

## B. Uniform Regulation for the Method of Sale of Commodities

as adopted by

The National Conference on Weights and Measures\*

### 1. Background

The National Conference on Weights and Measures (NCWM) has long been concerned with the proper units of measurement to be used in the sale of all commodities. This approach has gradually broadened to concerns of standardized package sizes and general identity of particular commodities. Requirements for individual products were at one time made a part of the Weights and Measures Law or were embodied in separate individual Model Regulations. -In 1971, this “Model State Method of Sale of Commodities Regulation” was established (renamed in 1983); amendments have been adopted by the Conference almost annually since that time.

Sections with “added 1971” dates refer to those sections that were originally incorporated in the Weights and Measures Law or in individual Model Regulations recommended by the NCWM. Subsequent dates reflect the actual amendment or addition dates.

The 1979 edition included, for the first time, requirements for items packaged in quantities of the International System of Units (SI), the modernized metric system, as well as continuing to present requirements for U.S. customary quantities. It should be stressed that nothing in this Regulation requires changing to the SI system of measurement. SI values are given for the guidance of those wishing to adopt new SI quantities of the commodities governed by this Regulation. SI means the International System of Units as established in 1960 by the General Conference on Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce.

**In 1984, the National Conference on Weights and Measures (NCWM) adopted a section in the Uniform Regulation for the Method of Sale of Commodities requiring that motor fuel containing alcohol be labeled to disclose to the retail purchaser that the fuel contains alcohol. The delegates deemed this action necessary since motor vehicle manufacturers were qualifying their warranties with respect to some gasoline-alcohol blends, motor fuel users were complaining to weights and measures officials about fuel quality and vehicle performance, and the American Society for Testing and Materials (ASTM) had not yet finalized quality standards for oxygenated (which includes alcohol-containing) fuels. While many argued that weights and measures officials should not cross the line from quantity assurance programs to programs regulating quality, the delegates were persuaded that the issue needed immediate attention. [from HB 130 III.C.1 page 41]**

**In 2019, NCWM reviewed the entries for to fuels and related products. It was determined the information not directly related to method of sale is no longer needed in this section. The fuels and related products were consolidated into a new subsection with the reader pointed to the Uniform Engine fuels and Automotive**

**Lubricants Regulation for additional information. A sunset date was set for the information not directly related to quantity determination.**

This Regulation assimilates all of the actions periodically taken by the Conference with respect to certain food items, non-food items, and general method of sale concepts. Its format is such that it will permit the addition of individual items at the end of appropriate sections as the need arises. Its adoption as a regulation by individual jurisdictions will eliminate the necessity for legislative consideration of changes in the method of sale of particular commodities. Such items will be able to be handled through the normal regulation-making process.

## **2. Status of Promulgation**

The table beginning on page 6 shows the status of adoption of the Uniform Regulation for the Method of Sale of Commodities.

*\*The National Conference on Weights and Measures (NCWM) is supported by the National Institute of Standards and Technology (NIST) in partial implementation of its statutory responsibility for "cooperation with the states in securing uniformity in weights and measures laws and methods of inspection."*

## B. Uniform Regulation for the Method of Sale of Commodities

### Section 2. Non-Food Products <sup>[NOTE 1, page 103]</sup>

~~2.19. Kerosene (Kerosine).~~—All kerosene kept, offered, exposed for sale, or sold shall be identified as such and will include, with the word kerosene, an indication of its compliance with the latest version of the standard specification ASTM Standard D3699, “Standard Specification for Kerosine.”

~~Example:~~

~~1K Kerosene; Kerosene—2K.~~

~~(Added 1983)~~

~~2.19.1. Retail Sale from Bulk.~~—All kerosene kept, offered, or exposed for sale and sold from bulk at retail shall be in terms of the gallon or liter.

~~(Added 2012)~~

### ~~2.20. Gasoline-Oxygenate Blends.~~

~~2.20.1. 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 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 (½ in) in height, 1.5 mm (1/16 in) stroke (width of type).

~~(Amended 1996)~~

~~2.20.2. 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) Information that complies with 40 CFR § 80.1503 when the fuel contains ethanol.~~

~~(b) For fuels that do not contain ethanol, information that complies with 40 CFR § 80.1503 and a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify either the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen) or alternatively, use the phrase “contains MTBE or other ethers.”~~

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

~~(Added 1984) (Amended 1985, 1986, 1991, 1996, and 2014)~~

~~2.20.3. EPA Labeling Requirements.~~—Retailers and wholesale purchaser-consumers of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR 80.1501. (For additional information, refer to Section 2.30.2. FTC Labeling Requirements.)

