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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

Prefiled 01/06/23. Read first time 01/09/23. Referred to Committee on Transportation.

1 AN ACT Relating to fuel price transparency; amending RCW  
2 19.112.020, 19.112.050, and 19.112.060; creating a new section;  
3 prescribing penalties; and providing an effective date.

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

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

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

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

16 **Sec. 2.** RCW 19.112.020 and 2010 c 96 s 1 are each amended to  
17 read as follows:

18 (1) This chapter shall be administered by the director or (~~his~~  
19 ~~or her~~) the director's authorized agent. For the purpose of  
20 administering this chapter, for motor fuel except biodiesel fuel, the

1 standards set forth in the Annual Book of ASTM Standards and  
2 supplements thereto, and revisions thereof, are adopted, together  
3 with applicable federal environmental protection agency standards. If  
4 a conflict exists between federal environmental protection agency  
5 standards, ASTM standards, or state standards, for purposes of  
6 uniformity, federal environmental protection agency standards shall  
7 take precedence over ASTM standards. Any state standards adopted must  
8 be consistent with federal environmental protection agency standards  
9 and ASTM standards not in conflict with federal environmental  
10 protection agency standards.

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

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

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

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

37 **Sec. 3.** RCW 19.112.050 and 1990 c 102 s 6 are each amended to  
38 read as follows:

39 It is unlawful to:

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

5 (2) Fail to register a motor fuel;

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

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

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

12 **Sec. 4.** RCW 19.112.060 and 2011 c 96 s 20 are each amended to  
13 read as follows:

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

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

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

27 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2024.

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