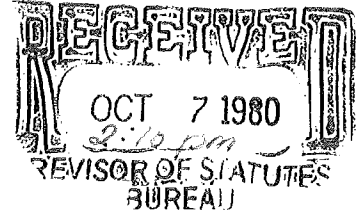


Ag 51

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF AGRICULTURE, ) SS.  
 )  
TRADE & CONSUMER PROTECTION )



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Donald J. Soberg, Administrator, Trade Division, State of Wisconsin Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order adopting rules relating to permitting the use of penny wheel conversion strips and motor fuel half-pricing on retail motor fuel pumps, Chapter Ag 51, Wis. Adm. Code, was duly approved and adopted by the Department on October 6, 1980.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 6<sup>th</sup> day of October, 1980.

  
\_\_\_\_\_  
Donald J. Soberg, Administrator  
Trade Division

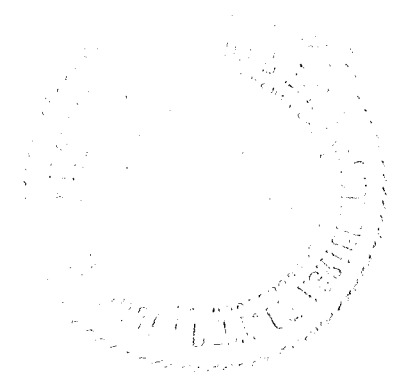
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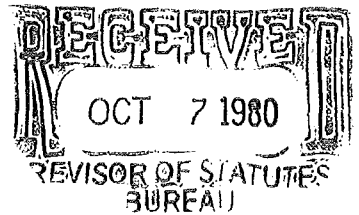
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1 DOCKET NO. 1463

2 ORDER  
3 OF THE  
4 WISCONSIN DEPARTMENT OF AGRICULTURE,  
5 TRADE AND CONSUMER PROTECTION



6 ADOPTING RULES

7 Relating to rules permitting the use of penny wheel conver-  
8 sion strips and motor fuel half-pricing on retail motor fuel  
9 pumps.

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Analysis Prepared by the Department of  
Agriculture, Trade and Consumer Protection

The proposed rules will permit the use of "penny wheel" conversion devices on retail gasoline and diesel fuel pumps not equipped to compute and display total delivered sale prices when the unit price exceeds 99.9¢ per gallon. Penny wheel conversion devices are not recognized as approved commercial devices by the regulations of National Bureau of Standards as incorporated by reference in section 98.03(2), Stats. State rulemaking is therefore necessary to authorize their use in Wisconsin.

The proposed rules provide that if penny wheel devices are used on pumps equipped with remote console readouts, as is true in many self-service gasoline stations, the amount computed on the pump display panel shall be the amount charged the customer.

The proposed rules also formally sanction motor fuel half-pricing whereby the unit price is set at one-half the selling price, and the total sale computed on the pump is doubled to establish the total sale price to be paid.

The sections of these proposals dealing with penny wheel conversion devices were adopted as emergency rules by the department effective May 27, 1980 and will expire 120 days after that date unless made permanent as a result of these hearings.

The expiration date of the sections permitting the use of both half-pricing and penny wheel devices is proposed by this rule to be December 31, 1982. The Department will conduct a study prior to the expiration date to determine if an extension is necessary.

Fiscal Estimate

Adoption of these rules will have no state or local government fiscal effect. State and municipal weights and measures inspectors are already engaged in routine testing of the accuracy of retail motor fuel pumps.

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1 Pursuant to the authority vested in the Department of Agri-  
2 culture, Trade and Consumer Protection by sections 93.07(1) and  
3 98.03(2), Stats., the State of Wisconsin Department of Agricul-  
4 ture, Trade and Consumer Protection hereby adopts rules interpret-  
5 ing section 98.03(2), Stats., as follows:

6 CHAPTER AG 51

7 RETAIL MOTOR FUEL MEASURING DEVICES

8 Ag 51.01 PURPOSE AND AUTHORITY FOR RULES. Many retail motor  
9 fuel pumps currently in use in this state are unable to compute  
10 the delivered total selling price of motor fuel when the unit  
11 price exceeds \$0.999 per gallon without installation of new com-  
12 puter heads. Because of existing shortages in new computer heads  
13 and time delays in their installation, many service station opera-  
14 tors have been forced to resort to motor fuel half-pricing. This  
15 requires doubling the total sale price for the delivered quantity  
16 of motor fuel shown on the face of the pump. The purpose of the  
17 rules is to authorize motor fuel half-pricing and the use of penny  
18 wheel conversion devices on retail motor fuel pumps for a reason-  
19 able period of time to allow for the production and installation  
20 of new computer heads capable of computing and showing total  
21 delivered sale prices for motor fuel when the unit price exceeds  
22 \$0.999 per gallon. The rules are adopted by the department under  
23 authority of s. 98.03(2), Stats., as a modification to existing  
24 specifications and tolerances applicable to motor fuel measuring  
25 devices prescribed by the national bureau of standards.

26

27

1           Ag 51.02 DEFINITIONS. (1) "Department" means the state of  
2 Wisconsin department of agriculture, trade and consumer  
3 protection.

