

56:6-2

LEGISLATIVE HISTORY CHECKLIST  
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(Gasoline purchases--rebates)

NJSA: 56:6-2  
LAWS OF: 1995 CHAPTER: 51  
BILL NO: S 1070  
SPONSOR(S): Bassano  
DATE INTRODUCED: May 16, 1994  
COMMITTEE: ASSEMBLY: Labor  
SENATE: Commerce  
AMENDED DURING PASSAGE: Yes Amendments during passage  
Third reprint enacted denoted by superscript numbers  
DATE OF PASSAGE: ASSEMBLY: February 27, 1994  
SENATE: January 19, 1994  
DATE OF APPROVAL: March 17, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement  
COMMITTEE STATEMENT: ASSEMBLY: Yes to Senate amendments by  
SENATE: Yes Senator Bassano  
FISCAL NOTE: No  
VETO MESSAGE: No  
MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No  
HEARINGS: No

See newspaper clippings attached:

"Bill would allow credit-card rebates on fuel," 3-3-95, Asbury Park Press.  
"Credit-card gasoline rebases approved," 3-3-95, Star Ledger.

BG:pp

[THIRD REPRINT]

SENATE, No. 1070

STATE OF NEW JERSEY

INTRODUCED MAY 16, 1994

By Senator BASSANO and Assemblyman Bagger

1 AN ACT concerning the sale of motor fuels, and amending  
2 P.L.1938, c.163.

3

4 BE IT ENACTED *by the Senate and General Assembly of the*  
5 *State of New Jersey:*

6 1. Section 201 of P.L.1938, c.163 (C.56:6-2) is amended to  
7 read as follows:

8 201. (a) Every retail dealer shall publicly display and maintain,  
9 in the manner regulated by the Director of the Division of  
10 Taxation, a sign stating the price per gallon if sold by the gallon,  
11 and per gallon and per liter if sold by the liter of the motor fuel  
12 sold by said dealer. All taxes, State and Federal, imposed with  
13 respect to the manufacture or sale of motor fuel shall be included  
14 in the price shown on said sign, but said sign shall contain a  
15 statement of the amount of taxes included in said price, or,  
16 without specifying the amount thereof, said sign shall state that  
17 taxes are included in said price. A retail dealer shall not sell at  
18 any other price than the price, including tax, so posted. Any such  
19 price when posted shall remain posted and in effect for a period  
20 of not less than twenty-four (24) hours.

21 (b) No retail dealer shall sell motor fuel at a price which is  
22 below the net cost of such motor fuel to the retail dealer plus all  
23 selling expenses.

24 (c) No other price signs of motor fuel so dispensed, or signs  
25 relating to the price of such fuel shall be used or displayed on or  
26 about the premises where motor fuel is sold at retail, other than  
27 the signs provided by section 3 of P.L.1952, c.258 (C.56:6-2.3).

28 (d) No advertising or sign other than that provided for in  
29 section 3 of P.L.1952, c.258 (C.56:6-2.3), which directly or  
30 indirectly contains a statement of, or an implied reference to the  
31 price of motor fuel shall be displayed at any place where motor  
32 fuel is dispensed at retail. Any advertising of the retail price of  
33 motor fuel through any other medium which contains a reference  
34 to the per gallon or per liter price thereof, shall include all taxes  
35 in the price stated, and there shall be included in such advertising  
36 a statement that such price includes taxes, or a statement of the  
37 amount of taxes which are included in such price. Such  
38 advertising shall be identified by the name of the product, and  
39 the letters of the name shall be not less than one-half the size of  
40 the figures used in the price.

41 (e) No rebates, allowances, concessions or benefits shall be  
42 given, directly or indirectly, so as to permit any person to obtain

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SCM committee amendments adopted December 8, 1994.

<sup>2</sup> Senate floor amendments adopted December 19, 1994.

<sup>3</sup> Assembly ALA committee amendments adopted February 23, 1995.

1 motor fuels from a retail dealer below the posted price or at a  
2 net price lower than the posted price applicable at the time of  
3 the sale, except that credits earned through purchases on a credit  
4 card may be utilized by a person to receive a rebate in the  
5 purchase of motor fuels <sup>3</sup>[<sup>1</sup>and except that the provisions of this  
6 subsection shall not prohibit a retail dealer from offering and  
7 furnishing to any person any promotional item, which may be any  
8 tangible item or service, when that person is required to make a  
9 certain minimum purchase of motor fuel in order to receive the  
10 promotional item<sup>1</sup>. <sup>2</sup>If such credits earned through purchases on  
11 credit cards or promotional items offered are a part of a  
12 franchisor's promotion, the cost of such credits or items and  
13 advertising therefor shall be borne by the franchisor.<sup>2</sup>,<sup>3</sup>

14 (f) It shall be unlawful for any retail dealer to use lotteries,  
15 prizes, wheels of fortune, punchboards or other games of chance,  
16 in connection with the sale of motor fuels.

