



A HISTORY OF LEGISLATION & ACTIONS SPONSORED & PASSED BY CSSARA Since 1974



PUBLIC RESOURCES CODE § 25305.2

SB1585: Requires an energy policy report to include a review of the feasibility of increasing the target for the amount of electricity to be procured from an eligible renewable energy resource.

GOVERNMENT CODE, AMEND §§ 12812.2 AND 12812.3

AB1340: Requires State's major oil companies to report dealer tank wagon pricing weekly to the California Energy Commission.

BUSINESS & PROFESSIONS CODE, § 17200

Achieved victory against shakedown lawsuits against auto repair shops by bringing frivolous lawsuits to attention of California Attorney General, leading to the disbarment of the attorneys involved.

STATE BOARD OF EQUALIZATION

AB1458: Authorizes the SBE to accept offers in compromise on a final tax liability, as defined, under the Sales and Use Tax Law and the Use Fuel Tax Law, and on a final fee liability, as defined, under the Underground Storage Tank Maintenance Fee Law.

REVENUE AND TAXATION CODE, ADD § 30474

AB2205: Prevents sales of black market untaxed cigarettes.

SMALL BUSINESS LIABILITY PROTECTION ACT

HR2869 & S350: Superfund reform measure provides liability protection measures related to contaminated property.

HEALTH & SAFETY CODE, AMEND § 43104 & ADD §§ 39027.3 AND 43105.5

SB1146: State Air Resources Board to require motor vehicle manufacturers to make available to the automotive aftermarket repair industry information necessary for the diagnosis and repair of today's high tech vehicles.

HEALTH & SAFETY CODE, ADD §§ 44000.5, 44014.2, 44014.4, , AMEND §§ 44014.5 , & VEHICLE CODE §3016

AB2515: Developed the California Gold Shield component of the state Smog Check Program.

HEALTH & SAFETY CODE, ADD § 44610

SB629: Allows independents to continue In-State Smog Check Program.

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

AB2076 & AB2098: Requires the Commission to develop contingency plans to deal with possible shortages of electrical energy or fuel supplies to protect public health, safety, and welfare. Requires the Commission to examine the feasibility of operating a strategic fuel reserve and to examine and recommend an appropriate level of reserves.

BUSINESS AND PROFESSIONS CODE, § 13651

AB531: Successfully amended requirement for service stations to provide free air and water and clean restrooms to be required only for customers who make a gas purchase. Allows dealers to challenge fines related to these provisions in court.

BUSINESS AND PROFESSIONS CODE, §§ 21140.2, 21140.3 & 21148

SB1178: Helped franchisees in purchasing petroleum products and selling their franchises.

Changes the Franchise Dealer Fair Practices Act to prohibit a franchisor from withholding consent to a sale for the purpose of diminishing the market value of the franchise. Prohibits a franchisor from withholding consent to a sale on the basis that the proposed buyer is of foreign origin or is non-English speaking, as long as the prospective franchisee is able to adequately communicate with the franchisor and appropriate government agencies. Requires the franchisor to stipulate in writing within 45 days of receipt of the transfer application the reason for withholding consent. Allows franchisees to buy motor oil from any source of supply. Increases the civil penalty for violation of the provision from the current maximum of %50,000 to an amount not less than \$1,000,000.

BUSINESS AND PROFESSIONS CODE ARTICLE 2.2, §12250 ADDED

SB369: Successfully amended to exclude service station convenience stores from the bill which requires a \$50 annual registration fee for each cash register to be paid to the Bureau of Weights and Measures.

HR58: Resolution directing State Attorney General to investigate anti-competitive oil company pricing and marketing policies.

BUSINESS & PROFESSIONS CODE, COMMENCING WITH § 21140.

AB3101: Allows franchise gasoline dealers to purchase gasoline or diesel fuel from any available source if the franchisor is unable or refuses to supply them. It provides that no franchisor shall coerce a dealer to deal only in accessories supplied by the franchisor and provides for a \$50,000 fine of the rep if the dealer is so coerced.

BUSINESS & PROFESSIONS CODE, COMMENCING WITH § 20900.

AB3104: Prohibits any petroleum corporation or distributor from compelling or influencing retail dealers to engage in the free give-away of any item of value. This law allows you to give away whatever you want to, such as free oil filters, a free tire with a set of four, or whatever game you want to participate in. However, the oil company is prohibited from influencing you into making such decisions.

CORPORATIONS CODE, §§ 31005, 31013.5 & 31013.6.

AB3106: Declares that a service station dealer is a franchisee.

BUSINESS & PROFESSIONS CODE, COMMENCING WITH § 20999.

AB450: Commonly known as the Dealer Day in Court law, guarantees lease renewals and prohibits oil companies from terminating dealer leases. Petroleum refiners will not be able to cancel, terminate or refuse to renew any existing franchise with service stations dealers or distributors unless they can show good cause. Good cause may include legitimate business reasons. However, under the law the dealer or distributor must be paid reasonable compensation for the value of his franchise including goodwill.

