

CHAPTER 79

LABOR AND INDUSTRY

HOUSE BILL 93-1114

BY REPRESENTATIVES Agler, Fleming, Lawrence, Acquafresca, Anderson, Entz, Foster, May, Pfiffner, Prinster, Salaz, and Shoemaker;
also SENATORS Blickensderfer, Hopper, Mares, and Roberts.

AN ACT**CONCERNING THE USE OF GALLON EQUIVALENTS AS UNITS OF MEASUREMENT IN THE SALE OF MOTOR FUELS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly hereby finds and declares that providing sellers the option of selling motor fuels on the basis of gallon equivalents in terms of energy in addition to other units of measurements serves the economic interests of Colorado businesses and citizens. The general assembly finds that the use of gallon equivalents in motor fuel sales will benefit all members of the public by assisting consumers in making informed comparisons between traditional and alternative motor fuels.

SECTION 2. 8-20-201 (1), Colorado Revised Statutes, 1986 Repl. Vol., is amended, and the said 8-20-201 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

8-20-201. Definitions - repeal. As used in this part 2, unless the context otherwise requires:

(1) "BRITISH THERMAL UNIT" OR "BTU" MEANS A SCIENTIFIC UNIT OF MEASUREMENT EQUAL TO THE QUANTITY OF HEAT REQUIRED TO RAISE THE TEMPERATURE OF ONE POUND OF WATER ONE DEGREE FAHRENHEIT AT APPROXIMATELY SIXTY DEGREES FAHRENHEIT. THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 1997.

⊕ (1.5) "Department" means the oil inspection section, division of labor.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(2.3) "GALLON EQUIVALENT" MEANS EITHER A GALLON DIESEL EQUIVALENT OR A GALLON GASOLINE EQUIVALENT. THIS SUBSECTION (2.3) IS REPEALED, EFFECTIVE JULY 1, 1997.

(2.5) "GALLON DIESEL EQUIVALENT" MEANS AN AMOUNT OF A MOTOR FUEL THAT CONTAINS AN AVERAGE LOWER HEATING VALUE OF ONE HUNDRED TWENTY-EIGHT THOUSAND BTU'S (BRITISH THERMAL UNITS), BUT IN NO CASE CONTAINS A LOWER HEATING VALUE OF LESS THAN ONE HUNDRED TWENTY-FOUR THOUSAND BTU'S. THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JULY 1, 1997.

(2.7) "GALLON GASOLINE EQUIVALENT" MEANS AN AMOUNT OF A MOTOR FUEL THAT CONTAINS AN AVERAGE LOWER HEATING VALUE OF ONE HUNDRED FOURTEEN THOUSAND BTU'S (BRITISH THERMAL UNITS), BUT IN NO CASE CONTAINS A LOWER HEATING VALUE OF LESS THAN ONE HUNDRED TEN THOUSAND BTU'S. THIS SUBSECTION (2.7) IS REPEALED, EFFECTIVE JULY 1, 1997.

(4.5) "MOTOR FUEL" MEANS ANY LIQUID OR GAS USED AS FUEL TO GENERATE POWER IN ENGINES OR MOTORS. THIS SUBSECTION (4.5) IS REPEALED, EFFECTIVE JULY 1, 1997.

SECTION 3. Part 2 of article 20 of title 8, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

8-20-232.5. Method of sales of motor fuels - gallon equivalents - conversion factors - repeal. (1) IN ADDITION TO ANY OTHER ALLOWED UNIT OF MEASUREMENT, MOTOR FUELS MAY BE SOLD BY GALLON EQUIVALENTS PURSUANT TO THE REQUIREMENTS OF THIS SECTION.

