



ARIZONA DEPARTMENT OF WEIGHTS AND MEASURES

SPRING 2011

Weights and Measures Week 2011

This year, Arizona Weights and Measures Week was celebrated from Feb. 27– March 5th, 2011.

The Department conducted four educational events throughout the state in an effort to teach school kids to become better shoppers and consumers.

We are very grateful to Bashas, Food City, Fry's and Safeway supermarkets for partnering with us to conduct these popular events. Over 500 third and fourth grade school children participated from Kids First Academy in Phoenix, Mission Manor Elementary in Tucson, Emerson Elementary in Mesa, and Puente de Hozho Elementary in Flagstaff.

Demonstrations and examples were provided by staff and store employees about the different type of inspections made to ensure that shoppers are getting what they pay for. The students toured throughout the store specifically in the produce, meat



Inspector Michael Wright and kids from First Academy

and UPC scanning (cash register) areas. In addition, the kids were taught how to read grocery store labels and signs, why it's important to watch your prices and how to check for fresh items at the grocery store. Each student was afforded an opportunity to check prices on items in

which they selected.

"We are very grateful to be able to partner with each of these fine grocery stores to help children understand how important it is that customers have confidence they are receiving what they pay for," said Kevin Tyne, Director of the Weights and Measures Department.

New Consumer Protection Program Introduced System will Randomly Check Taxi/Limo's for Proper Insurance

This year, the Department of Weights and Measures implemented a brand new consumer protection program to safeguard customers by ensuring that all licensed Arizona taxi, livery and limousines are maintaining the proper and required insurance coverage. While

most taxi, livery and limousine operators are highly reputable and comply with Arizona laws, there have been significant reports of vehicles over the years who have attempted to transport passengers without maintaining the proper insurance coverage.

Arizona law requires taxicabs (for less than 8 passengers) to carry minimum limits of \$300,000 in liability coverage and \$300,000 uninsured motorist coverage (A.R.S. §28-4033).

Taxi owners must provide proof (Cont. on Pg. 2 — "New Program")

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Director's Message—Impressive First Quarter of Service in 2011

The Department of Weights and Measures is delivering measurable results, providing serious protection to consumers and helping maintain a level playing field for businesses to flourish in Arizona.

Just look at what our department has delivered for Arizona consumers and citizens just in the first quarter of 2011:

✓ **Fighting Credit Card Fraud** - We helped local Phoenix police and SWAT teams to crack down on a major credit card fraud case leading to several arrests in North Phoenix,

✓ **New Consumer Protection Program**- An important new system was unveiled to randomly check taxi and other vehicles to ensure these businesses are carrying the proper insurance coverage throughout the entire policy,

✓ **Helping Elementary School kids** - As part of Weights and Measures week our investigators conducted several education classes at grocery stores to teach 3rd and 4th grade students how to be good shoppers and consumers,

✓ **Avoided major gas station outages** - We worked closely with the petroleum industry in February to avoid large scale shutdowns of gas stations as a result of unanticipated supply shortages.

These are but a few of the many accomplishments that our investigators have been working on.

In fact, since the beginning of 2011, department investigators have crisscrossed the state to inspect, test, and audit a variety of businesses in a direct effort to en-

sure fair market practices and strong consumer protection:

- **Saved a Ft. Huachuca family over \$2,000** - We've helped several Arizona families to avoid being ripped off by unscrupulous moving companies attempting to bilk thousands of dollars of unwarranted charges. Just last month, our investigators assisted a Ft. Huachuca military family and saved them nearly \$2,000.

- **Checked Gas Pumps for Accuracy** - With gas prices skyrocketing, it's important that our investigators are checking industry. Since January, we've checked over 5,080 gas dispensers at over 630 service stations to ensure accurate fuel quality and that customers are getting exactly what they pay for at the pump.

- **Taxi cabs not overcharging** - This year, we had our investigators on-site outside of the Waste Management Phoenix Open (and at other major sports venues) to ensure that patrons utilizing taxi or livery vehicles weren't being overcharged or ripped off.

- **Lab testing for Arizona industry** - Since January, our nationally accredited metrology laboratory has conducted 1,530 tests and calibration services for Arizona manufacturers, law enforcement, technology and pharmaceutical industries.

Conducting all this work during a bad economy has certainly stretched our own department's resources and forced us to be more efficient in the ways we conduct



Kevin Tyne - Director

business. Nevertheless, the citizens of Arizona should take notice of the dozens inspections being conducted by the Department of Weights and Measures.

