



New Mexico Department of Agriculture

Division of Standards and Consumer Services

MSC 3170

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May 5, 2010

MEMORANDUM

TO: All Owner/Operators- Liquefied Petroleum Gas

FROM: Joe E. Gomez, Division Director

SUBJECT: Liquefied Petroleum Gas (LPG), Method of Sale

Selling Liquefied Petroleum Gas (LPG) by a method of sale other than weight or by liquid measure is a violation of the New Mexico Weights and Measures Law, Section 57-17-11. Examples of some Violations include but are not limited to the following:

- Example 1. Charging a customer for 5 gallons of LPG when the bottle brought in is empty, on average a 5 gallon bottle will hold +/- 4.5 gallons due to the overfill protection valve.
- Example 2. Charging a customer for 5 gallons of LPG when the bottle is not empty, never taking into account the product that is in the bottle prior to filling.
- Example 3. Having a minimum gallon fill charge - (A customer takes a 5 gallon bottle in to top it off and at least 3 gallons are in the bottle prior to filling, then charging the customer based off of a minimum gallons fill instead of the actual dispensed amount).

57-17-11. Methods of sale of commodities; general.

A commodity in liquid form shall be sold only by liquid measure or by weight, and a commodity not in liquid form shall be sold only by weight, by measure of length or area or by count, provided, that the provisions of this section shall not apply to a commodity sold for immediate consumption on the premises of sale, to vegetables sold by the head or bunch, to cotton seed sold to cotton gins or to a commodity when in package or container form standardized by law. The board shall issue such regulations as are required to carry out the provisions of this section.

All businesses have the means to either meter the sale or charge by weight as required in the New Mexico Weights and Measures Law.

If you have any questions; feel free to contact Joe Gomez or David Turning.

JEG/dt