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BUSINESS & PROFESSIONS CODE, COMMENCING WITH § 21200.

AB950: Prohibits a refiner or distributor from discriminating in prices between purchasers where there is an anti-competitive effect.

BUSINESS & PROFESSIONS CODE, COMMENCING WITH § 20870 & REVENUE & TAXATION CODE, § 7355.

AB1133: Requires that all major oil companies offer temperature correction to their retail dealers on deliveries of 5,000 gallons or more. The law also provides that if you accept temperature corrections, you must invoke this for a period of 12 consecutive months.

BUSINESS & PROFESSIONS CODE, § 21150.1

AB2742: Provides that a franchisor can no longer require a franchisee to remain open between the hours of 10 p.m. and 6 a.m. unless the franchisee is located within ½ mile of an access to a freeway, i.e. on-ramp or off-ramp. Some attorneys feel that you cannot be required to maintain hours that are not profitable.

CIVIL CODE, COMMENCING WITH § 1799.

AB679: Prohibits business entities which perform bookkeeping services from disclosing records prepared or maintained by such business entities without the written consent of the retailer. This law provides civil remedy for damages including minimum damages of \$500 plus costs of attorney's fees.

CORPORATION CODE, COMMENCING WITH §§ 31220 & 31302.5.

AB814: Guarantees the right of franchisee to join an association of franchisees. This law should make it a violation of law for any franchisor, directly or indirectly, to restrict the right of a franchisee to join a trade association or prohibit the right of free association of franchisee's for any lawful purpose.

BUSINESS & PROFESSIONS CODE, §§ 20999.1 & 20999.3.

AB842: Requires a franchisor, when withdrawing from an area, to compensate the dealer for supplies and equipment purchased by the dealer. This law also provides for court intervention for the recovery of damages and cost when a franchise is terminated for reasons not constituting good cause.

BUSINESS & PROFESSIONS CODE, § 20999.2

AB694: Provides that no petroleum distributor can deny the right of a gasoline dealer or prospective dealer to be accompanied by an attorney or personal representative when meeting to negotiate the terms of a franchise.

EDUCATIONAL CODE, §§ 41814, 84772, 84773 & GOVERNMENT CODE, § 29100.5, AND COMMENCING WITH § 68030 AND REVENUE & TAXATION CODE, §§ 26482, 26483, 219, 23151, 23181 THROUGH 23184, 23186 & 42300.

AB66: Eliminates the business inventory tax. This is legislation CSSARA supported.

BUSINESS & PROFESSIONS CODE, § 21140.6

AB365: Allows a service station dealer to bequeath his/her station to a spouse or adult child. A bequeathment form must be given to the oil company for a dealer to have the right of bequeathment.

BUSINESS & PROFESSIONS CODE, §§ 21148, 21149 & 21149.5.

AB2609: Allows a petroleum franchisee to sell, transfer or assign his franchise to another person except under certain specified circumstances. A petroleum company cannot prohibit or prevent the sale, transfer or assignment of the franchise to a corporation controlled by the franchisee if specified conditions are satisfied.

BUSINESS & PROFESSIONS CODE, §§ 21140 & 21140.1.

SB1420: Notwithstanding the terms of any franchise, a retail gas station owned or operated by a franchisee shall not be precluded from purchasing gasoline, diesel fuel or gasohol from any available source if the franchisor is unable or refused to supply the franchise with such product.

BUSINESS & PROFESSIONS CODE, §§ 13411 & 20735

SB1249: Allows a car wash facility to condition the sale of gasoline upon the purchase of a carwash as specified in the law.

CIVIL CODE, COMMENCING WITH § 80

SB1478: California Fair Dealership Act prohibits discrimination in franchising.

BUSINESS & PROFESSIONS CODE, §§ 20999.3 & 20999.25

AB372: Allows service station dealers to have the first right of refusal if the franchisor wishes to sell the facilities during the lease period. The franchisee has added protection under the Petroleum Marketing Practices Act (PMPA)>

HEALTH & SAFETY CODE, §§ 43204 & 43009.5

AB2046: Reduced Parts Warranty from 50,000 miles to 24,000 miles on some ignition and carburetor items.

BUSINESS & PROFESSIONS CODE, § 21150.1

SB 1305: Hours of Operation – provides a franchise dealer more than ½ mile from the freeway on/off ramp to submit to binding arbitration hours of operation that are not profitable.

BUSINESS & PROFESSIONS CODE, § 13531.5

SB1341: Remove prohibition on price signs that allows self-serves to post large signs before the station, but prohibited full serve/self-serve stations to do likewise.

BUSINESS & PROFESSIONS CODE, §§ 9889.19, 9889.20, & COMMENCING WITH § 9889.30.

