

(H. B. 610)
(Reconsidered)

(No. 179)

(Approved September 1, 2006)

AN ACT

To create the “Motor Oil Quality, Classification, and Category Notice Act,” in order to require that every business or establishment engaged in the distribution or retail sale of motor oil in Puerto Rico shall place a sign containing a warning notice indicating that before the consumer acquires the product, he/she shall verify the vehicle owner’s manual or consult with the vehicle distributor or an employee of the establishment who has knowledge of motor vehicle lubricants, as to whether the lubricant specifications meet the specifications of the manufacturer or those of the American Petroleum Institute.

STATEMENT OF MOTIVES

The purpose of this measure is to inform consumers about the purchase of motor oils that are not suitable or appropriate for their vehicles, thus designating the Department of Consumer Affairs as the agency responsible for its implementation through the approval of regulations to such effects.

The efficiency of an internal combustion engine may be divided in terms of its use of energy, as follows:

- 33% of the energy is employed to perform the work
- 30% becomes excess heat
- 30% simply comes out through the exhaust
- 7% is employed to overcome friction-related problems

Of every 100 gallons of the fuel used by an engine, only 33 are used to perform useful work.

In past years, greater awareness has been raised on the issue of environmental pollution. Awareness of global warming, the depletion of the ozone layer, the depletion of unrenovable fuels, water and air pollution, and the problem of overpopulation have become common concepts. These problems must be solved within the framework of a modern society. To abstain from driving a car is not a realistic solution, although its use has contributed to these problems.

Motor vehicle manufacturers have achieved technological advances to increase engine efficiency, that is, to increase its capacity for useful work, and reduce the use of energetics and decrease emissions to the environment. Measures have been taken to include modifications in the design of engines, thus increasing precision in the manufacturing process, in the use of new light metal alloys, and incorporating catalytic to remove hazardous materials produced by incomplete combustions, among others.

These changes in the design of engines have had an impact on the lubricants market, since its demands and challenges are greater.

One of the measures to increase the efficiency of an engine is to reduce the viscosity requirements of the lubricant. Viscosity is the most important property of a lubricant. Thus, the higher the viscosity, the more energy is required for the lubricant to flow. Most modern engines used in motor vehicles require lubricants with SAE 10W-30 viscosity, in lieu of SAE 40 or SAE 50 viscosity, the latter being higher than SAE 10W-30 viscosity. To ensure that the user saves energy and also manages to best protect engine parts, motor vehicle manufacturers have designed engines that use multi-grade lubricants (oils that meet more than one viscosity criterion) in lieu of single-grade lubricants (oils that meet only one viscosity criterion.) In this manner, better protection is ensured against excessive wear

when the engine is turned on. In high temperatures (engine operating temperature), the multi-grade oil viscosity increases, and therefore, a thicker lubricant layer is created to provide better protection against excessive wear of the engine during its operation.

The change to the adequate viscosity, which in this case is to a lower viscosity, provides for internal parts of the engine to work closer, a condition which implies more friction. This means that the lubricant, in order to protect parts from excessive wear, must contain a packet of high technology additives. This is necessary, since the environment in which a lubricant functions in an engine is very inhospitable. Temperatures are so high that the lubricant oxidizes and tends to create deposits, especially near the area of the piston rings. This also causes excessive wear problems and interferes with the proper cooling down of the engine. These deposits ruin the cylinder finish, increasing lubricant consumption, increasing emissions, and dramatically reducing motor efficiency.

Large lubricant-producing companies spend hundreds upon thousands of dollars each year in lubricant formula research and development in order to meet the goals endorsed and imposed by the EPA. These goals are to improve the consumption of fuel, improve the reduction of polluting emissions, and improve the acid thermal stability of lubricants, so that these may provide extended drainage periods, that is, for lubricants to be thicker. This has brought about the development of high quality lubricants to be used for fuel and diesel engines.

By using these lubricants, consumers may save fuel. They may also reduce environmental pollution, protect their investment, and extend the useful life of their vehicle's engine.

When we read the label of a good lubricant, we may notice various things, like the quality level of the lubricant. These quality levels are defined by the American Petroleum Institute (API.) Lubricant quality levels are denominated for example as SL, SJ, SH, or SF. The “S” indicates that these lubricants are made for gasoline engines. When we see CG-4, CH-4 or CD denominations, these indicate that said lubricant is intended for diesel engines.

The consumer has obtained a motor vehicle which has been designed so that its engine is treated with a lubricant of a certain quality level. The use of a high quality lubricant, as well as a proper maintenance program shall enable the user to keep his/her motor vehicle in good conditions for a longer period of time.

In addition to its price, it is necessary for the consumer to have available any data or information which allows him/her to make a wise decision when purchasing motor oil, and thus protect the investment he/she has made when acquiring a motor vehicle.

In Puerto Rico, motor oils may be obtained in gas stations, service centers, megastores, discount stores, and convenience stores, among others. The labels of the containers available for sale display API symbols that correspond to the category and viscosity of the product. That is, oil containers are already sufficiently labeled with their corresponding specifications. However, not always do these places where motor oil is sold have employees who know and orient the consumer as to the proper oil or the meaning of the letters or numbers in the labels.

The posting of a sign containing a list of the lubricant categories for gasoline and diesel engines and the motor vehicle models for which these are recommended, as established by the vehicle manufacturer, in the areas

set aside to display the motor oil sold at every business or establishment, shall lead consumers to using the proper lubricant, with which they may save fuel, minimize environmental pollution, protect their investment, and extend the useful life of the motor of their vehicle.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Title

This Act shall be known as the “Motor Oil Quality, Classification, and Category Notice Act.”

Section 2.- Obligation to Notify

Every business or establishment engaged in the distribution or retail sale of motor oil in Puerto Rico shall place a sign containing a warning notice indicating that before the consumer acquires the product, he/she shall verify the vehicle owner’s manual or consult with the distributor of the same or an employee of the establishment who has knowledge of motor vehicle lubricants, as to whether the lubricant specifications meet the specifications of the manufacturer or those of the American Petroleum Institute.

Section 3.- Approval of Regulations

The Department of Consumer Affairs shall be the agency responsible for overseeing compliance with this Act. Within one hundred and twenty (120) days following the approval of this Act, the Department shall promulgate and approve regulations on the requirements of form, size and other specifications of the sign referred to in Section 3 of this Act.

Section 4.- Noncompliance

Any business or establishment engaged in the distribution or retail sale of motor oil in Puerto Rico that fails to comply with the provisions of this Act, shall incur an administrative fault and be subject to an administrative fine which shall not exceed five hundred (500) dollars. The Department is

hereby authorized to impose these administrative fines for noncompliance with this Act or the regulations promulgated thereunder. The sum collected on account of said fines shall be covered into the funds of the Department of Consumer Affairs.

Section 5.- Severability Clause

If any part of this Act were declared invalid or unconstitutional by any Court, the remaining provisions thereof shall continue in full force and effect.

Section 6.- Effectiveness

This Act shall take effect one hundred and twenty (120) days after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 179 (H.B. 610) (Reconsidered) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to create the “Motor Oil Quality, Classification, and Category Notice Act,” in order to require that every business or establishment engaged in the distribution or retail sale of motor oil in Puerto Rico shall place a sign containing a warning notice indicating that before the consumer acquires the product, he/she shall verify the vehicle owner’s manual or consult with the vehicle distributor or an employee of the establishment who has knowledge of motor vehicle lubricants, as to whether the lubricant specifications meet the specifications of the manufacturer or those of the American Petroleum Institute,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 13th of February of 2007.

Francisco J. Domenech
Director