Everyday, my staff hears from Arizona consumers who look to Weights and Measures for help on many major investigations like retail pricing, packaging, gas and diesel audits, as well as proper calibrations for large and small scale devices used at retail.

We firmly believe that all of these responsibilities are important work, and we are striving to make sure state regulatory practices are fair and equitable.

In the end, Arizona consumers are benefiting greatly from efficient investigation process that assures fairness and market transparency, at a reasonable cost to taxpayers.

If you want to report a consumer complaint, just contact the Department at azdwm.gov.

New Program to Protect Taxi, Livery & Limo Passengers *Randomly Check for Proper Insurance Coverage*

(Cont. from Pg. 1)

of valid insurance coverage to obtain the requisite special taxi license from DWM.

This new program will randomly select vehicles that Department investigators will re-verify the insurance coverage during the course of the year. This additional checks and balance system should help ensure that the commercial passenger vehicles are not dropping their insur-

ance coverage after getting licensed each June with DWM.

Over the past few years, Weights and Measures reports that many Arizona taxi, livery and limousine drivers have offered a myriad of invalid insurance documents when applying for their DWM license, including:

Evidence of insurance on other taxicabs (with different VIN numbers) within the

same taxi company, suggesting that the taxicab company is not listing or insuring all of its taxicabs on its policy;

personal automobile liability policies in lieu of taxicab liability policies;

fake insurance documents (possibly created by licensed producers); and,

expired policies.

Arizona Department of Weights and Measures
TOP TEN CONSUMER COMPLAINTS
 Spring Quarter (Jan—Mar, 2011)

<u>Type</u>	<u># of complaints</u>	<u>Type</u>	<u># of complaints</u>
1. Gas Pump – <i>Defective Equipment/Amount Dispensed</i>	257	6. Vehicles for Hire (Taxi/Limo) – <i>Taxi overcharges/billing dispute</i>	25
2. Cash register/UPC scanner – <i>Price discrepancy/billing dispute</i>	42	7. Large Scales – <i>Price/defective equipment</i>	15
3. Price of Gasoline – <i>Price/advertising/billing dispute</i>	39	8. Fuel Quality – <i>Octane Discrepancy/Quality dispute</i>	11
4. Small Scales – <i>Defective equipment/price</i>	26	9. Moving – <i>Price/advertising discrepancy/billing dispute</i>	8
5. Retail Price Posting – <i>Price/advertising/billing dispute</i>	26	10. Packaging – <i>Weight discrepancy/advertising discrepancy</i>	8

Praise for Petroleum Industry’s work during refinery shutdowns

In early February, two east line refineries’ (the Western Refinery in Texas and the Navajo Refinery in New Mexico) were unexpectedly forced to stop operations as a result of problems that were primarily created from frigid weather conditions. These two refineries account for a significant amount of the gasoline and diesel that are supplied into Arizona on the east line.

The unanticipated shutdown of these refineries created immediate supply challenges for pipeline operators, terminal operations, and the retail marketers in Arizona to maintain sufficient supply and meet increased demand for fuel in Arizona.

Thankfully, the entire petroleum industry was successful in mitigating the potential fuel supply crisis.

Refineries - During the nearly three week disruption, other refineries from California and Texas stepped up to ensure a significant amount of transportation fuel



was blended, redirected, and sent to Arizona.

Pipeline - Kinder Morgan, who operates both the east and west pipelines into Arizona, dealt with intermittent outages on the east line, yet successfully oversaw large increases of fuel delivery into Arizona and helped maintain overall supplies.

Terminal - Cal Jet, Kinder Morgan, and other terminal operators helped address the fuel disruption by coordinating and scheduling terminal inventories and rack opera-

tions to load the hundreds of fuel trucks each day.

Marketers - Retail gas stations throughout Arizona were forced to closely manage individual supply at each retail station to continue fuel distribution and limit the outages of gasoline and diesel.

All of industry remained in close communication and supported the Department of Weights and Measures efforts to monitor the situa-

tion and assess the impacts. By the beginning of March, the both refineries had resumed full operation. Gasoline and diesel deliveries into Arizona were back to normal.

In the interim, it is clear to the Arizona Department of Weights and Measures that the entire petroleum industry did a very good job in handling this supply crisis and the general public was not adversely affected by mass gas station shutdowns.

Weights and Measures Teams with Phoenix Police & SWAT Operation

Local Taxi Company Owner and Driver Accused of Stealing Credit Card Info from Customer

In March, our Weights and Measures investigators were contacted by the Phoenix Police Department with a request for assistance on a financial crimes investigation.



