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**BUSINESS AND PROFESSIONS CODE - BPC**

**DIVISION 5. WEIGHTS AND MEASURES [12001 - 13800]** ( *Division 5 added by Stats. 1939, Ch. 43.*  )

**CHAPTER 14. Fuels and Lubricants [13400 - 13620]** ( *Heading of Chapter 14 amended by Stats. 2015, Ch. 591, Sec. 1.*  )

**ARTICLE 1. General Provisions [13400 - 13405]** ( *Article 1 added by Stats. 1980, Ch. 636, Sec. 5.*  )

**13400.** For purposes of this chapter, the following terms mean the following:

(a) "Advertising medium" includes banner, sign, placard, poster, streamer, and card.

(b) "Alternative fuels" means:

(1) "Biodiesel," a fuel comprised of mono-alkyl esters of long chain fatty acids derived from plant or animal matter that meets the requirements of the ASTM International Standard Specification D6751 "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

(2) "Biodiesel blend," a fuel comprised of biodiesel mixed with diesel fuel that meets the requirements of ASTM International Standard Specification D7467.

(3) "Dimethyl ether," an organic compound meant for combustion in compression-ignition engines that meets the requirements of dimethyl ether prescribed in this chapter.

(4) "Dimethyl ether-propane fuel blend," a motor vehicle fuel consisting primarily of liquefied petroleum gas meeting the requirements of ASTM International Standard Specification D1835 mixed with dimethyl ether meeting the requirements of ASTM International Standard Specification D7901.

(5) "Electricity," electrical energy transferred to or stored onboard an electric vehicle primarily for the purpose of propulsion.

(6) "Ethanol," denatured motor fuel ethanol meeting the requirements of ASTM International Standard Specification D4806.

(7) "Ethanol fuel blend," a motor vehicle fuel consisting primarily of ethanol mixed with gasoline meeting the standards prescribed for ethanol fuel blends by this chapter.

(8) "Hydrogen," a fuel consisting of high purity hydrogen intended for consumption in a motor vehicle with an internal combustion engine or fuel cell that meets the standards for hydrogen prescribed by this chapter.

(9) "Methanol fuel blend," a motor vehicle fuel consisting primarily of methanol mixed with gasoline meeting the standards prescribed by this chapter.

(10) "Natural gas," a gaseous mixture of hydrocarbon compounds consisting of primarily methane in the form of a compressed gas or a cryogenic liquid intended for use as a motor vehicle fuel.

(11) "Propane," a liquefied petroleum gas intended for use as a motor vehicle fuel and meeting the standards prescribed by this chapter.

(12) Any other fuel intended for use as a motor vehicle fuel that the secretary determines is an alternative fuel that has a standard specification from a standards development organization accredited by the American National Standards Institute (ANSI), or an interim standard specification pursuant to Section 13446.

- (c) "Automotive spark-ignition engine fuel" means a product used for the generation of power in a spark-ignition internal combustion engine.
- (d) "Compression-ignition engine fuel" means a product used for the generation of power in a compression-ignition internal combustion engine.
- (e) "Developmental engine fuel" means an engine fuel that does not meet standards established by this chapter but has characteristics that may lead to an improved fuel standard or the development of an alternative fuel standard.
- (f) "Diesel fuel" means any hydrocarbon oil meant for combustion in compression-ignition engines offered for sale that meets the standards for diesel fuel prescribed by this chapter.
- (g) "Engine fuel" means any gasoline, diesel, or alternative fuel used for the generation of power in an internal combustion engine or fuel cell in a motor vehicle, or electrical power delivered conductively or inductively to an electric motor in electric or plug-in hybrid vehicles. "Motor vehicle fuel" means "engine fuel" when that term is used in this chapter.
- (h) "Fuel oil" means any product offered for sale that is burned in a furnace or boiler for the generation of heat and meets the standards prescribed for fuel oil by this chapter.
- (i) "Gasoline" means a volatile mixture of liquid hydrocarbons, generally containing small amounts of additives, suitable for use as a fuel in a spark-ignition internal combustion engine.
- (j) "Gasoline-oxygenate blend" means a fuel consisting primarily of gasoline along with a substantial amount of one or more oxygenates that meets ASTM International Standard D4814.
- (k) "Kerosene" means a fuel offered for sale that meets the standards for kerosene prescribed in this chapter.
- (l) "Lubricant" means a lubricating oil or other substance that reduces friction and wear between moving parts within an engine and other motor vehicle components.
- (m) "Lubricating oil" means motor oil, engine lubricant, engine oil, lubricating axle oil, gear oil, or manual transmission fluid.
- (n) "Manufacturer" means manufacturer, refiner, producer, or importer.
- (o) "Motor oil" means an oil that reduces friction and wear between the moving parts within an internal combustion engine and also serves as a coolant. For purposes of this chapter, motor oil also means engine oil.
- (p) "Motor vehicle fuel" means an engine fuel intended for consumption in, including, but not limited to, an internal combustion engine, fuel cell, or electric motor to produce power to self-propel a vehicle designed for transporting persons or property on a public street or highway.
- (q) "Octane number" or "antiknock index number," when used in this chapter, means that number assigned to a spark-ignition engine fuel that designates the antiknock quality. The "octane number" or "antiknock index number" shall be determined according to the ASTM International method or methods designated in the latest ASTM International Standard Specification D4814.
- (r) "Oxygenate" means an oxygen-containing ashless organic compound, such as an alcohol or ether, that can be used as a fuel or fuel supplement.
- (s) "Renewable diesel fuel" means a diesel fuel derived from nonpetroleum renewable resources. Renewable diesel fuel does not include biodiesel, as defined in paragraph (1) of subdivision (b).
- (t) "Sell" or any of its variants means attempt to sell, offer for sale or assist in the sale of, permit to be sold or offered for sale or delivery, offer for delivery, trade, barter, or expose for sale.
- (u) "Standard test" means a test conducted in accordance with the latest published standard adopted by ASTM International.

