

HAWAII ADMINISTRATIVE RULES
TITLE 4 DEPARTMENT OF AGRICULTURE
SUBTITLE 7 DIVISION OF MEASUREMENT STANDARDS
CHAPTER 94
METHOD OF SALE OF COMMODITIES

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Historical note: This chapter is based substantially on chapter 4-92, entitled "Method of Marketing Commodities" of the Division of Measurement Standards. [Eff. 12/26/81, R 8/21/93]

§4-94-1 Definitions. As used in this chapter, "Octane rating label" means a label displaying the minimum octane rating of

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a gasoline.

[Eff. 8/21/93] (Auth: HRS §§486-7, 486-110) (Imp: HRS §§486-50, 486-110)

§4-94-2 Method of sale; requirements. (a) The National Institute of Standards and Technology handbook 130, 1993 edition, entitled "Uniform Laws and Regulations," part IV, section B, entitled "Uniform Regulation for the Method of Sale of Commodities," is hereby adopted for use by the division of measurement standards with the following amendments:

(1) Section 4, entitled "Revocation of Conflicting Regulations," is deleted.

(2) Section 5, entitled "Effective Date," is deleted.

(b) Any person who manufactures, produces, packs, keeps, offers, exposes for sale, or sells any package shall meet the requirements as specified in subsection 4-94-2(a) and all other requirements as specified in this chapter. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §§486-7, 486-51, 486-110)

§4-94-3 Canned abalone and concholepas or abalone-like shellfish. Canned abalone and concholepas or abalone-like shellfish, in addition to any other quantity declaration prescribed by law, shall be marketed in terms of drained weight. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-110) (Imp: HRS §486-110)

§4-94-4 Aburage. Aburage shall be marketed in terms of weight. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-110) (Imp: HRS §486-110)

§4-94-5 Honey. Honey shall be marketed in terms of weight. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-110) (Imp: HRS §486-110)

§4-94-6 Konnyaku. Konnyaku shall be marketed in terms of weight. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §486-110)

§4-94-7 Laulau. Laulau shall be marketed in terms of count. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-110) (Imp: HRS §486-110)

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§4-94-8 Nori. Nori, intended for use in making sushi or musubi, shall in addition to any other expression of quantity be marketed in terms of sheet count and size. The sheet size shall be the nominal dimension, plus or minus three-eighths of an inch on a side. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-110) (Imp: HRS §486-110)

§4-94-9 Tofu. Tofu shall be marketed in terms of weight. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-110) (Imp: HRS §486-110)

§4-94-10 Packaged soil, sand, gravel, volcanic cinders, woodshavings, crushed rock, compost, soil amendments, shredded hapuu, hapuu chunks, planting mixes or media, chicken or steer manure, redwood bark, and the like. (a) Packaged soil, sand, gravel, volcanic cinders, woodshavings, crushed rock, compost, soil amendments, shredded hapuu, hapuu chunks, planting mixes, chicken or steer manure, redwood bark and other similar media for planting, when packaged in sizes larger than eight dry quarts (one peck), shall be marketed by cubic measure:

- (1) In the inch-pound system, by:
 - (A) One half cubic foot;
 - (B) Three quarters of a cubic foot;
 - (C) One cubic foot;
 - (D) One and one-half cubic foot; or
 - (E) A multiple of one cubic foot; and
- (2) In the SI, by:
 - (A) Fifteen litres;
 - (B) Twenty litres;
 - (C) Thirty litres; or
 - (D) Forty-five litres.

(b) A commodity marketed in terms of compressed cubic measurement shall be labeled to reflect the quantity in the compressed state and the quantity from which the final product was compressed, the latter declaration not exceeding the actual amount of material that can be recovered.

(c) Processed pelletized, dried or dehydrated poultry waste (chicken manure) and the like may be sold by weight. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-110) (Imp: HRS §486-110)

§4-94-11 Petroleum products, liquid. (a) All petroleum products in the liquid state under atmospheric conditions shall be kept, offered, exposed for sale, or

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sold in terms of U.S. petroleum gallons or compatible SI litres.

(b) All metered sales by the gallon or litre, except those using meters with a maximum rated capacity of twenty-five gallons per minute or less, shall be accomplished by use of a meter and device that automatically compensates for temperature.

(c) Whenever a partial compartment or partial tank truck load is delivered, it shall be delivered through a meter that meets the requirements specified in chapter 4-101, Hawaii Administrative Rules.