~~(Added 2018)~~

**2.21. Liquefied Petroleum Gas.**—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<sup>[NOTE 7, page 126]</sup> of vapor (defined as 1 ft<sup>3</sup> at 60 °F [15.6 °C]), or the gallon (defined as 231 in<sup>3</sup> 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."*

## **2.27. Retail Sales of Natural Gas Sold as a Vehicle Fuel.**

### **2.27.1. Definitions.**

**2.27.1.1. Compressed Natural Gas (CNG).**—A gaseous fuel composed primarily of methane that is suitable for compression and dispensing into a fuel storage container(s) for use as an engine fuel.

(Amended 2016)

**2.27.1.2. Gasoline Gallon Equivalent (GGE).**—Gasoline gallon equivalent (GGE) means 2.567 kg (5.660 lb) of compressed natural gas.

(Amended 2016)

**2.27.1.3. Diesel Gallon Equivalent (DGE).**—Diesel gallon equivalent means 6.384 lb of compressed natural gas or 6.059 lb of liquefied natural gas.

(Added 2016)

**2.27.1.4. Liquefied Natural Gas (LNG).**—Natural gas, which is predominantly methane, that has been liquefied at -162 °C (-260 °F) at 14.696 psia and stored in insulated cryogenic fuel storage tanks for use as an engine fuel.

(Added 2016)

### **2.27.2. Method of Retail Sale and Dispenser Labeling.**

**2.27.2.1. Method of Retail Sale for Compressed Natural Gas.**—All compressed natural gas kept, offered, or exposed for sale and sold at retail as a vehicle fuel shall be measured in terms of mass, and indicated in the gasoline gallon equivalent (GGE), diesel gallon equivalent (DGE) units, or mass.

(Amended 2016)

**2.27.2.2. Dispenser Labeling Compressed Natural Gas.**—All retail compressed natural gas dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label shall be permanently and conspicuously displayed on the face of the dispenser and shall have the statement "1 Gasoline Gallon Equivalent (GGE) means 5.660 lb of Compressed Natural Gas" or "1 Diesel Gallon Equivalent (DGE) means 6.384 lb of Compressed Natural Gas" consistent with the method of sale used.

(Amended 2016)

**2.27.2.3. Method of Retail Sale for Liquefied Natural Gas.**—All liquefied natural gas kept, offered, or exposed for sale and sold at retail as a vehicle fuel shall be measured in mass and indicated in diesel gallon equivalent (DGE) units or mass.

(Added 2016)

~~2.27.2.4. Dispenser Labeling of Retail Liquefied Natural Gas.~~—All retail liquefied natural gas dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label shall be permanently and conspicuously displayed on the face of the dispenser and shall have the statement “1 Diesel Gallon Equivalent (DGE) means 6.059 lb of Liquefied Natural Gas.”

(Added 2016)

## ~~2.30. Ethanol Flex Fuel.~~

~~2.30.1. How to Identify Ethanol Flex Fuel.~~—Ethanol flex fuel shall be identified as “Ethanol Flex Fuel or EXX Flex Fuel.”

~~2.30.2. FTC Labeling Requirements.~~—Ethanol flex fuel shall be identified and labeled in accordance with the Federal Trade Commission Automotive Fuel Ratings, Certification and Posting Rule, 16 CFR, as amended. (For additional information, refer to Section 2.20.3. EPA Labeling Requirements.)

(Added 2007) (Amended 2014 and 2018)

## ~~2.31. Biodiesel and Biodiesel Blends.~~

~~2.31.1. 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.”

### ~~2.31.2. Labeling of Retail Dispensers.~~

~~2.31.2.1. Labeling of Grade Required.~~—Biodiesel shall be identified by the grades S15 or S500. Biodiesel blends shall be identified by the grades No. 1 D, No. 2 D, or No. 4 D.

~~2.31.2.2. EPA Labeling Requirements Also Apply.~~—Retailers and wholesale purchaser consumers of biodiesel blends shall comply with EPA pump labeling requirements for sulfur under 40 CFR § 80.570.

~~2.31.2.3. Automotive Fuel Rating.~~—Biodiesel and biodiesel blends shall be labeled with its automotive fuel rating in accordance with 16 CFR § 306.

