

FILED

In the office of the Secretary of State
of the State of California

MAY 23 1979

ARCH FORD - Secretary of State

[Signature]

Deputy ASSIST. SECTY OF STATE

Executive Department

State of California

REGULATIONS FOR CALIFORNIA'S GASOLINE EMERGENCY

(Revised May 23, 1979)

In light of counties now proclaimed to be in a "State of Emergency" and pursuant to the authority vested in me to promulgate, issue and enforce rules, regulations and orders, I deem the following amended and revised rules and regulations necessary for the protection of life and property:

- 1. At the retail level, gasoline may be dispensed into vehicles with a license plate whose last (or only) digit is an odd number (1, 3, 5, 7 and 9) only on odd numbered days of the month, that is, on the first, third, fifth, seventh and so on. Environmental license plates that contain letters only will be equivalent to the digit 1. Examples of odd number plates are as follows:

SAM 123
 123 SAM
 MARTHA
 KAM 2345
 12345J
 J12345

- 2. At the retail level, gasoline may be dispensed into vehicles with a license plate whose last (or only) digit is an even number (0, 2, 4, 6 and 8) only on even numbered days of the month, that is, on the second, fourth, sixth, eighth, tenth and so on. Vehicles without permanent registration, such as newly purchased vehicles, shall be considered as even number. Examples of even number plates are as follows:

SAM 132
 132 SAM
 DAVE 2
 2 MARY
 KMA 3456
 01234J
 J01234
 W6ABC

- 3. For any calendar month in which there are 31 days, gasoline may be dispensed on the thirty-first day of the month without regard to the license plates of the motor vehicle.
- 4. Gasoline may not be dispensed into any vehicle that has more than one-half tankful of gasoline. When requested by the gasoline retailer, his employee, or any peace officer, the vehicle operator shall permit inspection of the fuel gauge with the ignition key in the "on" position. No other minimum purchase requirements shall be imposed by any gasoline retailer.

Executive Department

State of California

5. No more than 20 gallons of gasoline shall be dispensed to any customer in any single transaction. No other maximum limit on purchases shall be imposed by any gasoline retailer.

This rule shall not apply to:

- (a) Any carwash for which a statement has been filed pursuant to Rule 19;
 - (b) The dispensing of gasoline into trucks which either (1) have a California Public Utilities Commission permit or certificate, (2) are hauling agricultural products, or (3) in the judgment of the gasoline retailer, are otherwise engaged in hauling for a commercial purpose;
 - (c) The dispensing of gasoline into an industrial sized drum used for an identifiable commercial purpose such as fueling construction and farm equipment and fueling electrical generators. Evidence of a commercial purpose as demonstrated by possession of a business license or similar license.
6. When dispensing gasoline to the general public, gasoline retailers shall not refuse to sell gasoline to anyone, on appropriate odd or even days, except to refuse to sell gasoline to vehicles with more than one-half of a tankful of fuel. Gasoline retailers shall not require the purchase of special goods and services, including, but not limited to, car washes, tires, or car lubrication, as a condition to the dispensing of gasoline. In addition, except as otherwise provided in Rules 11 and 12, retailers shall not dispense gasoline on a preferential basis such as an appointment system.

COMMENT:

It is a violation of this rule for a gasoline retailer to be open only for dispensing gasoline to commercial vehicles or commercial accounts and not be dispensing gasoline to the general public.

7. (a) Each gasoline retailer shall clearly post by signs legible from off the premises the days and hours gasoline will be dispensed to the general public, including, but not limited to,

Executive Department

State of California

which weekend day and time they will be open. The gasoline retailer shall dispense gasoline during the days and hours posted on the sign.

- (b) Each gasoline retailer shall open at the hour posted pursuant to rule 7(a) on each Saturday of the month if his gasoline motor fuel pump location number is odd, or on each Sunday of the month if his gasoline motor fuel pump location number is even, and shall dispense gasoline to the public until he has sold at least one-sixth of his weekly gasoline allocation.

COMMENT:

The purpose of this rule is to ensure that the opening of large stations on weekends is evenly distributed between Saturday and Sunday.

The California Division of Weights & Measures licenses each gasoline fuel pump in California. As part of the licensing process, they issue one location number to each service station. This number appears in the lower right corner of the fuel pump license, which is usually posted in the service station office.

- (c) Rule 7(b) shall not apply to any gasoline retailer who:
- (1) is out of gasoline because of late delivery;
 - (2) as a normal business practice prior to February 1, 1979 remained closed on Saturday and Sunday; or
 - (3) had a gasoline sales volume of less than 750,000 gallons in 1978.
- (d) A retailer with an odd gasoline motor fuel pump location number may, for bonafide religious reasons, open on Sunday instead of Saturday, and a retailer with an even gasoline motor fuel pump location number may, for bonafide religious reasons, open on Saturday instead of Sunday.
- (e) In order to claim an exemption from all or part of Rule 7(b), because of either normal business practice or bonafide religious reasons, any retailer shall first file with the Chairman of the California Energy Commission a statement, under penalty of perjury, setting forth the basis for the exemption.