(d) Tank markers shall not be used as a means for determining the quantity of product delivered into or from a vehicle tank truck. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-110) (Imp: HRS §§486-52, 486-110)

§4-94-12 Cash, script, debit card, or credit card sales receipts for retail sales of petroleum products sold through liquid measuring devices. A cash, script, and debit or credit card sale receipt shall contain at least the following:

- (1) The retail sale price, including all applicable taxes, per unit volume, upon which the transaction cost is based;
- (2) The total volume dispensed as displayed on the dispensing device;
- (3) The transaction cost as displayed on the dispensing device;
- (4) The name and location of the issuing station or facility;
- (5) The product type, such as:
 - (A) Regular gasoline;
 - (B) Premium gasoline;
 - (C) Unleaded regular gasoline;
 - (D) Unleaded premium gasoline;
 - (E) Diesel 1; or
 - (F) Diesel 2; and
- (6) The day, month, and year of the transaction.
[Eff. 8/21/93] (Auth: HRS §§486-7, 486-110) (Imp: HRS §486-110)

§4-94-13 Octane posting of retail gasoline dispensers. (a) Any gasoline dispenser used to sell gasoline to consumers shall be posted with the minimum octane rating of the gasoline that is sold through that dispenser. The posting shall be done by putting at least one octane rating label in a conspicuous place on each face of the gasoline dispenser so as to be in full view of the consumer and as near as reasonably practical to the unit price of the gasoline. If two or more kinds of gasoline with different octane ratings are sold from the same dispenser, a separate

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label for each kind of gasoline must be posted on each face of the dispenser.

- (b) Octane rating labels shall meet the following specifications:

- (1) The label shall be three inches horizontally by two and one-half inches vertically. Helvetica type shall be used throughout except for the actual octane rating numerals which shall be Franklin gothic type. Spacing of the label shall be one-quarter inch between the top border and the first line of text, one-eighth inch between the first and second line of text, and one-quarter inch between the octane rating numerals and the line of text above it, with the text being centered within the interior border;
 - (2) The line text "minimum octane rating" shall be twelve point Helvetica Bold, upper case, with letter space at twelve and one-half points;
 - (3) The line text "(R+M)/2 METHOD" is ten point Helvetica Bold, upper case, with letter space at ten and one-half points;
 - (4) The octane rating shall be displayed as a two-digit whole number, plus one-half as a decimal fraction, as necessary. The octane rating numerals shall be ninety-six point Franklin gothic with one-eighth inch space between each numeral;
 - (5) The basic color shall be process yellow, and all type and all borders shall be process black. Both the black and yellow shall be non-fade;
 - (6) All octane rating labels shall be capable of withstanding extremes of weather for a period of not less than one year. They shall be resistant to gasoline, oil, grease, solvents, detergents, and water; and
 - (7) No information, data or marks other than that required by this chapter are permitted to appear on the octane rating label.
- (c) When the product falls below the posted minimum octane rating, or if the labels become unreadable, the retailer shall obtain and post new labels.
- (d) Selling gasoline:
- (1) Through a dispenser that is not properly posted with an octane rating label, or;
 - (2) That has an octane rating less than that posted for the appropriate retail dispenser hose,
- is prohibited and is a violation of this chapter. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-110) (Imp: HRS §486-110)

§4-94-14 Price advertising by gallon and by litre. (a) Any dispenser offering gasoline for sale by the litre shall have posted, in conspicuous numerals comparable in size to any other unit price which may be posted thereon, the

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equivalent gallon price for every grade of gasoline dispensed therefrom. The gallon price shall in no case be less than 5/8 inch high by 1/8 inch wide (excluding fractions) and shall be posted on the top or on the uppermost portion of the face panel of the

dispenser.

(b) For purposes of section 4-94-14(a), the "top" shall mean that space immediately above the dispenser computer housing, extending not more than eighty-five inches above the dispenser island. "Top" shall not include any superstructure or overhead support normally used to suspend and protect the dispenser hose.

(c) For purposes of section 4-94-14(a), the "uppermost portion" of the face panel shall include any portion thereof not less than twenty-four inches above the dispenser island.

(d) In any other advertisement of unit price of gasoline, the price per gallon shall be displayed in conspicuous numerals, comparable in size to any other unit price displayed in the advertisement.

(e) Nothing in sections 4-94-14(a) through 4-94-14(d) shall apply to dispensers selling gasoline by the gallon.

(f) Any signs or price advertising shall conform to existing county ordinances. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-110) (Imp: HRS §§486-52.5, 486-110)

§4-94-15 Violations. Any person who sells a commodity or engages in a practice which does not comply with the requirements of this chapter shall be in violation of this chapter. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-110) (Imp: HRS §§486-32, 486-53, 486-110)

§4-94-16 Severability. If any provision of this chapter is held invalid, the invalidity shall not affect the remainder of this chapter and, to this end, the provisions of this chapter are severable. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §§486-7, 486-37)