~~2.31.2.4. Biodiesel Blends.~~—When biodiesel blends greater than 20 % by volume are offered by sale, each side of the dispenser where fuel can be delivered shall have a label conspicuously placed that states “Consult Vehicle Manufacturer Fuel Recommendations.” The lettering of this legend shall not be less than 6 mm (¼ in) in height by 0.8 mm (⅓2 in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied.

~~2.31.3. 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.

~~2.31.4. Exemption.~~—Biodiesel blends that contain less than or equal to 5 % biodiesel by volume are exempt from the requirements of Sections 2.31.1. Identification of Product, 2.31.2. Labeling of Retail Dispensers, and 2.31.3. Documentation for Dispenser Labeling Purposes when it is sold as diesel fuel.

(Added 2008)

## ~~2.32. Retail Sales of Hydrogen Fuel (H).~~

~~2.32.1. Definitions for Hydrogen Fuel.~~—A fuel composed of molecular hydrogen intended for consumption in a surface vehicle or electricity production device with an internal combustion engine or fuel cell.

(Amended 2012)

~~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)

~~2.33. Oil.~~

~~2.33.1. Labeling of Vehicle Engine (Motor) Oil.~~—Vehicle engine (motor) oil shall be labeled.

~~2.33.1.1. Viscosity.~~—The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank, and any 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 contain the viscosity grade classification preceded by the letters “SAE” in accordance with SAE International’s latest version of SAE J300, “Engine Oil Viscosity Classification.”

*NOTE: If an invoice or receipt from service on an engine has limited room for identifying the viscosity, brand, and service category, then abbreviated versions of each may be used on the invoice or receipt and the letters “SAE” may be omitted from the viscosity classification.*

(Note added 2014)

(Amended 2014)

~~2.33.1.2. 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.

(Amended 2014)

~~2.33.1.3. Engine Service Category.~~—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 (<sup>1</sup>/<sub>8</sub> 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 approved in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard.

(Amended 2014)

~~**2.33.1.3.1. 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 ( $\frac{1}{8}$  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)~~

~~**2.33.1.3.2. 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 bear a plainly visible cautionary statement in compliance with the latest version of SAE J183, 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 2.33.1.3.1. Vehicle or Engine Manufacturer Standard applies.~~

~~(Amended 2014)~~

~~**2.33.1.4. Tank Trucks or Rail Cars.**—Tank trucks, rail cars, and other 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.~~

~~(Amended 2013 and 2014)~~

~~**2.33.1.5. 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 2.33.1.1. Viscosity; 2.33.1.2. Brand; 2.33.1.3. 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 2.33.1.3.2. Inactive or Obsolete Service Categories. Documentation must be retained at the retail establishment for a period of not less than one year.~~

~~(Added 2013) (Amended 2014)~~

~~(Added 2012) (Amended 2013 and 2014)~~

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

### **2.34.1. Definitions.**

~~**2.34.1.1. Electricity Sold as Vehicle Fuel.**—Electrical energy transferred to and/or stored onboard an electric vehicle primarily for the purpose of propulsion.~~

~~**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 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<sup>®</sup> (NEC) NFPA 70, Article 625 Electric Vehicle Charging Systems ([www.nfpa.org](http://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)~~

## ~~2.35. Diesel Exhaust Fluid (DEF).~~

### ~~2.35.1. Definition.~~

~~2.35.1.1. Diesel Exhaust Fluid (DEF).— A preparation of aqueous urea [(NH<sub>2</sub>)<sub>2</sub>CO], containing 32.5 % by mass of technically pure urea in high purity water with quality characteristics defined by the latest version of ISO 22241, “Diesel engines—NOx reduction agent AUS 32.”~~

### ~~2.35.2. Labeling of Diesel Exhaust Fluid (DEF).— DEF shall be labeled.~~

~~2.35.2.1. 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.”~~

~~2.35.2.2. 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.~~

~~2.35.2.3. Labeling of Packaged Product.— Any diesel exhaust fluid 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).”~~

~~2.35.2.4. 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)~~

## ~~2.36. Transmission Fluid.~~

~~2.36.1. Products for Use in Lubricating Transmissions.— Transmission fluids shall meet the original equipment manufacturer’s requirements for those transmissions or have demonstrated performance claims to be suitable for use in those transmissions. Where a fluid can be licensed against an original equipment manufacturer’s specification, evidence of current licensing by the marketer is acceptable documentation of performance against the specification. In the absence of a license from~~