Executive Department

State of California

8. Each gasoline retailer shall prominently display a full and complete copy of these rules in an accessible location. In addition, each gasoline retailer shall post at each self-service station a sign that is readily legible from all pumps stating that it is unlawful to dispense gasoline into any vehicle that has more than one-half tankful of gasoline or to dispense more than 20 gallons of gasoline in any single transaction.
9. Each gasoline retailer shall manage his monthly fuel allocation so that it will last through the month and to ensure that at least one-sixth of the weekly supply is available for sale on weekends.

COMMENT:

The purposes of this rule are to ensure that gasoline stations are open throughout the month and that stations have adequate supply to open on at least one day of the weekend. If this rule is followed, most stations should be open on either Saturday or Sunday.

10. Each gasoline retailer shall clearly indicate his gasoline supply and service situation by a flag of at least 18 inches square easily visible from off the premises. The following will apply:

Green flag--gasoline available for the general public (on appropriate days for appropriate license plates); yellow flag--gasoline available for emergency vehicles only and automobile servicing available to the general public; red flag--out of gasoline and/or closed. In addition, if a retailer is out of any grade of gasoline, but is otherwise still dispensing gasoline to the general public, the retailer shall indicate on a sign legible from off the premises which grades are not available.

11. The following vehicles are exempt from sections 1 and 2 of these orders:
 - a) Public transportation vehicles regularly used to transport passengers such as buses, taxis and vehicles rented for less than 30 days.
 - b) Vehicles used for commercial purposes in the judgment of the gasoline retailer. (See additional guidance, Attachment A)
 - c) U.S. Postal Service Vehicles.

Executive Department

State of California

- d) Vehicles operated by handicapped persons, who have no practical alternative to auto transportation, as designated by the following licenses plate letters:

DPW000 through DPZ999
000DPW through 000DPZ
000RDP through 999ZDP
1DPA000 through 1DPZ999
VET000 through VET999
VTN000 through VTN999
VTR000 through VTR999
000VET through 999VET
000VTN through 999VTN
000VTR through 999VTR

Any vehicle displaying a disabled person placard issued by the California Department of Motor Vehicles.

- e) Vehicles with out-of-state license plates.
- f) Vehicles operated by persons whose residence addresses as shown on their drivers licenses are more than 100 miles distance from the place of gasoline purchase. This exemption shall only apply to the dispensing of gasoline in Monterey County.
- g) Vehicles transporting patients who present a Los Angeles or Orange County physician's signed exemption statement to the gasoline retailer. This exemption shall only apply until August 10, 1979.

Operators of the above exempt vehicles are urged to purchase gasoline only on appropriate alternate days whenever possible.

12. The following vehicles are exempt from the provisions of these orders:
- a) Emergency vehicles as defined in Section 165 of the California Vehicle Code (See attachment B).
- b) Other emergency repair and service vehicles, whether public or private, used for functions directly related to the protection of life, property or public health.
- c. Vehicles operated in an unusual emergency situation in the judgment of the gasoline retailer.
- d. Motorcycles, mopeds, and similar two-wheel vehicles.

Executive Department

State of California

13. At the retail level, no more than two gallons of gasoline may be dispensed into a separate container, and no more than one separate container may be used in a single transaction.

This rule shall not apply to containers used for a commercial purpose such as containers used to fuel commercial landscaping and gardening equipment, construction equipment, or electrical generators.

COMMENT:

Storage of gasoline in separate containers in the trunk of automobiles is an extremely dangerous practice.

14. Unless otherwise specified, the provisions of these regulations, including, but not limited to, Rules (1), (2), (4), (5), and (6), apply to a vehicle operator, an employee of a gasoline retailer, and a gasoline retailer. A violation of these regulations may result in a criminal charge against each of these persons. The term "gasoline retailer" as used in these regulations includes every person, firm, partnership, association, trustee or corporation, owning, leasing, renting, managing or operating a gasoline service station or other facility offering for sale, selling or otherwise dispensing gasoline to the general public.
15. Pursuant to the authority of Section 8665 of the Government Code, any willful violation of these orders or regulations is a misdemeanor and upon conviction, shall be punishable by a fine of not to exceed five hundred dollars (\$500) or by imprisonment not to exceed six months or by both such fine and imprisonment.
16. Local authorities shall have the responsibility for monitoring and enforcing these regulations. Any violation should be reported to local law enforcement officials.
17. Any County Board of Supervisors may submit proposed clarifications of these rules to the Chairperson of the California Energy Commission. Such clarifications shall take effect upon the concurrence of the Energy Commission Chairperson. No changes to these rules shall occur unless submitted to the Energy Commission Chairperson and adopted by a written order of the Governor.
18. Rule #10 shall not take effect until seven (7) days after the date of proclamation of emergency for that county. Rule #8 shall not take effect until May 30, 1979.

