

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1657

(1) I, Errett Deck, deputy director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Motor fuels and home heating products.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on Such rules shall take effect:

- checkbox pursuant to RCW 34.04.040(2).
checkbox at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Errett Deck

find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is: It has been estimated that 80% of the retail gasoline dispensers and 100% of the computing type home delivery heating product meters will not compute above 99.9 cents per gallon. The advent of most grades of gasoline and the potential of home heating products exceeding \$1.00 a gallon necessitates a regulation to provide an alternate method of sale; provide uniformity in the advertising of the price of products and properly apprise the consumer of the method of sale being utilized. For these reasons, as deputy director of agriculture, I have determined Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser (See attachment)

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- checkbox (a) This rule is promulgated pursuant to RCW 19.94 and is intended to administratively implement that statute.
checkbox (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

- checkbox (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED September 12 1979

FILED

SEP 12 1979

By [Signature]

Deputy Director of Agriculture

Title

CODE REVISER'S OFFICE WSR 79-10-032



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purpose of legislative review of agency rules, the following statement is submitted:

- (a) This rule relates to retail sales of motor fuels and home heating products in the State of Washington (statutory authority RCW 19.94)
- (b) The emergency regulation provides for the methods of sale, units, modification of pump face; advertising of price, and unlawful practices.
- (c) Department of Agriculture
Dairy and Food Division
James E. Wommack
406 General Administration Bldg., Olympia
753-5042
- (d) Proponents: Department of Agriculture
Opponents: None
- (e) No agency comments.

(2) Alternative B. Continued

that this regulation is essential to establish guidelines for the retail dispensing of motor fuels and home heating products.

NEW SECTION

WAC 16-657-001 RETAIL SALES OF MOTOR FUELS AND HOME HEATING PRODUCTS. (1) All retail fuel metering and computing devices shall display the price per gallon or price per liter.

(2) All retail fuel metering and computing devices shall indicate the amount of fuel delivered during a single retail transaction.

(3) All retail fuel metering and computing devices shall register the selling price per unit.

(4) All retail fuel metering and computing devices shall register the total selling price for a single retail transaction

NEW SECTION

WAC 16-657-010 COMPLIANCE SCHEDULE FOR RETAIL MOTOR FUEL AND HOME HEATING PRODUCTS DISPENSERS. Devices which do not meet the requirements of WAC 16-657-001 subsections (3) and (4) shall be brought into compliance on or before July 1, 1981.

NEW SECTION

WAC 16-657-020 INTERIM RETAIL SALES OF MOTOR FUELS.

Devices which do not meet the requirement of WAC 16-657-001 subsections (3) and (4) shall be altered to provide for an interim half price sale program and the following requirements shall be followed: (1) Such procedures shall be required when the price of one grade of fuel goes above the capabilities of one device at any location. Once it becomes necessary for one device to be set at one-half price, or by the liter, all devices at that location shall be set at one-half price, or by the liter, so all devices dispense on the same method of sale.

(2) The pump face shall be altered by using pressure sensitive labels made of weather resistance material. Lettering shall be of black letters of commercial quality and shall be the same size as existing lettering, or larger.

(3) The pump face shall be altered as follows:

(a) The "Price Per Gallon" indication on the face of the pump shall be replaced with the statement "Price per $\frac{1}{2}$ gallon".

(b) The "Total Sale" indication on the face of the pump shall be replaced with the statement "One-Half Total Sale," or the statement " $\frac{1}{2}$ Total Sale".

Half Price System

<input type="checkbox"/>	Total Sale
<input type="checkbox"/>	Gallons
<input type="checkbox"/>	Price Per One-Half Gallon
<input type="checkbox"/>	Price Per Gallon

<input type="checkbox"/>	$\frac{1}{2}$ Total Sale
<input type="checkbox"/>	Gallons
<input type="checkbox"/>	Price Per $\frac{1}{2}$ Gallon
<input type="checkbox"/>	Price Per Gallon

(4) The "Price Per Gallon" shall be displayed as illustrated in WAC 16-657-020 (3) (b) above with the use of weather resistant markers for handwritten prices or the operator of one location may post a sign or placard at the top of each pump in conjunction with information required in subsections (5) and (6).

(5) On the top of each pump or each unit of a twin pump, a sign shall be posted: "Notice. The money values on this device are computed on the $\frac{1}{2}$ gallon basis." The letters in the word "Notice" shall be at least two inch bold face type. The letters in the balance of the legend are to be at least one inch bold face type.

(6) Devices modified to dispense in the metric system in units of the litre shall have the individual pump or each unit of a twin pump marked with a placard bearing the following legend: "Notice. This device is computing in the metric system on the basis of the litre." The same size lettering as set forth in subsection (5) will be required.

(7) The exception to subsections (5) and (6) would be like information displayed on a reader board at all entrances to the station setting forth the required information in letter size at least four inches in height.

(8) Any advertised price of the half price gallon or the litre must be accompanied with the correct associated price per gallon in equal letter size for the whole cents and in compliance with RCW 19.94.390 with respect to fractions of a cent. Any posted or advertised price must be accurate and complete.

Any failure to comply with this order or any unlawful practice at any location shall be subject to RCW 19.94.240 relating to a Stop-Use Order for these devices.

NEW SECTION

WAC 16-657-030 INTERIM RETAIL SALES OF HOME HEATING PRODUCTS. Computing dispensing devices used in the delivery of home heating products which do not meet the requirements of

WAC 16-657-001 subsections (3) and (4) shall be altered to provide for an interim half price sale program and the following requirements shall be followed: (1) Such procedures shall be required when the price of one grade of fuel goes above the capabilities on one device at or operated from a given location. Once it is necessary for one device to be set at half price or modified to the litre, all devices at or operated from that location must be set at the same method of sale.

(2) The consumer's copy of the invoice covering deliveries of home heating products made on a basis of either half pricing or by the liter shall bear a clear and legible legend stating the computations have been made on the respective method of sale