~~the original equipment manufacturer, adherence to the original equipment manufacturer's recommended requirements shall be assessed after testing per relevant methods available to the lubricants industry and the state regulatory agency. Suitability for use claims shall be based upon appropriate field, bench, and/or transmission rig testing. Any manufacturer of a transmission fluid making suitable for use claims shall provide, upon request by a duly authorized representative of the Director, credible documentation of such claims. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims may be requested in confidence by a duly authorized representative of the Director. Supporting data may be supplied directly to the Director's office by the additive supplier(s).~~

~~(Added 2017)~~

~~**2.36.1.1. Conformance.**—Conformance of a fluid per Section 2.36.1. Products for Use in Lubricating Transmissions does not absolve the obligations of a fluid licensee with respect to the licensing original equipment manufacturer or the original equipment manufacturer's licensing agent(s), where relevant.~~

~~(Added 2017)~~

~~**2.36.1.2. Transmission Fluid Additives.**—Any material offered for sale or sold as an additive to transmission fluids shall be compatible with the transmission fluid to which it is added, and shall meet all performance claims as stated on the label or published on any website referenced by the label. Any manufacturer of any such product sold in this state shall provide, upon request by a duly authorized representative of the Director, documentation of any claims made on their product label or published on any website referenced by the label.~~

~~(Added 2017)~~

~~**2.36.2. Labeling and Identification of Transmission Fluid.**—Transmission fluid shall be labeled or identified as described below.~~

~~(Added 2017)~~

~~**2.36.2.1. Container Labeling.**—The label on a container of transmission fluid shall not contain any information that is false or misleading. Containers include bottles, cans, multi quart or liter containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of transmission fluid shall be labeled with the following:~~

- ~~(a) the brand name;~~
- ~~(b) the name and place of business of the manufacturer, packer, seller, or distributor;~~
- ~~(c) the words "Transmission Fluid," which may be incorporated into a more specific description of transmission type such as "Automatic Transmission Fluid" or "Continuously Variable Transmission Fluid";~~
- ~~(d) the primary performance claim or claims met by the fluid and reference to where any supplemental claims may be viewed (for example, website reference). Performance claims include but are not limited to those set by original equipment manufacturers and standards setting organizations such as SAE and JASO and are acknowledged by reference; and~~
- ~~(e) an accurate statement of the quantity of the contents in terms of liquid measure.~~

~~(Added 2017)~~

~~**2.36.2.2. Identification on Documentation.**—Transmission fluid sold in bulk shall be identified on the manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other documentation with the information listed below:~~

- ~~(a) the brand name;~~
- ~~(b) the name and place of business of the manufacturer, packer, seller, or distributor;~~
- ~~(c) the words "Transmission Fluid," which may be incorporated into a more specific description of transmission type such as "Automatic Transmission Fluid" or "Continuously Variable Transmission Fluid";~~

~~(d) the primary performance claim or claims met by the fluid or reference to where these claims may be viewed (for example, website reference). Performance claims include but are not limited to those set by original equipment manufacturers and standards setting organizations such as SAE and JASO and are acknowledged by reference; and~~

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

~~(Added 2017)~~

~~**2.36.2.3. Identification on Service Provider Documentation.**—Transmission fluid installed from a bulk tank at time of transmission service shall be identified on the customer invoice with the information listed below:~~

~~(a) the brand name;~~

~~(b) the name and place of business of the service provider;~~

~~(c) the words “Transmission Fluid,” which may be incorporated into a more specific description of transmission type such as “Automatic Transmission Fluid” or “Continuously Variable Transmission Fluid”;~~

~~(d) the primary performance claim or claims met by the fluid or reference to where these claims may be viewed (for example, website reference). Performance claims include but are not limited to those set by original equipment manufacturers and standards setting organizations such as SAE and JASO and are acknowledged by reference; and~~

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

~~(Added 2017)~~

~~**2.36.2.4. Bulk Delivery.**—When the transmission fluid is sold in bulk, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery. This document must identify the fluid as defined in Section 2.36.2.2. Identification on Documentation.~~

~~(Added 2017)~~

~~**2.36.2.5. Storage Tank Labeling.**—Each storage tank of transmission fluid shall be labeled with the following:~~

~~(a) the brand name;~~

~~(b) the primary performance claim or claims met by the fluid or reference to where these claims may be viewed (for example, website reference). Performance claims include but are not limited to those set by original equipment manufacturers and standards setting organizations such as SAE and JASO and are acknowledged by reference.~~

