occurrence of diesel accidentally being delivered in to the premium gasoline tank. Luckily, this was quickly reported and dealt with before large-scale harm to the public could occur.



Price Verification



Currently Sonoma County Weights and Measures has 457 retail establishments registered in our “price verification” program. Under Sonoma County Code Chapter 30 Article I Division B, Weights and Measures has the authority to register and inspect any business that operates a “point of sale” (POS) system that uses an automated “price look up” (PLU) system, a universal product code scanner (UPC) or any other electronic automated system that determines the price that the customer is charged.

Under this county code, every one of these businesses will be audited for pricing accuracy at least once a year. If the business fails their “initial” yearly inspections, they are put on an increased frequency of inspections until they can demonstrate that they are making the appropriate changes to correct their pricing errors.

Depending on the size of the business, either 10, 25 or 50 items are randomly selected according to an established testing protocol set forth under California’s Business and Professions Code sections §13350 through §13356. During the audit, the barcodes of the products are scanned and recorded. The shelf and advertisement prices of the items are noted and are compared to the prices that are charged at the “check out” register. The lowest posted or advertised price is the correct price (expired shelf sign included). Any discrepancies in prices are noted and logged as an overcharge or undercharge. Pricing errors and monetary totals are compiled and a determination is made regarding the status of the audit. Businesses pass the inspection if they have only one overcharge but they are still held liable for enforcement if that overcharge exceeds a certain monetary value.

Within the last twelve months, Weights and Measures



inspectors issued 102 violation notices to businesses that failed either their initial or follow up audits. These inspections generated 14 administrative penalties. A couple of additional failed audits bypassed our office’s administrative penalty process and went directly to the Sonoma County Consumer District Attorney for pending cases.

The audits in this twelve-month period generated a total of \$669.34 in overcharges and \$732.76 in undercharges. Of the audits that generated overcharges the average overcharge was 7.04% of the total bill. You may think that the overcharges and undercharges even out and consumers are not really being harmed but this is not the case because if money is taken from you and given to me, you as a consumer are being harmed directly in the process regardless where the money ends up.

If you would like additional information you can preview some of our past newsletters, visit our website, or contact our office with any specific questions you may have.

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