

901:6-5-02

Retail sale of fuels.

- (A) Street signage is not required. However, when street signage is used, the sign shall match the product and the price at which the product is displayed.
- (1) In the event of a pre or post delivery discount, the highest price available to all consumers shall be posted.
 - (2) In the event the price is determined by a qualifier, the qualifier must be on the street sign, such as cash or credit, using the highest price available to all consumers.
 - (3) In the event of a price increase, the price must be changed on the sign prior to the pump, if not simultaneously.
 - (4) In the event of a price decrease, the price must be changed on the pump prior to the sign, if not simultaneously.
- (B) Each retail motor fuel metering device shall:
- (1) Display the unit price;
 - (2) Display the product identity by name, symbol, abbreviation, or code number;
 - (3) Indicate the amount of fuel delivered during a single retail transaction; and
 - (4) Indicate the total selling price for a single retail transaction.
- (C) Ethanol flex fuel shall be identified as "Ethanol Flex Fuel or EXX Flex Fuel" and ~~shall be~~ labeled in accordance with the 16 C.F.R. Part 306 (2016), federal trade commission, automotive fuel ratings, certification and posting.
- (D) Biodiesel shall be identified ~~as by the term~~ "Biodiesel" with the designation "B100" or "B99". Biodiesel blends shall be identified by the term "Biodiesel Blend." ~~However, biodiesel blends that contain less than or equal to five percent biodiesel by volume are exempt from these requirements.~~ Biodiesel and biodiesel blends shall be labeled with its automotive fuel rating in accordance with 16 C.F.R. Part 306 (2016). Biodiesel blends that contain less than or equal to five percent biodiesel by volume are exempt from these requirements when it is sold as diesel fuel.
- (E) Liquefied petroleum gas.
- (1) Liquefied petroleum gas, including, but not limited to propane, butane, and mixtures thereof, shall be kept, offered, exposed for sale, or sold by one of the following measurements:

- (a) Pound;
- (b) Metered cubic foot of vapor which is defined as one cubic foot at sixty degrees Fahrenheit or 15.6 degrees Celsius; or
- (c) Gallon which is defined as two hundred ~~thirty-one~~thirty-one cubic ~~inch~~inches at sixty degrees Fahrenheit or 15.6 degrees Celsius.
- (2) All metered sales by the gallon, except those using meters with a maximum rated capacity of twenty gallons per minute or less, shall be accomplished by use of a meter and device that automatically compensates for temperature.
- (F) All compressed natural gas kept, offered, or exposed for sale and sold at retail as a motor fuel shall be measured in terms of mass and indicated in the gasoline gallon equivalents (GGE), ~~Diesel~~diesel gallon equivalents (DGE) units, or mass.
- (1) All retail compressed natural gas dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label shall be permanently and conspicuously displayed on the face of the dispenser and shall have the statement ~~one "1 gasoline~~Gasoline gallon ~~gallon equivalent~~Gallon equivalent (-GGE) means 5.660 ~~pounds~~lb of ~~compressed~~Compressed natural ~~natural gas~~Natural gas" or ~~one "1 diesel~~Diesel gallon ~~gallon equivalent~~Gallon equivalent DGE means 6.384 ~~pounds~~lb of ~~compressed~~Compressed natural ~~natural gas~~Natural gas" consistent with the method of sale used.
- ~~(2) The unit price must be in terms of price per GGE and DGE in whole cents, for example 1.00 dollar per GGE and DGE or in mass consistent with the method of sale.~~
- ~~(G)~~(G) All liquefied natural gas kept, offered, or exposed for sale and sold at retail as a motor fuel shall be measured in mass and indicated in diesel gallon equivalent (DGE) or units of mass.
- ~~(4)~~(1) All retail liquefied natural gas dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label shall be permanently and conspicuously displayed on the ~~face~~face of the dispenser and shall have the statement ~~one "1 diesel~~Diesel gallon ~~gallon equivalent~~Gallon equivalent (-DGE) means 6.059 lb of ~~liquefied~~Liquefied natural ~~natural gas~~Natural gas".
- ~~(G)~~(H) All ~~Hydrogen~~hydrogen fuel kept, offered, or exposed for sale and sold at retail shall be in mass units in terms of the kilogram. The symbol for hydrogen motor fuel shall be in the capital letter "H." The word "hydrogen" may also be used.

