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**SENATE BILL 5195**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Hunt, Gildon, and C. Wilson

AN ACT Relating to fuel price transparency; amending RCW 19.112.020, 19.112.050, and 19.112.060; creating a new section; prescribing penalties; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that the current practice on the part of fueling stations to calculate and display the price per gallon in decimals of cents is confusing and can lead the consumer into believing they are paying a lower price for fuel.

(2) The legislature further finds that changing the way fuel price is calculated and displayed will better allow the consumer to make more accurate comparisons, while having minimal impact on fueling stations and related businesses.

(3) Therefore, the legislature intends to require that calculations and displaying of the price per gallon of motor fuel is rounded to the nearest whole cent.

**Sec.**  RCW 19.112.020 and 2010 c 96 s 1 are each amended to read as follows:

(1) This chapter shall be administered by the director or ((~~his or her~~)) the director's authorized agent. For the purpose of administering this chapter, for motor fuel except biodiesel fuel, the standards set forth in the Annual Book of ASTM Standards and supplements thereto, and revisions thereof, are adopted, together with applicable federal environmental protection agency standards. If a conflict exists between federal environmental protection agency standards, ASTM standards, or state standards, for purposes of uniformity, federal environmental protection agency standards shall take precedence over ASTM standards. Any state standards adopted must be consistent with federal environmental protection agency standards and ASTM standards not in conflict with federal environmental protection agency standards.

(2) The director may establish a fuel testing laboratory or may contract with a laboratory for testing. The director may also adopt rules on false and misleading advertising, labeling and posting of prices, and the standards for, and identity of, motor fuels. The director shall require fuel pumps offering an ethanol blend to be identified by a label stating the percentage of ethanol and fuel pumps offering a biodiesel blend of up to and including five percent to be identified by a label that states "may contain up to five percent biodiesel." Biodiesel blends above five percent shall be identified by a label stating the percentage of biodiesel being offered.

(3) The rules adopted under RCW 19.112.140 shall also provide that the diesel refiner is responsible for meeting the ASTM standards required by chapter 338, Laws of 2006 when providing diesel fuel into the distribution system.

(4)(a) The director shall adopt rules that require the calculations and displaying of the price per gallon of motor fuel that is rounded to the nearest whole cent. The rules shall require that labeling and posting of prices at the pump, on the receipt, and signage at the establishment reflect only the per gallon price rounded to the nearest whole cent.

(b) If a conflict exists between the National Institute of Standards and Technology (NIST) Handbook 44 for the calculation and displaying of the price per gallon of motor fuel, the rules adopted pursuant to this subsection (4) shall take precedence over the NIST specifications.

**Sec.**  RCW 19.112.050 and 1990 c 102 s 6 are each amended to read as follows:

It is unlawful to:

(1) Market motor fuels in any manner that may deceive or tend to deceive the purchaser as to the nature, price, quantity, and quality of a motor fuel, including calculating or displaying the price per gallon of motor fuel that is not compliant with RCW 19.112.020(4);

(2) Fail to register a motor fuel;

(3) Submit incorrect, misleading, or false information regarding the registration of a motor fuel;

(4) Hinder or obstruct the director, or ((~~his or her~~)) the director's authorized agent, in the performance of ((~~his or her~~)) the director or the director's agent's duties;

(5) Market a motor fuel that is contrary to this chapter.

**Sec.**  RCW 19.112.060 and 2011 c 96 s 20 are each amended to read as follows:

(1)(a) Any person who knowingly violates any provision of this chapter or rules adopted under it is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than ((~~one thousand dollars~~)) $1,000 or imprisonment for up to ((~~three hundred sixty-four~~)) 364 days, or both.

(b) The director shall assess a civil penalty ranging from ((~~one hundred dollars~~)) $100 to ((~~ten thousand dollars~~)) $10,000 per occurrence, giving due consideration to the appropriateness of the penalty with respect to the gravity of the violation, and the history of previous violations. Civil penalties collected under this chapter shall be deposited into the motor vehicle fund.

(2) The penalties in subsection (1)(a) of this section do not apply to violations of RCW 19.112.020(4), 19.112.110, and 19.112.120.

NEW SECTION. **Sec.**  This act takes effect January 1, 2024.

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