4           (2) "Computer head" means that portion of a motor fuel  
5 measuring device which automatically indicates the volume of fuel  
6 delivered, and for one of a series of unit prices, the total sale  
7 price of the motor fuel measured and delivered.

8           (3) "Motor fuel" means liquid used as fuel for internal com-  
9 bustion engines.

10           (4) "Motor fuel half-pricing" means a method of computing  
11 total selling price by setting the price per gallon on a motor  
12 fuel measuring device at one-half the per gallon selling price  
13 and, upon completion of delivery, multiplying the money amount of  
14 the total sale shown on the motor fuel measuring device by 2 in  
15 order to establish the total delivered price to be paid.

16           (5) "Motor fuel measuring device" means a device used to  
17 measure and deliver motor fuel by definite volume, with means pro-  
18 vided to indicate automatically, for one of a series of unit  
19 prices, the total sale price of the motor fuel measured and  
20 delivered.

21           (6) "Penny wheel conversion device" means any device used to  
22 modify the money value price computing range, in cents, of the  
23 right hand or penny wheel of computer heads to enable the motor  
24 fuel measuring device to compute and show in dollars and cents the  
25 full sale price of delivered quantities of motor fuel when the  
26 unit price exceeds \$0.999 per gallon. The term includes adhesive  
27 conversion strips applied to the existing wheel, permanently

1 imprinted substitute wheels, or any other device used to modify  
2 money value graduations in cents per revolution of the penny  
3 wheel.

4 (7) "Retail" or "retail sale" means the sale of motor fuel  
5 directly to the consumer for use other than resale or further man-  
6 ufacturing or processing.

7 Ag 51.03 SPECIFICATIONS AND TOLERANCES FOR PENNY WHEEL CON-  
8 VERSION DEVICES. (1) Penny wheel conversion devices may be used  
9 to indicate the delivered price of motor fuel on retail pumps not  
10 equipped with computer heads capable of computing and showing  
11 total delivered sale prices for motor fuel when the unit price  
12 exceeds \$0.999 per gallon. The graduations and numerals of the  
13 conversion device shall be uniformly spaced, printed in contrast-  
14 ing colors which are clear and legible, and be so positioned on  
15 the penny wheel that the zero indicator will be in perfect align-  
16 ment with zero indicators on the original equipment. Conversion  
17 devices shall be permanently installed on the penny wheel in  
18 accordance with the manufacturer's instructions and in such a  
19 manner that when the pump is reset to zero or deliveries are made,  
20 the consumer can readily determine the zero setting and total  
21 selling price of the delivered volume of motor fuel.

22 (2) Conversion devices designed to increase the price com-  
23 puting range of the penny wheel up to one dollar before returning  
24 to zero, shall be graduated in increments of zero to 99 cents,  
25 with the decimal point on the total sale indicator panel being  
26 moved one place to the right to show the total delivered sale  
27

1 price in dollars and cents. Numbered increments shall be printed  
2 in multiples of 5 cents.

3 (3) The graduations of a penny wheel conversion device, when  
4 installed, shall be in mathematical agreement, within a tolerance  
5 of 2 cents, with the delivered quantity indication multiplied by  
6 the price per gallon.

7 Ag 51.04 DETERMINATION OF TOTAL SALE PRICE. If a remote  
8 console readout is used in conjunction with penny wheel conversion  
9 devices installed on motor fuel retail sale pumps, the remote con-  
10 sole shall not be used to determine the selling price. The total  
11 selling price and amount charged the consumer shall be determined  
12 by the amount computed on the pump display panel.

13 Ag 51.05 SPECIFICATIONS FOR MOTOR FUEL HALF-PRICING. Motor  
14 fuel half-pricing may be used to determine the delivered price of  
15 motor fuel on retail sale pumps not equipped with computer heads  
16 capable of computing and showing total delivered sale prices when  
17 the unit price exceeds \$0.999 per gallon. When half-pricing is  
18 used, labels having figures or letters the same size as existing  
19 figures shall be affixed to the face of the gasoline pump as  
20 follows:

21 (1) A label which reads "cents per 1/2 gallon" shall be  
22 placed immediately beneath the unit price indication.

23 (2) A label indicating the full unit price per gallon shall  
24 be placed immediately beneath or adjacent to the "cents per 1/2  
25 gallon" label.

26 (3) A label which reads "1/2 total sale" shall be placed  
27 immediately beneath the total price display.

1 Ag 51.06 PENALTIES. Violations of this chapter are subject  
2 to the penalties prescribed in s. 98.26, Stats.

3 Ag 51.07 EXPIRATION DATE. Chapter Ag 51, Wis. Adm. Code, is  
4 repealed effective December 31, 1982. The department shall con-  
5 duct a study prior to the expiration date to determine the avail-  
6 ability of new computer heads and the possible need to extend the  
7 expiration date of the chapter beyond December 31, 1982.

8 The rules contained in this proposed order shall take effect  
9 on the first day of the month following their publication in the  
10 Wisconsin Administrative Register, as provided in section  
11 227.026(1), Stats.

12 Dated 6<sup>th</sup> day of October, 1980.

13 STATE OF WISCONSIN  
14 DEPARTMENT OF AGRICULTURE  
15 TRADE AND CONSUMER PROTECTION

16 Donald J. Soberg  
17 Donald J. Soberg, Administrator  
18 TRADE DIVISION

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