~~(Added 2017)~~

~~**2.36.3. Documentation of Claims Made Upon Product Label.**—Any manufacturer, packer, or distributor of any product subject to this article and sold in this state shall provide, upon request of duly authorized representatives of the Director, credible documentation of any claim made upon their product label, including claims made on any website referenced by said label. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims may be requested in confidence by a duly authorized representative of the Director. Supporting data may be supplied directly to the Director’s office by the additive supplier(s).~~

~~(Added 2017)~~

~~(Added 2017)~~

## **Section 3. Method of Sale of Fuels, Lubricants and Automotive Products**

### **3.1. Additional information**

**3.1.1 Definitions – For additional information on definitions see Section IV.G.1**

**3.1.2 Specifications - For additional information specifications see Section IV.G.2.**

**3.1.3 Identification, Classification and Labeling - For additional information on Identification, Classification and Labeling see Section IV.G.3.**

**3.2 The fuels, lubricants and automotive products below shall be sold by liquid measure. (see Section III.A.17).**

**3.2.1. Gasoline and Gasoline-Oxygenate Blends.**

**3.2.2. Ethanol Flex Fuel.**

**3.2.3. Biodiesel and biodiesel blends.**

**3.2.4. Oil.**

**3.2.5. Diesel Exhaust fluid (DEF).**

**3.2.6. Transmission Fluid.**

**3.2.7. Diesel fuel.**

**3.2.8. Aviation turbine fuels.**

**3.2.9. Aviation gasoline.**

**3.2.10. Fuel Oils.**

**3.2.11. M85.**

**3.3. The Fuels, Lubricants and Automotive Products below shall be sold in the manner described.**

**3.3.1 Retail Sale of Kerosene from Bulk.** – All kerosene kept, offered, or exposed for sale and sold from bulk at retail shall be in terms of the gallon or liter.

(Added 2012)

**3.3.2 Liquefied Petroleum Gas.** – 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 [NOTE 7, page 126] of vapor (defined as 1 ft<sup>3</sup> at 60 °F [15.6 °C]), or the gallon (defined as 231 in<sup>3</sup> 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 X: 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.”

**3.3.3. Retail Sales of Natural Gas Sold as a Vehicle Fuel.**

**3.3.3.1 Definitions**

**3.3.3.1.1 Compressed Natural Gas (CNG).** – A gaseous fuel composed primarily of methane that is suitable for compression and dispensing into a fuel storage container(s) for use as an engine fuel.

(Amended 2016)

**3.3.3.1.2. Gasoline Gallon Equivalent (GGE).** – Gasoline gallon equivalent (GGE) means 2.567 kg (5.660 lb) of compressed natural gas.

(Amended 2016)

**3.3.3.1.3. Diesel Gallon Equivalent (DGE).** – Diesel gallon equivalent means 6.384 lb of compressed natural gas or 6.059 lb of liquefied natural gas.

(Added 2016)

**3.3.3.1.4. Liquefied Natural Gas (LNG).** – Natural gas, which is predominantly methane, that has been liquefied at  $-162\text{ }^{\circ}\text{C}$  ( $-260\text{ }^{\circ}\text{F}$ ) at 14.696 psia and stored in insulated cryogenic fuel storage tanks for use as an engine fuel.

(Added 2016)

### **3.3.3.2. Method of Retail Sale and Dispenser Labeling.**

**3.3.3.2.1. Method of Retail Sale for Compressed Natural Gas.** – All compressed natural gas kept, offered, or exposed for sale and sold at retail as a vehicle fuel shall be measured in terms of mass, and indicated in the gasoline gallon equivalent (GGE), diesel gallon equivalent (DGE) units, or mass.

(Amended 2016)

**3.3.3.2.2. Dispenser Labeling Compressed Natural Gas.** – All retail compressed natural gas dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label shall be permanently and conspicuously displayed on the face of the dispenser and shall have the statement “1 Gasoline Gallon Equivalent (GGE) means 5.660 lb of Compressed Natural Gas” or “1 Diesel Gallon Equivalent (DGE) means 6.384 lb of Compressed Natural Gas” consistent with the method of sale used.

(Amended 2016)

**3.3.3.2.3. Method of Retail Sale for Liquefied Natural Gas.** – All liquefied natural gas kept, offered, or exposed for sale and sold at retail as a vehicle fuel shall be measured in mass and indicated in diesel gallon equivalent (DGE) units or mass.

