

Executive Department
State of California

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of the State of California

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MARCH FONG EU, Secretary of State

By *Margie R. Brubaker*
Deputy

REGULATIONS FOR CALIFORNIA'S GASOLINE EMERGENCY
(Revised)

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 an even number. Examples of even number plates are as follows:

SAM 132
132 SAM
DAVE 2
2 MARY
KMA 3456
O1234J
JO1234
W6ABC

3. For any calendar month in which there are 31 days, sales may be made on the thirty-first day of the month without regard to the registration plates of the motor vehicle.
4. Gasoline shall not be dispensed into any vehicle that has more than one-half tankful of gasoline. When requested by the gasoline attendant, the customer 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.

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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 any carwash for which a statement has been filed pursuant to Rule #19; or to 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.

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 in a preferential basis such as an appointment system.
7. No general hours or days of operation are required by these regulations. However, each gasoline retailer shall clearly post by signs legible from off the premises his anticipated minimum business days and hours of operation for dispensing gasoline.

COMMENT:

Individual retailers are the best judges of the business days and hours that satisfy their customers' needs, and are encouraged to work out staggered hours of operation in common marketing areas.

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

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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 Services vehicles.
 - d) Vehicles operated by handicapped persons, who have no practical alternative to auto transportation, as designated by the following license plates letters:

DPW 000 - 999	YDP 000 - 999	000 - 999 RDP
DPX 000 - 999	ZDP 000 - 999	000 - 999 SDP
DPY 000 - 999	VET 000 - 999	000 - 999 TDP
DPZ 000 - 999	VTN 000 - 999	000 - 999 UDP
WDP 000 - 999	VTR 000 - 999	000 - 999 VDP
XDP 000 - 999		

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.

Vehicles transporting patients who present a Los Angeles 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.

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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.
13. At the retail level, gasoline may be dispensed into separate containers only when necessary in the judgment of the gasoline retailer. Such sales shall be in the smallest practical quantity.

COMMENT:

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

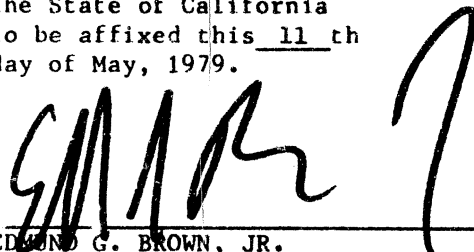
14. The vehicle operator and the gasoline retailer are separately required to comply with the provisions of Rules (1), (2), (4), and (5). Either or both may be charged for violation of Rules (1), (2), (4), and (5).
15. Pursuant to the authority of Section 8665 of the Government Code, any willful violation 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. Rules #8 and #10 shall not take effect until seven (7) days after the date of proclamation of emergency for that county.

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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 has just received a carwash from a business whose primary purpose as of May 1, 1979, is offering that service. This rule shall apply only to those 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.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 11 th day of May, 1979.


EDMUND G. BROWN, JR.
Governor

ATTEST:

March Fong Eu
Secretary of State

Date: May 11, 1979

By: Miriam R. Kerschberger
Deputy Secretary of State

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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 a 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.

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SECTION 165, DIVISION 1., STATE VEHICLE CODE

165. An authorized emergency vehicle is:

(a) Any publicly owned ambulance, lifeguard or lifesaving 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.

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

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

(2) Any police department, including those of the University of California and the California State University and Colleges, Sheriff's Department, 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.

(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.