(2) (a) ANY DISPENSER USED FOR THE SALE OF MOTOR FUEL IN GALLON EQUIVALENTS SHALL DISPLAY GALLON EQUIVALENTS AS THE PRIMARY DISPLAY INFORMATION PROVIDED. SUCH DISPENSER SHALL INDICATE THE NUMBER OF GALLON EQUIVALENTS AND FRACTIONS OF GALLON EQUIVALENTS SOLD, THE TOTAL SALES PRICE OF THE MOTOR FUEL DISPENSED, AND THE SALES PRICE PER GALLON EQUIVALENT OF MOTOR FUEL SOLD. INFORMATION CONCERNING THE SALE OF MOTOR FUELS BY GALLON EQUIVALENTS MAY BE PROVIDED AT THE POINT OF SALE IN LITERATURE, SIGNS, OR OTHER ADVERTISEMENTS. STREET SIGN ADVERTISEMENTS REGARDING THE SALE OF MOTOR FUELS BY GALLON EQUIVALENTS MAY ABBREVIATE THE TERM "GALLON GASOLINE EQUIVALENT" AS "GALLON G.E." AND THE TERM "GALLON DIESEL EQUIVALENT" AS "GALLON D.E."

(b) IN ADDITION TO THE INFORMATION REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2), THE FACE OF A DISPENSER THAT IS USED FOR THE SALE OF MOTOR FUEL IN GALLON EQUIVALENTS SHALL PROMINENTLY DISPLAY THE CONVERSION FACTOR THAT IS BEING USED BY THE SELLER TO DETERMINE THE NUMBER OF GALLON EQUIVALENTS SOLD BASED UPON THE TYPE AND AMOUNT OF ACTUAL MEASURED UNITS OF MOTOR FUEL THAT IS DISPENSED. THE INFORMATION DISPLAYED ON SUCH A DISPENSER SHALL INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING STATEMENTS CONCERNING THE CONVERSION FACTOR:

(I) "ONE GALLON DIESEL EQUIVALENT OF (TYPE OF MOTOR FUEL) IS EQUIVALENT TO (AMOUNT OF ACTUAL UNITS OF MEASUREMENT) OF (TYPE OF MOTOR FUEL)."

(II) "ONE GALLON DIESEL EQUIVALENT OF (TYPE OF MOTOR FUEL) CONTAINS AN AVERAGE LOWER HEATING VALUE OF 128,000 BTU'S OF ENERGY, BUT IN NO CASE CONTAINS A LOWER HEATING VALUE OF LESS THAN 124,000 BTU'S OF ENERGY."

(III) "ONE GALLON GASOLINE EQUIVALENT OF (TYPE OF MOTOR FUEL) IS EQUIVALENT TO (AMOUNT OF ACTUAL UNITS OF MEASUREMENT) OF (TYPE OF MOTOR FUEL)."

(IV) "ONE GALLON GASOLINE EQUIVALENT OF (TYPE OF MOTOR FUEL) CONTAINS AN AVERAGE LOWER HEATING VALUE OF 114,000 BTU'S OF ENERGY, BUT IN NO CASE CONTAINS A LOWER HEATING VALUE OF LESS THAN 110,000 BTU'S OF ENERGY."

(3) ANY SELLER USING GALLON EQUIVALENTS FOR MOTOR FUEL SALES SHALL CALCULATE THE CONVERSION FACTOR USED BY THE SELLER TO CONVERT THE ACTUAL UNITS BY WHICH A MOTOR FUEL IS MEASURED AT THE DISPENSER TO GALLON EQUIVALENT UNITS BASED ON THE INFERRED ENERGY CONTENT OF SUCH MOTOR FUEL AS MEASURED BY ONE OF THE FOLLOWING METHODS:

(a) FOR CONVERSIONS TO GALLON DIESEL EQUIVALENTS:

(I) IF THE MOTOR FUEL IS ACTUALLY MEASURED AT THE DISPENSER AS A VOLUME, THE GALLON DIESEL EQUIVALENT MEASUREMENT SHALL BE CALCULATED BY DETERMINING THE NUMBER OF MEASURED VOLUMETRIC UNITS REQUIRED TO PROVIDE AN AVERAGE LOWER HEATING VALUE OF ONE HUNDRED TWENTY-EIGHT THOUSAND BTU'S (BRITISH THERMAL UNITS), BUT IN NO CASE A LOWER HEATING VALUE OF LESS THAN ONE HUNDRED TWENTY-FOUR THOUSAND BTU'S.