*(Amended by Stats. 2020, Ch. 117, Sec. 1. (AB 2663) Effective January 1, 2021.)*

**13404.** (a) The sale of compressed natural gas by persons who sell compressed natural gas at retail to the public for use only as a motor vehicle fuel, and who are exempted from public utility status by subdivision (f) of Section 216 of the Public Utilities Code, is a sale of a motor fuel for the purposes of this chapter.

(b) Compressed natural gas sold at retail to the public for use as a motor vehicle fuel shall be sold in a gasoline gallon equivalent that shall be equal to 126.67 cubic feet, or 5.66 pounds, of compressed natural gas, measured at the standard pressure and temperature, described in Section 8615 of the Revenue and Taxation Code.

(c) Liquefied natural gas sold at retail to the public for use as a motor vehicle fuel shall be sold in a diesel gallon equivalent that shall be equal to 6.06 pounds of liquefied natural gas.

*(Amended by Stats. 2014, Ch. 805, Sec. 1. (AB 1907) Effective January 1, 2015.)*

**13404.5.** The secretary shall establish the method of sale of motor vehicle fuels and lubricants sold at retail to the public. In doing so, the secretary shall adopt, by reference, the latest method of sale for motor vehicle fuels and lubricants 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 provided by the Legislature or modified, amended, or rejected by regulations adopted by the secretary. In the absence of national standards, the secretary may adopt interim standards of method of sale until the time when the standards are adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology.

*(Added by Stats. 2015, Ch. 591, Sec. 7. (AB 808) Effective January 1, 2016.)*

**13405.** (a) The department may grant a variance from the specifications of this chapter for developmental engine fuels if all of the following conditions apply:

(1) Variances may only be granted to provide for the development of information under controlled test conditions to assist in the creation of chemical and performance standards for engine fuels.

(2) Developmental engine fuel shall only be distributed or sold to fleet-type centrally fueled vehicle and equipment users.

(3) The applicant shall warn all parties in writing of any potential risk associated with the use of the developmental engine fuel.

(4) The applicant shall report information when and as the department may prescribe in order for the department to monitor the progress of the developmental engine fuel technology evaluation.

(b) The applicant for a variance shall comply with all other requirements, terms, and conditions contained in this division and regulations adopted by the department to further the purposes and administration of this section.

(c) (1) In granting a variance, the department expresses no opinion as to whether an applicant's developmental engine fuel will perform as represented by the applicant nor any opinion to the extent, if at all, that the developmental engine fuel may be safely and effectively used as a substitute for other spark-ignition or compression-ignition engine fuels without incident.

(2) Damages caused by the sale, delivery, storage, handling, and usage of the developmental engine fuel shall be addressed in accordance with contractual provisions negotiated and agreed upon by the applicant and the user.

(d) The department may withdraw a variance if the applicant does not adhere to the conditions required to obtain the variance or if the department recognizes a high probability of equipment harm with the continued use of the developmental engine fuel or to protect public safety.

*(Amended by Stats. 2015, Ch. 591, Sec. 8. (AB 808) Effective January 1, 2016.)*