SB1232: Supported voluntary mechanic certification. A pilot program in Sacramento and Yolo counties.

HEALTH & SAFETY CODE, §§ 39021.5, 39024.5, 43660, & COMMENCING WITH § 44000 & VEHICLE CODE, §§ 4000.1, 4000.2, 4602.1, & 4000.3.

SB33: Periodic motor vehicle inspection provides that independent garages and service station repair facilities will perform test and repairs on motor vehicle. The California Service Station Council (CSSARA) was the only aftermarket association that supported a decentralized program.

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BUSINESS & PROFESSIONS CODE, § 20999.25

AB932: This bill allows an incumbent service station dealer in the case of Lease Marketing Premises, which the franchisor leases from a third party, to purchase the improvements at fair market value or depreciated book value, whichever is higher.

HEALTH & SAFETY CODE, COMMENCING WITH § 25299.

SB299: The Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, which created a pool of funds from storage tank fees. A properly permitted tank owner may access the fund for payment of a leaking tank cleanup costing more than \$10,000 up to \$1,000,000.

HEALTH & SAFETY CODE § 41960.6.

AB149: Requires gasoline pumps to be equipped with hold-open latches, for the safety and convenience of consumers, subject to the approval of the local fire marshal. Allows 48 hours to repair or replace inoperative hold-open latch.

BUSINESS & PROFESSIONS CODE, §§ 13651 & 13652.

AB2073: Requires all service stations constructed after January 1, 1990 to have restrooms available, free of charge, for use by their customers.

AB3265: Requires all service stations to post, at or near the point of sale, a sign which lists applicable state and federal fuel taxes per gallon of motor vehicle fuel.

BUSINESS & PROFESSIONS CODE, § 28790.5.

AB140: Extends until January 1, 1994 the provisions governing concurrent sales of alcohol and gasoline. Those provisions prohibit the sale of beer or wine from a cooler, and specify that sales of alcoholic beverages between the hours of 10 p.m. and 2 a.m. may not be made by a person under 21 years of age. The law also specifies that alcoholic beverage sales to a minor will result in a 72-hour sales suspension.

BUSINESS & PROFESSIONS CODE, COMMENCING WITH § 9886; HEALTH & SAFETY CODE, §§ 39037.5, 43204 ET SEQ, 44001 ET SEQ; VEHICLE CODE §§ 4000.1 ET SEQ, 24007 & 42001 ET SEQ.

SB1997: Creates the Smog check Program which resulted in BAR 90.

HEALTH & SAFETY CODE §§ 44017.3, 44017.4, & 44036.8.

AB3106: Allows Smog check mechanics or operators to use data collected by the testing equipment when appealing a citation issued by the BAR. Requires smog check stations to post sign notifying customers of maximum repair amounts. Also requires sign notifying customers if smog related repairs are necessary they are not required to be performed at the same smog check station.

CIVIL CODE, COMMENCING WITH § 3071; VEHICLE CODE COMMENCING WITH § 22851.8.

AB3049: Allows lienholders to recover up to \$70 in direct costs for the sale of a vehicle to satisfy a lien. Also sets specified requirements for notification of owner prior to sale of vehicle to satisfy lien.

HEALTH & SAFETY CODE § 44010.5.

SB521: Limits emissions testing contracts by centralized contractors to provide for only 15% of the fleet each year. Allows for decentralized Smog Check stations to continue emissions testing for the majority of California's fleet until a demonstration project is complete in 1996.

HEALTH & SAFETY CODE, COMMENCING WITH §§ 43012, & 44001.5 ET SEQ & VEHICLE CODE §§ 4000.3, 5204, 27156, 9250.18 & 40517.

AB2018: Establishes an enhanced vehicle inspection and maintenance program (smog check) which complies with the Federal Clean Air Act requirements. This bill will require the following: a \$450 cost minimum on failing vehicles, no cost limit for gross polluters, remote sensing of in-use vehicles, centralized computer system, enhanced enforcement, and loaded mode testing in the enhanced areas of our state.

VEHICLE CODE § 4000.6 & HEALTH & SAFETY CODE, COMMENCING WITH § 44090, & CIVIL CODE § 2982.2.

SB198: Establishes the high polluter repair or removal program. This bill is designed to lower the emissions of gross polluting vehicles owned by indigent motorists. It will allow qualified motorists to receive up to \$450 of repair assistance or \$800 toward a vehicle with cleaner emissions. The fund is fueled by proceeds collected from purchasers of new cars who opt to pay \$50 for a one-time three-year exemption from the smog check program.

HEALTH & SAFETY CODE §§ 44036.2 & 44036.3.

AB2852: Requires automobile manufacturers to continue to provide technical service information to the after-market repair industry. It also requires these manufacturers to provide EE/PROM information for all vehicles sold in the future, once their warranty was void.