



Advisory

to: OWNERS OF FUEL
DISPENSING EQUIPMENT

Number 83

March, 1992

HOLD OPEN LATCH REQUIREMENT

SECTION 41960.6 has recently been added to the California Health and Safety Code and has been reproduced below. This section requires that most gasoline and diesel dispensing nozzles be equipped with hold open latches. Compliance with this new regulation is required starting July 1, 1992. Because the regulation affects the motor vehicle fuel retailing industry, this advisory has been prepared to notify you of its provisions.

41960.6. (a) No retailer, as defined in subdivision (g) of Section 20999 of the Business and Professions Code, shall, on or after July 1, 1992, allow the operation of a pump, including any pump owned or operated by the state, or any county, city and county, or city, equipped with a nozzle from which gasoline or diesel fuel is dispensed, unless the nozzle is equipped with an operating hold open latch. Any hold open latch determined to be inoperative by the local fire marshal or district official shall be repaired or replaced by the retailer, within 48 hours after notification to the retailer of that determination, to avoid any applicable penalty or fine.

(b) For purposes of this section, a "hold open latch" means any device which is an integral part of the nozzle and is manufactured specifically for the purpose of dispensing fuel without requiring the consumer's physical contact with the nozzle.

(c) Subdivision (a) does not apply to nozzles at facilities which are primarily in operation to refuel marine vessels or aircraft.

(d) Nothing in this section shall affect the current authority of any local fire marshal to establish and maintain fire safety provisions for his or her jurisdiction.

For information concerning this advisory, please contact Roye Jackson of the Air Resources Board Compliance Division at (916) 322-6033. If you need to verify the position of any local fire marshal, please call them directly or call your local air pollution control district.

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