DWM & Phoenix Police on scene

A victim of credit card information theft had been alerted by his bank that questionable charges were made on his credit card.

The victim had been able to recall the last place the card was used (with a particular taxi vehicle), however details were sketchy and the victim was unable to recall which specific cab company was used.

With limited leads in which to work off of, Phoenix's "Document Crimes Unit" worked with Weights and Measures to help track down the alleged taxi driver and

company involved in this crime.

Both Phoenix PD and Weights and Measures then collaborated in narrowing the search down to a specific driver, which led to surveillance and "sting" operation resulting in the apprehension of a suspect. The arrested taxi driver had stolen credit cards with him as well as other criminal ID theft material.

According to police reports, the taxi cab driver used the stolen credit cards at a local grocery store, and upon arrest, later implicated other members of the same taxi company who it is believed were stealing credit card information from taxi customers in order to make fake cards.

The entire police operation included 3 SWAT teams, 9 unmarked police units, and an investigator from the department of weights and measures.

Department Reaches Out to Navajo Nation

Proposed cooperative agreement could lead to shared resources/consumer protection

Over the last few years under a federal grant, the Department of Weights and Measures has worked directly with the representatives from the Navajo Nation on ways to collaborate and work together. This has been a positive experience for Weights and Measures personnel in both jurisdictions.

Upon completion of that federal grant project earlier this year, the AZ Department of Weights and Measures recently wrote to the Navajo Nation in an effort to further maintain the cooperative spirit recently enjoyed.

In a letter addressed to the Navajo Nation's Business Regulatory Department, Weights and Measures Director Kevin Tyne wrote, "We recognize the sovereignty of the Navajo Nation but also recognize the need to work together for our joint benefit."

Director Tyne also mentioned that there are no boundaries in the case of fuel, goods and services which freely move across the tribal land boundaries. The Department is hopeful that a cooperative agreement will help Arizona and the Na-

vajo Nation share resources. Recently the Department received a number of complaints about retail gas stations on tribal land, and quickly forwarded those complaints to the Navajo representatives.

In recent efforts, the two agencies successfully arranged to have gas and diesel samples collected, transferred, and analyzed at a state contracted laboratory. Results were then forwarded to Navajo staff for follow up.

Noting the benefits to both Navajo and Ari-

zona citizenry, the letter noted, "The Department is hopeful to collaborate and pursue other opportunities as well, including fuel volume, small scales, price posting, scanning, and training."

The letter concluded by stating, "working together we can make all Arizona a better place for all consumers,... and create a level playing field for business. I look forward to working with you in the future."



DWM & Navajo reps. recently joined together on lab samples from station in Lupton

New Fuel Regulations and Standards approved in Arizona

Several new Arizona fuel regulations and standards became effective on March 12th, 2011 as part of a three year effort by the Department of Weights and Measures. Changes were also approved to Arizona's Cleaner Burning Gasoline (CBG) program; however those specific rules won't officially take effect until the U.S. Environmental Protection Agency approves them as part of the State Implementation Plan (SIP).

Some of the new rules which are effective as of March 12th include:

- *New definitions for biofuels;*
- *A new definition for "final destination" as required for product transfer documents (PDT);*
- *Clarification to labeling requirements for dispensers at motor fuel dispensing sites;*
- *New requirements which spell out the specific responsibilities for producers, suppliers, and blenders of biofuels and biofuel blends to comply with registration, reporting, labeling, quality assurance and quality control requirements;*
- *Incorporating the most current ASTM standards for Gasoline, Diesel, Biodiesel, E85 and Ethanol;*
- *New standards for ethanol blending up to 10 percent;*
- *Waives the T-V/L requirements (Temperature at which the Vapor to Liquid ratio equals 20) dealing with vapor lock;*
- *Sets the distillation temperature for 50 percent of the gasoline (T50) at 150 degrees;*
- *A new one pound waiver for year round blending of ethanol outside of the CBG area;*
- *Clarifies that third-party terminals (as well as pipelines) may blend transmix into Arizona CBG or AZRBOB.*

As mentioned, the CBG program changes are pending EPA approval. Changes to the CBG program also specifically removed any reference to CARB 3 and the shortening of the winter season as the EPA had previously rejected those two Arizona proposals. This new CBG section adopts the current test methods for certifying Arizona CBG.

For further information on these department regulation changes, go to our homepage at azdwm.gov.