(Added 2016)

**3.3.3.2.4. Dispenser Labeling of Retail Liquefied Natural Gas.** – All retail liquefied natural gas dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label shall be permanently and conspicuously displayed on the face of the dispenser and shall have the statement “1 Diesel Gallon Equivalent (DGE) means 6.059 lb of Liquefied Natural Gas.”

(Added 2016)

### **3.3.4. Retail Sales of Hydrogen Fuel (H).**

**3.3.4.1. 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).

**3.3.4.2. 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).

#### **3.3.4.3. 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.

#### **3.3.4.4. 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)

### **3.3.5. Retail Sales of Electricity Sold as a Vehicle Fuel.**

#### **3.3.5.1. Definitions.**

**3.3.5.1.1. Electricity Sold as Vehicle Fuel.** – Electrical energy transferred to and/or stored onboard an electric vehicle primarily for the purpose of propulsion.

**3.3.5.1.2. 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.

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

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

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

**3.3.5.2. 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.

#### **3.3.5.3. 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](http://www.nfpa.org)).

**3.3.5.4. 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)

Sunset publication year of XXXX to remove this section: The Items in section 3.4. are also included as part of G. The Uniform Engine Fuels and Automotive Lubricants Regulation in section 3. Classification, Identification, and Labeling for

Sale. Starting with the XXXX Handbook 130 the items in Section 3.4. will no longer included and only found in G. The Uniform Engine Fuels and Automotive Lubricants Regulation.

### **3.4. Classification, Identification and Labeling for sale.**

Sunset publication year of XXXX to remove this section: The Items in section 3.4. are also included as part of G. The Uniform Engine Fuels and Automotive Lubricants Regulation in section 3. Classification, Identification, and Labeling for Sale. Starting with the XXXX Handbook 130 the items in Section 3.4. will no longer included and only found in G. The Uniform Engine Fuels and Automotive Lubricants Regulation.

**3.4.1. Kerosene (Kerosine).** – All kerosene kept, offered, exposed for sale, or sold shall be identified as such and will include, with the word kerosene, an indication of its compliance with the latest version of the standard specification ASTM Standard D3699, “Standard Specification for Kerosene.”

Example:

1K Kerosene; Kerosene - 2K.

(Added 1983) (Included through XXXX Handbook)

### **3.4.2. Gasoline-Oxygenate Blends.**

**3.4.2.1. Labeling for 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 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 (½ in) in height, 1.5 mm (1/16 in) stroke (width of type).

(Amended 1996) (Included through XXXX Handbook)

**3.4.2.2. 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) Information that complies with 40 CFR § 80.1503 when the fuel contains ethanol.

(b) For fuels that do not contain ethanol, information that complies with 40 CFR § 80.1503 and a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify either the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen) or alternatively, use the phrase “contains MTBE or other ethers.”

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

(Added 1984) (Amended 1985, 1986, 1991, 1996, and 2014) (Included through XXXX Handbook)

**3.4.2.3. EPA Labeling Requirements.** – Retailers and wholesale purchaser-consumers of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (v%) up to

15 volume percent (v%) ethanol (E15) under 40 CFR 80.1501. (For additional information, refer to Section 2.30.2. FTC Labeling Requirements.)

(Added 2018) (Included through XXXX Handbook)

### **3.4.3. Ethanol Flex Fuel.**

**3.4.3.1. How to Identify Ethanol Flex Fuel.** – Ethanol flex fuel shall be identified as “Ethanol Flex Fuel or EXX Flex Fuel.”

**3.4.3.2. FTC Labeling Requirements.** – Ethanol flex fuel shall be identified and labeled in accordance with the Federal Trade Commission Automotive Fuel Ratings, Certification and Posting Rule, 16 CFR, as amended. (For additional information, refer to Section 2.20.3. EPA Labeling Requirements.)

(Added 2007) (Amended 2014 and 2018) (Included through XXXX Handbook)

### **3.4.4. Biodiesel and Biodiesel Blends.**

**3.4.4.1. 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.”

#### **3.4.4.2. Labeling of Retail Dispensers.**

**3.4.4.2.1. Labeling of Grade Required.** – Biodiesel shall be identified by the grades S15 or S500. Biodiesel blends shall be identified by the grades No. 1-D, No. 2-D, or No. 4-D.