- (1) ~~The~~A computing dispenser must display the unit price in whole cents on the basis of price per kilogram.
 - (2) The service pressures of the dispenser ~~and street signage or advertisement~~ must be conspicuously shown on the user interface in bar or the SI unit of pascal ~~in terms of whole units (Pa) (e.g., MPa).~~
 - (3) The product identity must be shown in a conspicuous location on the dispenser.
 - (4) ~~The labeling of hydrogen must comply with the national fire protection association labeling requirements located at www.nfpa.org and the labeling requirements under~~Hydrogen shall be labeled in accordance with 16 C.F.R. 309 - FTC labeling alternative fuels (2013) and with the national fire protection association (NFPA) labeling requirements (www.nfpa.org).
 - (5) Street signage or advertisements must include the service pressure (expressed in megapascals) at which the dispenser(s) delivers hydrogen fuel (e.g., H35 or H70). The unit price on street signage or advertisements must be in terms of price per kilogram in whole cents (e.g., \$3.49 per kg, not \$3.499 per kg).
- ~~(H)(I) All Electrical~~electrical energy kept, offered, or exposed for sale and sold at retail as a motor fuel shall be in units in terms of the megajoule or kilowatt per hour kilowatt-hour (kWh). In addition to the fee assessed for the quantity of electrical energy sold, fees may be assessed for other services; such fees may be based on time measurement and/or a fixed fee.
- (1) ~~A~~A computing electric vehicle supply equipment (EVSE) shall display the unit price in whole cents (e.e., \$0.12) or tenths of one cent (e.g., \$0.119) on the basis of price per ~~megajoule or kilowatt per hour~~kilowatt-hour (kWh). In cases where the electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place of the unit price.
 - (a) ~~In addition to the fee assessed for the quantity of electrical energy sold, fees may be assessed for other services; such fees may be based on time measurement and/or a fixed fee. Where fees will be assessed for other services in direct connection with the fueling of the vehicle, such as fees based on time measurement or a fixed fee, the additional fee shall be displayed.~~
 - (b) ~~If electrical energy is unlimited or free of charge, this fact must be clearly indicated in place of the unit price.~~

- ~~(2) Where more than one electrical energy unit price may apply over the duration of a single transaction, the terms and conditions that will determine each unit price and when each unit price will apply must be clearly displayed.~~
- ~~(3)~~(2) For fixed service applications, the following information shall be conspicuously displayed or posted on the face of the device:
- (a) The level of ~~electrical~~ electric vehicle (EV) service expressed as the nominal power transfer; ~~such as the nominal rate of electrical energy transfer, (i.e., nominal rate of electrical energy transfer),~~ and
 - (b) The type of electrical energy transfer (e.g., AC, DC, wireless).
- ~~(4)~~(3) For variable service applications, the following information shall be conspicuously displayed or posted on the face of the device:
- (a) The type of delivery (i.e., variable);
 - (b) The minimum and maximum power transfer that can occur during a transaction, including whether service can be reduced to zero;
 - (c) The condition under which variations in electrical energy transfer will occur; and
 - (d) The type of electrical energy transfer (e.g., AC, DC, wireless).
- (4) Where fees will be assessed for other services in direct connection with the fueling of the vehicle, such as fees based on time measurement and/or a fixed fee, the additional fees shall be displayed.
- (5) The EVSE shall be labeled in accordance with 16 C.F.R. 309 (2023 edition) - FTC labeling requirements for alternative fuels and alternative fueled vehicles.
- (6) The EVSE shall be listed and labeled in accordance with the national electric code® (NEC) NFPA 70, article 625 electric vehicle charging systems (2023 edition) (www.nfpa.org).
- (7) Where electrical energy unit price information is presented on street signs or in advertising other than on EVSE:
- (a) The electrical energy unit price shall be in terms of price per kilowatt-hour (kWh) in whole cents (e.g., \$0.12) or tenths of one cent (e.g., \$0.119). In cases where the electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place of the unit price.

- (b) In cases where more than one electrical energy unit price may apply over the duration of a single transaction to sales to the general public, the terms and conditions that will determine each unit price and when each unit price will apply shall be clearly displayed.
- (c) For fixed service applications, the following information shall be conspicuously displayed or posted:
- (i) the level of EV service expressed as the nominal power transfer (i.e., nominal rate of electrical energy transfer), and
 - (ii) the type of electrical energy transfer (e.g., AC, DC, wireless).
- (d) For variable service applications, the following information shall be conspicuously displayed or posted:
- (i) the type of delivery (i.e., variable);
 - (ii) the minimum and maximum power transfer that can occur during a transaction, including whether service can be reduced to zero;
 - (iii) the conditions under which variations in electrical energy transfer will occur; and
 - (iv) the type of electrical energy transfer (e.g., AC, DC, wireless).
- ~~(5)(8) The electrical vehicle supply equipment shall be labeled in accordance with the National Electric Code NFPA 70, Article 625 available at www.nfpa.org and in accordance with 16 C.F.R. 309 (2013) Where fees will be assessed for other services in direct connection with the fueling of the vehicle, such as fees based on time measurement and/or a fixed fee, the additional fees shall be included on all street signs or other advertising.~~

~~(J)~~ Diesel exhaust fluid shall be sold in terms of volumetric measure or by mass.

Effective:

Five Year Review (FYR) Dates: 8/9/2023

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	1327.50
Rule Amplifies:	1327.50
Prior Effective Dates:	09/08/1979, 02/15/2018