(II) IF THE MOTOR FUEL IS ACTUALLY MEASURED AT THE DISPENSER AS A MASS, THE GALLON DIESEL EQUIVALENT MEASUREMENT SHALL BE CALCULATED BY DETERMINING THE NUMBER OF MEASURED MASS UNITS REQUIRED TO PROVIDE AN AVERAGE LOWER HEATING VALUE OF ONE HUNDRED TWENTY-EIGHT THOUSAND BTU'S (BRITISH THERMAL UNITS), BUT IN NO CASE A LOWER HEATING VALUE OF LESS THAN ONE HUNDRED TWENTY-FOUR THOUSAND BTU'S.

(b) FOR CONVERSIONS TO GALLON GASOLINE EQUIVALENTS:

(I) IF THE MOTOR FUEL IS ACTUALLY MEASURED AT THE DISPENSER AS A VOLUME, THE GALLON GASOLINE EQUIVALENT MEASUREMENT SHALL BE CALCULATED BY DETERMINING THE NUMBER OF MEASURED VOLUMETRIC UNITS REQUIRED TO PROVIDE AN AVERAGE LOWER HEATING VALUE OF ONE HUNDRED FOURTEEN THOUSAND BTU'S (BRITISH THERMAL UNITS), BUT IN NO CASE A LOWER HEATING VALUE OF LESS THAN ONE HUNDRED TEN THOUSAND BTU'S.

(II) IF THE MOTOR FUEL IS ACTUALLY MEASURED AT THE DISPENSER AS A MASS, THE GALLON GASOLINE EQUIVALENT MEASUREMENT SHALL BE CALCULATED BY DETERMINING THE NUMBER OF MEASURED MASS UNITS REQUIRED TO PROVIDE AN AVERAGE LOWER HEATING VALUE OF ONE HUNDRED FOURTEEN THOUSAND BTU'S (BRITISH THERMAL UNITS), BUT IN NO CASE A LOWER HEATING VALUE OF LESS THAN ONE HUNDRED TEN THOUSAND BTU'S.

(4) THE ACTUAL UNIT OF MEASUREMENT FOR A MOTOR FUEL SOLD IN TERMS OF

GALLON EQUIVALENTS SHALL BE CALIBRATED BY THE SELLER WITH APPROPRIATE PRECISION TO ENSURE CONFORMANCE WITH ANY REQUIRED DISPENSING ACCURACIES.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 1997.

SECTION 4. 35-14-112, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

35-14-112. Method of sale - general. Except as otherwise provided by the commissioner OR AS PROVIDED IN SECTION 35-14-114(2), commodities in liquid form shall be sold by liquid measure or by weight, and commodities not in liquid form shall be sold only by weight, by measure, or by count, so long as the method of sale provides accurate quantity information.

SECTION 5. 35-14-114, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

35-14-114. Method of sale - special nonfood products - repeal. (1) All coal, coke, and charcoal shall be sold by weight. All bulk sales shall be accompanied by a weight certificate, ticket, or invoice, as set forth in section 35-14-122 (6).

(2) (a) IN ADDITION TO OTHER METHODS OF MEASUREMENT, MOTOR FUELS MAY BE SOLD BY GALLON EQUIVALENTS PURSUANT TO THE REQUIREMENTS OF SECTION 8-20-232.5, C.R.S., NOTWITHSTANDING THE PROVISIONS OF ANY NATIONAL BUREAU OF STANDARDS HANDBOOK OR OTHER NATIONAL STANDARD THAT IS ADOPTED BY THIS STATE.

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 1997.

SECTION 6. Effective date. This act shall take effect July 1, 1993.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 7, 1993