**3.4.4.2.2. EPA Labeling Requirements Also Apply.** – Retailers and wholesale purchaser-consumers of biodiesel blends shall comply with EPA pump labeling requirements for sulfur under 40 CFR § 80.570.

**3.4.4.2.3. Automotive Fuel Rating.** – Biodiesel and biodiesel blends shall be labeled with its automotive fuel rating in accordance with 16 CFR § 306.

**3.4.4.2.4. Biodiesel Blends.** – When biodiesel blends greater than 20 % by volume are offered by sale, each side of the dispenser where fuel can be delivered shall have a label conspicuously placed that states “Consult Vehicle Manufacturer Fuel Recommendations.” 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.

**3.4.4.3. 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.

**3.4.4.4. Exemption.** – Biodiesel blends that contain less than or equal to 5 % biodiesel by volume are exempt from the requirements of Sections 3.4.4.1. Identification of Product, 3.4.4.2. Labeling of Retail Dispensers, and 3.4.4.3. Documentation for Dispenser Labeling Purposes when it is sold as diesel fuel.

(Added 2008) (Included through XXXX Handbook)

### **3.4.5. Oil.**

**3.4.5.1. Labeling of Vehicle Engine (Motor) Oil.** – Vehicle engine (motor) oil shall be labeled.

**3.4.5.1.1. Viscosity.** – The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank, and any 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 contain the viscosity grade

classification preceded by the letters “SAE” in accordance with SAE International’s latest version of SAE J300, “Engine Oil Viscosity Classification.”

*NOTE: If an invoice or receipt from service on an engine has limited room for identifying the viscosity, brand, and service category, then abbreviated versions of each may be used on the invoice or receipt and the letters “SAE” may be omitted from the viscosity classification.*

(Note added 2014)

(Amended 2014)

**3.4.5.1.2. 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.

(Amended 2014)

**3.4.5.1.3. Engine Service Category.** – 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 approved in Section 3.4.5.1.3.1. Vehicle or Engine Manufacturer Standard.

(Amended 2014)

**3.4.5.1.3.1. 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)

**3.4.5.1.3.2. 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 bear a plainly visible cautionary statement in compliance with the latest version of SAE J183, 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 3.4.5.1.3.1. Vehicle or Engine Manufacturer Standard applies.

(Amended 2014)

**3.4.5.1.4. Tank Trucks or Rail Cars.** – Tank trucks, rail cars, and other 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.

(Amended 2013 and 2014)

**3.4.5.1.5. 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 3.4.5.1.1. Viscosity; 3.4.5.1.2. Brand; 3.4.5.1.3. 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 3.4.5.1.3.2. Inactive or Obsolete Service Categories. Documentation must be retained at the retail establishment for a period of not less than one year.

(Added 2013) (Amended 2014)

(Added 2012) (Amended 2013 and 2014) (Included through XXXX Handbook)

### **3.4.6. Diesel Exhaust Fluid (DEF).**

#### **3.4.6.1. Definition.**

**3.4.6.1.1. Diesel Exhaust Fluid (DEF).** – A preparation of aqueous urea [(NH<sub>2</sub>)<sub>2</sub>CO], containing 32.5 % by mass of technically-pure urea in high-purity water with quality characteristics defined by the latest version of ISO 22241, “Diesel engines - NOx reduction agent AUS 32.”

#### **3.4.6.2. Labeling of Diesel Exhaust Fluid (DEF).** – DEF shall be labeled.

**3.4.6.2.1. 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.”

**3.4.6.2.2. 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.

**2.35.2.3. Labeling of Packaged Product.** – Any diesel exhaust fluid 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).”

**2.35.2.4. 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) (Included through XXXX Handbook)

### **3.4.7. Transmission Fluid.**

**3.4.7.1. Products for Use in Lubricating Transmissions.** – Transmission fluids shall meet the original equipment manufacturer’s requirements for those transmissions or have demonstrated performance claims to be suitable for use in those transmissions. Where a fluid can be licensed against an original equipment manufacturer’s specification, evidence of current licensing by the marketer is acceptable documentation of performance against the specification. In the absence of a license from the original equipment manufacturer, adherence to the original equipment manufacturer’s recommended requirements shall be assessed after testing per relevant methods available to the lubricants industry and the state regulatory agency. Suitability for use claims shall be based upon appropriate field, bench, and/or transmission rig testing. Any manufacturer of a transmission fluid making suitable-for-use claims shall provide, upon request by a duly authorized representative of the Director, credible documentation of such claims. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims may be requested in confidence by a duly authorized representative of the Director. Supporting data may be supplied directly to the Director’s office by the additive supplier(s).

