

Chapter Ag 51

RETAIL MOTOR FUEL MEASURING DEVICES

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Note: Chapter Ag 51 was created by emergency rule effective 5-27-80.

Ag 51.01 Purpose and authority. Many retail motor fuel pumps currently in use in this state are unable to compute the delivered total selling price of motor fuel when the unit price exceeds \$0.999 per gallon without installation of new computer heads. Because of an initial shortage in new computer heads, and unavoidable time delays and costs of installation, many service station operators have 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 for a reasonable period of time to allow for the 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 s. 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.

History: Cr. Register, November, 1980, No. 299, eff. 12-1-80; r. eff. 12-31-82; cr. Register, March, 1983, No. 327, eff. 4-1-83.

Ag 51.02 Definitions. (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.

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

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

(6) "Penny wheel conversion device" means any device used to modify the money value price computing range, in cents, of the right hand or

penny wheel of computer heads to enable the motor fuel measuring device to compute and show in dollars and cents the full sale price of delivered quantities of motor fuel when the unit price exceeds \$0.999 per gallon. The term includes adhesive conversion strips applied to the existing wheel, permanently imprinted substitute wheels, or any other device used to modify money value graduations in cents per revolution of the penny wheel.

(7) "Retail" or "retail sale" means the sale of motor fuel directly to the consumer for use other than resale or further manufacturing or processing.

History: Cr. Register, November, 1980, No. 299, eff. 12-1-80; r. eff. 12-31-82; cr. Register, March, 1983, No. 327, eff. 4-1-83.

Ag 51.03 Specifications and tolerances for penny wheel conversion devices. (1) Penny wheel conversion devices may be used to indicate the delivered price of motor fuel on retail pumps not equipped with computer heads capable of computing and showing total delivered sale prices for motor fuel when the unit price exceeds \$0.999 per gallon. The graduations and numerals of the conversion device shall be uniformly spaced, printed in contrasting colors which are clear and legible, and be so positioned on the penny wheel that the zero indicator will be in perfect alignment with zero indicators on the original equipment. Conversion devices shall be permanently installed on the penny wheel in accordance with the manufacturer's instructions and in such a manner that when the pump is reset to zero or deliveries are made, the consumer can readily determine the zero setting and total selling price of the delivered volume of motor fuel.

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

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

History: Cr. Register, November, 1980, No. 299, eff. 12-1-80; r. eff. 12-31-82; cr. Register, March, 1983, No. 327, eff. 4-1-83.

Ag 51.04 Determination of total sale price. If a remote console readout is used in conjunction with penny wheel conversion devices installed on motor fuel retail sale pumps, the remote console shall not be used to determine the selling price. The total selling price and amount charged the consumer shall be determined by the amount computed on the pump display panel.

History: Cr. Register, November, 1980, No. 299, eff. 12-1-80; r. eff. 12-31-82; cr. Register, March, 1983, No. 327, eff. 4-1-83.

Ag 51.05 Specifications for motor fuel half-pricing. Motor fuel half-pricing may be used to determine the delivered price of motor fuel on retail sale pumps not equipped with computer heads capable of computing and showing total delivered sale prices when the unit price exceeds \$0.999 per gallon. When half-pricing is used, labels having figures or letters the same Register, March, 1983, No. 327

size as existing figures shall be affixed to the face of the motor fuel pump as follows:

(1) A label which reads "cents per $\frac{1}{2}$ gallon" shall be placed immediately beneath the unit price indication.

(2) A label indicating the full unit price per gallon shall be placed immediately beneath or adjacent to the "cents per $\frac{1}{2}$ gallon" label.

(3) A label which reads " $\frac{1}{2}$ total sale" shall be placed immediately beneath the total price display.

History: Cr. Register, November, 1980, No. 299, eff. 12-1-80; r. eff. 12-31-82; cr. Register, March, 1983, No. 327, eff. 4-1-83.

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

History: Cr. Register, November, 1980, No. 299, eff. 12-1-80; r. eff. 12-31-82; cr. Register, March, 1983, No. 327, eff. 4-1-83.

Ag 51.07 Expiration date. This chapter is repealed effective December 31, 1983. The department shall conduct a study prior to December 31, 1983 to determine whether there is a need to extend the expiration date of the chapter beyond December 31, 1983.

History: Cr. Register, November, 1980, No. 299, eff. 12-1-80; r. eff. 12-31-82; cr. Register, March, 1983, No. 327, eff. 4-1-83.