Executive Department

State of California

ATTACHMENT A

ADDITIONAL GUIDANCE

1. Retailers shall use these guidelines in determining whether a vehicle is used for commercial purposes.
 - A. Vehicles which by their design, size, or recognizable company identification are obviously being used for commercial purposes.
 - B. Vehicles which are owned and operated as part of a company vehicle fleet as may be determined by company marking or the vehicle's registration.
 - C. Individually owned vehicles used for commercial purposes, as evidenced by the presence of specialized equipment, instruments, tools of the trade or profession, supplies or other material which cannot be readily carried by the vehicle operator on public transportation, or any other evidence that it is necessary to use the vehicle for commercial purposes.

2. Doctors and Nurses: No blanket exemption is made for doctors and nurses. However, when they are using their vehicles for professional purposes (such as special calls) their vehicles should be considered as those being used for commercial purposes and when using their vehicles for emergency calls they should be considered emergency vehicles. Physicians and nurses are expected to do the same planning in fueling their vehicles for private use as are other citizens. In extreme emergency situations, they can call upon taxis, ambulances, or the local law enforcement agency.

Executive Department

State of California

ATTACHMENT B

SECTION 165, DIVISION 1., STATE VEHICLE CODE

165. An authorized emergency vehicle is:

(a) Any publicly owned ambulance, lifeguard or life-saving equipment or any privately owned ambulance used to respond to emergency calls and operated under a license issued by the Commissioner of the California Highway Patrol.

(b) Any publicly owned vehicle operated by the following persons, agencies or organizations:

(1) Any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code.

(2) Any police department, including those of the University of California and the California State University and Colleges, sheriff's department, or the California Highway Patrol or the California State Police Division.

(3) The district attorney of any county or any district attorney investigator.

(4) Any constable or deputy constable engaged in law enforcement work.

(5) Peace officer personnel of the Department of Justice.

(6) Peace officer personnel of the state park system appointed pursuant to Section 5008 of the Public Resources Code.

(7) Peace officer personnel employed and compensated as members of a security patrol of a school district while carrying out the duties of their employment.

(8) Peace officer personnel of the Department of Corrections designated in subdivision (b) of Section 830.5 of, and in Section 830.5a of, the Penal Code.

(9) Housing authority patrol officers designated in paragraph (17) of subdivision (a) of Section 830.4 of the Penal Code.

(c) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.

(d) Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the Office of Emergency Services or by any public agency or industrial fire department to which the Office of Emergency Services has assigned such vehicle.

(e) Any state-owned vehicle operated by a fish and game Warden.

Executive Department

State of California

(f) Any vehicle owned or operated by any department or agency of the United States government:

(1) When such department or agency is engaged primarily in law enforcement work and the vehicle is used in responding to emergency calls, or

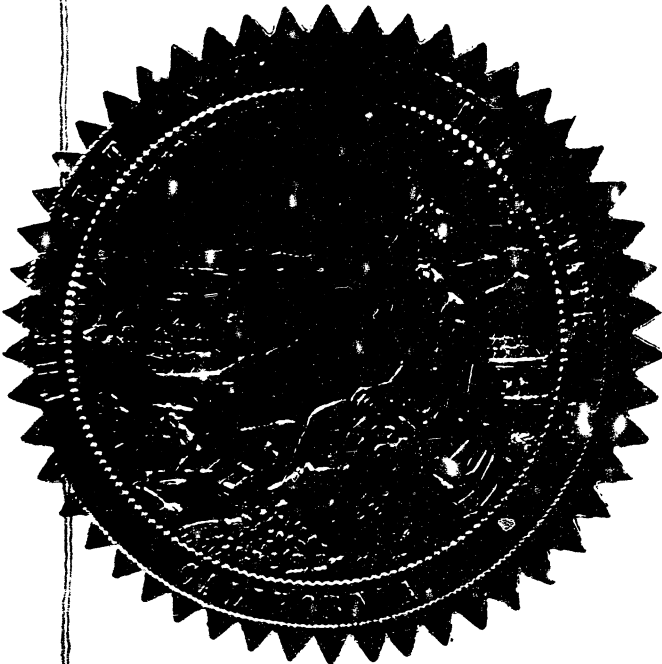
(2) When such vehicle is used in responding to emergency fire, ambulance or lifesaving calls.

(g) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol.

Executive Department
State of California

19. Notwithstanding any of the provisions of these regulations or other state or local law, Rules (1), (2), and (5) shall not apply to any person dispensing gasoline into a vehicle that receives a carwash as part of the transaction from a business whose primary purpose as of May 1, 1979, is offering that service. This rule shall apply only to these businesses which file with the Energy Commission a statement under penalty of perjury that their primary purpose as of May 1, 1979, was providing carwashes and not the sale of gasoline.
20. If a retailer orders gasoline in accordance with his monthly allocation and his supplier cannot deliver that gasoline within forty-eight hours of the time the order is placed, the supplier shall immediately notify the retailer. The notification shall include a firm delivery time for the gasoline and shall set forth the reasons for the delay.

These rules amend and revise Regulations for California's Gasoline Emergency implemented on May 8, 9, 11 and 15, 1979.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 23rd day of May, 1979.

EMURJ
EDMUND G. BROWN JR.
Governor of California

ATTEST:

March Fong Eu
Secretary of State

By: *[Signature]*
~~Deputy~~ Secretary of State
ASSISTANT

Date: MAY 23, 1979