(Added 2017)

**3.4.7.1.1. Conformance.** – Conformance of a fluid per Section 2.36.1. Products for Use in Lubricating Transmissions does not absolve the obligations of a fluid licensee with respect to the licensing original equipment manufacturer or the original equipment manufacturer’s licensing agent(s), where relevant.

(Added 2017)

**3.4.7.1.2. Transmission Fluid Additives.** – Any material offered for sale or sold as an additive to transmission fluids shall be compatible with the transmission fluid to which it is added, and shall meet all performance claims as stated on the label or published on any website referenced by the label. Any manufacturer of any such product sold in this state shall provide, upon request by a duly authorized representative of the Director, documentation of any claims made on their product label or published on any website referenced by the label.

(Added 2017)

**3.4.7.2. Labeling and Identification of Transmission Fluid.** – Transmission fluid shall be labeled or identified as described below.

(Added 2017)

**3.4.7.2.1. Container Labeling.** – The label on a container of transmission fluid shall not contain any information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of transmission fluid shall be labeled with the following:

- (a) the brand name;
- (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- (c) the words “Transmission Fluid,” which may be incorporated into a more specific description of transmission type such as “Automatic Transmission Fluid” or “Continuously Variable Transmission Fluid”;
- (d) the primary performance claim or claims met by the fluid and reference to where any supplemental claims may be viewed (for example, website reference). Performance claims include but are not limited to those set by original equipment manufacturers and standards setting organizations such as SAE and JASO and are acknowledged by reference; and
- (e) an accurate statement of the quantity of the contents in terms of liquid measure.

(Added 2017)

**3.4.7.2.2. Identification on Documentation.** – Transmission fluid sold in bulk shall be identified on the manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other documentation with the information listed below:

- (a) the brand name;
- (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- (c) the words “Transmission Fluid,” which may be incorporated into a more specific description of transmission type such as “Automatic Transmission Fluid” or “Continuously Variable Transmission Fluid”;
- (d) the primary performance claim or claims met by the fluid or reference to where these claims may be viewed (for example, website reference). Performance claims include but are not limited to those set by original equipment manufacturers and standards setting organizations such as SAE and JASO and are acknowledged by reference; and
- (e) an accurate statement of the quantity of the contents in terms of liquid measure.

(Added 2017)

**3.4.7.2.3. Identification on Service Provider Documentation.** – Transmission fluid installed from a bulk tank at time of transmission service shall be identified on the customer invoice with the information listed below:

- (a) the brand name;
- (b) the name and place of business of the service provider;
- (c) the words “Transmission Fluid,” which may be incorporated into a more specific description of transmission type such as “Automatic Transmission Fluid” or “Continuously Variable Transmission Fluid”;
- (d) the primary performance claim or claims met by the fluid or reference to where these claims may be viewed (for example, website reference). Performance claims include but are not limited to those set by original equipment manufacturers and standards setting organizations such as SAE and JASO and are acknowledged by reference; and
- (e) an accurate statement of the quantity of the contents in terms of liquid measure.

(Added 2017)

**3.4.7.2.4. Bulk Delivery.** – When the transmission fluid is sold in bulk, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery. This document must identify the fluid as defined in Section 2.36.2.2. Identification on Documentation.

(Added 2017)

**3.4.7.2.5. Storage Tank Labeling.** – Each storage tank of transmission fluid shall be labeled with the following:

- (a) the brand name;
- (b) the primary performance claim or claims met by the fluid or reference to where these claims may be viewed (for example, website reference). Performance claims include but are not limited to those set

by original equipment manufacturers and standards-setting organizations such as SAE and JASO and are acknowledged by reference.

(Added 2017)

**3.4.7.3. Documentation of Claims Made Upon Product Label.** – Any manufacturer, packer, or distributor of any product subject to this article and sold in this state shall provide, upon request of duly authorized representatives of the Director, credible documentation of any claim made upon their product label, including claims made on any website referenced by said label. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims may be requested in confidence by a duly authorized representative of the Director. Supporting data may be supplied directly to the Director’s office by the additive supplier(s).

(Added 2017)

(Added 2017) (Included through XXXX Handbook)

**[OTHER PARTS OF SEC. B WILL BE RENUMBERED EDITORIALY]**

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