

CR 82-224

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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 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 amending rules relating to permitting 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 February 7, 1983.

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 7th day of February, 1983.

Donald J. Soberg
Administrator
Trade and Consumer Protection Division

1 ORDER OF THE STATE OF
2 WISCONSIN DEPARTMENT OF AGRICULTURE,
3 TRADE AND CONSUMER PROTECTION
4 ADOPTING, AMENDING OR REPEALING RULES
5 Relating to the adoption of rules permitting the continued use
6 of penny wheel conversion strips and motor fuel half-pricing on
7 retail motor fuel pumps.

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, 1982. The Department, as a result of a study conducted pursuant to Ag 51, has concluded that an extension of Ag 51 for at least one year is necessary and in the public interest.

The proposed adoption of Ag 51 will recreate the rule in its existing form and extend the expiration date to December 31, 1983. It will require the Department to conduct another study prior to that date to determine if another extension of the rule is necessary. The recreation of Ag 51 would involve no substantive change from the existing rule.

1 Pursuant to authority vested in the state of Wisconsin
2 department of agriculture, trade and consumer protection by sections
3 93.07(1) and 98.03(2), Stats., the state of Wisconsin department of
4 agriculture, trade and consumer protection hereby adopts rules
5 interpreting section 98.03(2), Stats., as follows:

1 SECTION 1: Ag 51 is created to read:

2 CHAPTER AG 51

3 RETAIL MOTOR FUEL MEASURING DEVICES

4 Ag 51.01 PURPOSE AND AUTHORITY. Many retail motor fuel pumps
5 currently in use in this state are unable to compute the delivered
6 total selling price of motor fuel when the unit price exceeds \$0.999
7 per gallon without installation of new computer heads. Because of an
8 initial shortage in new computer heads, and unavoidable time delays
9 and costs of installation, many service station operators have been
10 forced to resort to motor fuel half-pricing. This requires doubling
11 the total sale price for the delivered quantity of motor fuel shown
12 on the face of the pump. The purpose of this chapter is to authorize
13 motor fuel half-pricing and the use of penny wheel conversion devices
14 on retail motor fuel pumps for a reasonable period of time to allow
15 for the installation of new computer heads capable of computing and
16 showing total delivered sale prices for motor fuel when the unit
17 price exceeds \$0.999 per gallon. This chapter is adopted by
18 the department under authority of s. 98.03(2), Stats., as a modifi-
19 cation to existing specifications and tolerances applicable to motor
20 fuel measuring devices prescribed by the national bureau of
21 standards.

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

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

1 price of the motor fuel measured and delivered.

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

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

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

15 (6) "Penny wheel conversion device" means any device used to
16 modify the money value price computing range, in cents, of the right
17 hand or penny wheel of computer heads to enable the motor fuel
18 measuring device to compute and show in dollars and cents the full
19 sale price of delivered quantities of motor fuel when the unit price
20 exceeds \$0.999 per gallon. The term includes adhesive conversion
21 strips applied to the existing wheel, permanently imprinted
22 substitute wheels, or any other device used to modify money value
23 graduations in cents per revolution of the penny wheel.

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

27

1 Ag 51.03 SPECIFICATIONS AND TOLERANCES FOR PENNY WHEEL CON-
2 VERSION DEVICES. (1) Penny wheel conversion devices may be used to
3 indicate the delivered price of motor fuel on retail pumps not
4 equipped with computer heads capable of computing and showing total
5 delivered sale prices for motor fuel when the unit price exceeds
6 \$0.999 per gallon. The graduations and numerals of the conversion
7 device shall be uniformly spaced, printed in contrasting colors
8 which are clear and legible, and be so positioned on the penny wheel
9 that the zero indicator will be in perfect alignment with zero
10 indicators on the original equipment. Conversion devices shall be
11 permanently installed on the penny wheel in accordance with the
12 manufacturer's instructions and in such a manner that when the pump
13 is reset to zero or deliveries are made, the consumer can readily
14 determine the zero setting and total selling price of the delivered
15 volume of motor fuel.

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

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

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

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

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

17 (b) A label indicating the full unit price per gallon shall
18 be placed immediately beneath or adjacent to the "cents per 1/2
19 gallon" label.

20 (c) A label which reads "1/2 total sale" shall be placed
21 immediately beneath the total price display.

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

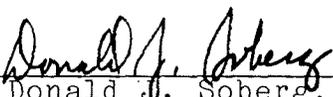
24 Ag 51.07 EXPIRATION DATE. This chapter is repealed
25 effective December 31, 1983. The department shall conduct a study
26 prior to the December 31, 1983 to determine whether there is a
27 need to extend the expiration date of the chapter beyond

1 December 31, 1983.

2 SECTION 2: The rules contained in this order shall take
3 effect on the first day of the month following their publication
4 in the Wisconsin Administrative Register, as provided in section
5 227.026(1), Stats.

6 Dated: February 7th, 1983.

7 STATE OF WISCONSIN
8 DEPARTMENT OF AGRICULTURE
9 TRADE AND CONSUMER PROTECTION

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11 _____
12 Donald J. Soberg, Administrator
13 TRADE AND CONSUMER PROTECTION DIVISION

12 DJS/p/T1/1/SP/Legal
13 Ag 51
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