

CR 83-173

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

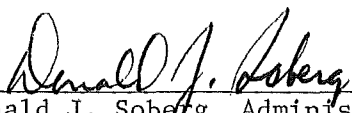
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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Donald J. Soberg, Administrator, Trade and Consumer Protection 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 authorization for the continued 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 May 22, 1984.

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 22nd day of May, 1984.

  
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Donald J. Soberg, Administrator  
Trade and Consumer Protection Division

7-184

DOCKET NO. 1664

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Revisor of Statutes  
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1 ORDER OF THE STATE OF  
2 WISCONSIN DEPARTMENT OF AGRICULTURE,  
3 TRADE AND CONSUMER PROTECTION  
4 ADOPTING, AMENDING OR REPEALING RULES

5 To create Ag 51 relating to authorization for the continued use  
6 of penny wheel conversion strips and motor fuel half-pricing on  
7 retail motor fuel pumps.

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

Chapter Ag 51, Wis. Adm. Code, sanctioned the use of penny wheel conversion devices and motor fuel half-pricing 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. The rule expired December 31, 1983. The department, as a result of a study conducted pursuant to Ag 51, has concluded that permanent adoption of Ag 51 is necessary and in the public interest.

The rulemaking order adopts the Ag 51 rule in its previous form, but without an expiration date. The recreation of Ag 51 involves no substantive change from the previous rule.

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8 Pursuant to authority vested in the state of Wisconsin  
9 department of agriculture, trade and consumer protection by sections  
10 93.07(1) and 98.03(2), Stats., the state of Wisconsin department of  
11 agriculture, trade and consumer protection hereby adopts rules  
12 interpreting section 98.03(2), Stats., as follows:

13 SECTION 1: Ag 51 is created to read:

## CHAPTER AG 51

## RETAIL MOTOR FUEL MEASURING DEVICES

Ag 51.01 PURPOSE AND AUTHORITY. Many retail motor fuel pumps currently in use in this state are not currently equipped to compute the total delivered selling price of motor fuel when the unit price exceeds \$0.999 per gallon. As a result of increased motor fuel prices, many service station operators have thus been forced to resort to motor fuel half-pricing. This requires doubling the total sale price for the delivered quantity of motor fuel shown on the face of the pump. The purpose of this chapter is to authorize motor fuel half-pricing and the use of penny wheel conversion devices on retail motor fuel pumps, pending installation of new computer heads capable of computing and showing total delivered sale prices for motor fuel when the unit price exceeds \$0.999 per gallon. This chapter is adopted by the department under authority of ss. 93.07(1) and 98.03(2), Stats., as a modification to existing specifications and tolerances applicable to motor fuel measuring devices prescribed by the national bureau of standards.

Ag 51.02 DEFINITIONS. In this chapter: (1) "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.

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

(3) "Motor fuel" means liquid used as fuel for internal combustion engines.

1 (4) "Motor fuel half-pricing" means a method of computing total  
2 selling price by setting the price per gallon on a motor fuel measur-  
3 ing device at one-half the per gallon selling price and, upon com-  
4 pletion of delivery, multiplying the money amount of the total sale  
5 shown on the motor fuel measuring device by 2 in order to establish  
6 the total delivered price to be paid.

7 (5) "Motor fuel measuring device" means a device used to meas-  
8 ure and deliver motor fuel by definite volume, with means provided to  
9 indicate automatically, for one of a series of unit prices, the total  
10 sale price of the motor fuel measured and delivered.

11 (6) "Penny wheel conversion device" means any device used to  
12 modify the money value price computing range, in cents, of the right  
13 hand or penny wheel of computer heads to enable the motor fuel meas-  
14 uring device to compute and show in dollars and cents the full sale  
15 price of delivered quantities of motor fuel when the unit price  
16 exceeds \$0.999 per gallon. The term includes adhesive conversion  
17 strips applied to the existing wheel, permanently imprinted substi-  
18 tute wheels, or any other device used to modify money value gradua-  
19 tions in cents per revolution of the penny wheel.

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

23 Ag 51.03 SPECIFICATIONS AND TOLERANCES FOR PENNY WHEEL CON-  
24 VERSION DEVICES. (1) Penny wheel conversion devices may be used to  
25 indicate the delivered price of motor fuel on retail pumps not  
26 equipped with computer heads capable of computing and showing total  
27 delivered sale prices for motor fuel when the unit price exceeds

1 \$0.999 per gallon. The graduations and numerals of the conversion  
2 device shall be uniformly spaced, printed in contrasting colors  
3 which are clear and legible, and be so positioned on the penny wheel  
4 that the zero indicator will be in perfect alignment with zero  
5 indicators on the original equipment. Conversion devices shall be  
6 permanently installed on the penny wheel in accordance with the  
7 manufacturer's instructions and in such a manner that when the pump  
8 is reset to zero or deliveries are made, the consumer can readily  
9 determine the zero setting and total selling price of the delivered  
10 volume of motor fuel.

11 (2) Conversion devices designed to increase the price comput-  
12 ing range of the penny wheel up to one dollar before returning to  
13 zero shall be graduated in increments of zero to 99 cents, with the  
14 decimal point on the total sale indicator panel being moved one  
15 place to the right to show the total delivered sale price in dollars  
16 and cents. Numbered increments shall be printed in multiples of 5  
17 cents.

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

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

1           Ag 51.05 SPECIFICATIONS FOR MOTOR FUEL HALF-PRICING. Motor  
 2 fuel half-pricing may be used to determine the delivered price of  
 3 motor fuel on retail sale pumps not equipped with computer heads  
 4 capable of computing and showing total delivered sale prices when  
 5 the unit price exceeds \$0.999 per gallon. When half-pricing is  
 6 used, labels having figures or letters the same size as existing  
 7 figures shall be affixed to the face of the motor fuel pump as  
 8 follows:

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

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

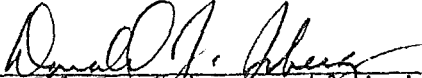
14           (3) A label which reads "1/2 total sale" shall be placed  
 15 immediately beneath the total price display.

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

18           SECTION 2: The rules contained in this order shall take  
 19 effect on the first day of the month following their publication in  
 20 the Wisconsin Administrative Register, as provided in section  
 21 227.026(1)(intro.), Stats.

22           Dated: May 22, 1984.

23                                   STATE OF WISCONSIN  
 24                                   DEPARTMENT OF AGRICULTURE  
 25                                   TRADE AND CONSUMER PROTECTION

26                                     
 27                                   \_\_\_\_\_  
 Donald J. Soberg, Administrator  
 TRADE AND CONSUMER PROTECTION DIVISION