Legislative Update - Bills of Interest to Weights and Measures

SB 1375 – Regulation of Taxis;

Limitations – (as of 4/8: passed out of Senate, passed out of House and awaiting transmittal to Governor) – Limits the regulation of taxi, livery, and limousine's to only the state jurisdiction (other than at airports), specifically precludes local city or county government from regulation of these vehicles other than at a public airport that is operated by that jurisdiction. Also stipulates vehicle for hire companies maintain criminal background check documentation and vehicle maintenance records for inspection at all times by the Department of Weights and Measures.

HB 2311 – Weights and Measures Department; transfer

– (as of 4/8: introduced, no hearings held to date) – Creates a study committee to review the feasibility of merging the Dept. of Weights and Measures with

the Dept. of Agriculture. Sponsor verbally indicated to Department he will not pursue this year.

SB 1197 – Taxi's; Regulation – (as of 4/8: passed Senate Commerce Committee, defeated on Senate floor during third read deliberations) – Would protect Arizona taxi and other in-state vehicle for hire companies by requiring out of state vehicles (primarily competition from Mexico or Nevada) to comply with the same Arizona laws regarding licensing. Also stipulates compliance with federal laws that require taxi meters to be fully visible to the customer and other conforming to federal law changes.

SB 1612 – General Appropriation

2011-2012 – (signed by Governor) – This bill would continue the sweep of Air Quality fund dollars (as first reduced in the FY 10 budget by \$121,200). The Air Quality fund monies are provided to the

Department for inspection of vapor recovery systems at gas stations in Arizona as required by the United States Environmental Protection Agency (EPA).

SB 1535 – Store display shelf pricing – (as of 4/8: passed out of Senate, passed out of House Commerce Committee, awaiting deliberation in House COW) – Removes requirement for 3/8 inch bold print for package price on store shelves, removes requirement that the price on the bottom shelf be angled upward if it is less than eighteen inches from floor level.

SB 1498 – AZ Centennial Medallion – (as of 4/8: passed out of Senate, passed out of House, awaiting transmittal to Governor) – The Department shall certify the weight and purity of new copper, silver, and gold medallions to be offered for sale to the general public to commemorate Arizona's centennial.



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[Governor's Homepage](#)

We're on the Web

www.azdwm.gov

Arizona Department of Weights and Measures Ways to Fight High Gas Prices

1. **Keep your car properly maintained.** Following manufacturer recommendations for engine, cooling, ignition system, brakes, drive train and emission control systems will reduce fuel consumption.
2. **Check and replace air filters regularly.** This can improve mileage by as much as 10 percent.
3. **Keep tires properly inflated.** This will improve mileage by about 3.3 percent. Properly inflated tires are less likely to overheat and cause blow-outs or tread separation.
4. **Use the recommended grade of motor oil to maximize fuel economy.** Look for the "Energy Conserving" label that indicates that the motor oil contains "friction reducing" additives.
5. **Observe the Speed Limit.** Higher speeds consume more fuel. At \$3 a gallon, each 5 mph you drive over 60 mph is like paying an extra 20 cents a gallon for gasoline.
6. **Avoid Excessive Acceleration.** Speeding, rapid acceleration and rapid braking can reduce gasoline mileage by as much as 33 percent at highway speeds.
7. **Use cruise control.** Maintaining a constant speed in most cases will save gasoline in conventional vehicles.
8. **Don't "top off" your gasoline tank.** This releases gasoline fumes, which contributes to air pollution. At service stations equipped with Vapor Recovery systems, the excess fuel can actually be sucked back into the underground storage tank.
9. **Don't use High Octane Premium gasoline unless your car's manufacturer specifically recommends it.** In most cases, a higher octane will not improve performance or reduce fuel consumption. It will just cost more at the pump.
10. **Reduce your driving by planning trips.** Use mass transit, carpools or bicycles if possible. Walking is good for your health, and it's good for your fuel budget.

Consumer Q & A

Q: Can a trucker fill up his large diesel truck at the same diesel fuel dispenser which I utilize for my diesel passenger car, given the diesel fuel tax rate is a lower price?

A: Many years ago, the state legislature decided to charge commercial "heavy" grade trucks a higher diesel tax rate for their diesel fuel than "lighter" passenger vehicles. The argument was that heavy commercial trucks cause more wear and tear on roadways. In Arizona, if a trucker is caught filling up their large truck using a gas pump designed for passenger vehicles, they can be charged up to \$1,000 in civil penalties.

Q: What does the sticker on the back of a taxi cab indicate?

A: The vehicle has met all the state requirements and is fully licensed by our Department. Each cab must prove their vehicle is properly licensed, registered, carrying full insurance coverage, the meter has been checked, signage is complete, and they have the proper license plate, before the sticker is issued for placement on the rear windshield.