17 (g) All above-ground equipment for storing or dispensing motor  
18 fuel operated by a retail dealer shall bear, in a conspicuous place,  
19 the name or trade-mark of the product stored therein or  
20 dispensed therefrom, and no retail dealer shall permit delivery  
21 into underground or above-ground containers, tanks or equipment  
22 of any motor fuel other than the brand represented or designated  
23 by the name or trade-mark appearing on such container or  
24 dispensing equipment attached thereto. No retail dealer shall be  
25 a party to the substitution of one grade of motor fuel for another.

26 (h) If the motor fuel stored in or dispensed from any  
27 above-ground equipment by a retail dealer shall not have a brand  
28 name or trade-mark, such container or dispensing equipment shall  
29 have conspicuously displayed thereon the words "No Brand."

30 (cf: P.L. 1981, c.230, s.1)

31 2. This act shall take effect immediately.

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Permits use of rebates in certain gasoline purchases.

1 motor fuels from a retail dealer below the posted price or at a  
2 net price lower than the posted price applicable at the time of  
3 the sale, except that credits earned through purchases on a credit  
4 card may be utilized by a person to receive a rebate in the  
5 purchase of motor fuels.

6 (f) It shall be unlawful for any retail dealer to use lotteries,  
7 prizes, wheels of fortune, punchboards or other games of chance,  
8 in connection with the sale of motor fuels.

9 (g) All above-ground equipment for storing or dispensing motor  
10 fuel operated by a retail dealer shall bear, in a conspicuous place,  
11 the name or trade-mark of the product stored therein or  
12 dispensed therefrom, and no retail dealer shall permit delivery  
13 into underground or above-ground containers, tanks or equipment  
14 of any motor fuel other than the brand represented or designated  
15 by the name or trade-mark appearing on such container or  
16 dispensing equipment attached thereto. No retail dealer shall be  
17 a party to the substitution of one grade of motor fuel for another.

18 (h) If the motor fuel stored in or dispensed from any  
19 above-ground equipment by a retail dealer shall not have a brand  
20 name or trade-mark, such container or dispensing equipment shall  
21 have conspicuously displayed thereon the words "No Brand."

22 (cf: P.L.1981, c.230, s.1)

23 2. This act shall take effect immediately.

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26 STATEMENT

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28 This bill amends subsection e. of section 201 of P.L.1938, c.163  
29 (C.56:2-2) to provide that a consumer who earns credits through  
30 purchases on a credit card may utilize these credits to receive a  
31 rebate when that person purchases motor fuels. Under current  
32 law, no rebates shall be given so as to permit any person to obtain  
33 motor fuels from a retail dealer below the posted price or at a  
34 net price lower than the posted price applicable at the time of  
35 sale.

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40 Permits use of rebates in certain gasoline purchases.

ASSEMBLY LABOR, BUSINESS AND INDUSTRY COMMITTEE

STATEMENT TO

[SECOND REPRINT]

SENATE, No. 1070

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1995

The Assembly Labor, Business and Industry Committee reports favorably Senate Bill No. 1070 [2R], with committee amendments.

As amended by the committee, the bill amends section 201 of P.L.1938, c.163 (C.56:2-2) to permit a consumer to utilize credits earned through credit card purchases for a rebate when purchasing motor fuel. Current law prohibits rebates which permit the sale of motor fuels by a retail dealer below the posted price or at a net price lower than the posted price applicable at the time of sale.

The committee amendments delete provisions of the bill which permit a retail motor fuel dealer to provide promotional items in connection with the sale of motor fuel and require that the franchisor bear the cost of any credits or promotional items offered as part of a franchisor's promotion.

**SENATE COMMERCE COMMITTEE**

**STATEMENT TO**

**SENATE, No. 1070**

**with committee amendments**

**STATE OF NEW JERSEY**

**DATED: DECEMBER 8, 1994**

The Senate Commerce Committee reports favorably and with committee amendments Senate, No. 1070.

This bill amends subsection e. of section 201 of P.L.1938, c.163 (C.56:6-2) to provide that a consumer who earns credits through purchases on a credit card may utilize these credits to receive a rebate when that person purchases motor fuels. The committee amended the bill to provide that a retail motor fuels dealer may offer and furnish a promotional item to a customer making at least a minimum purchase of motor fuel in order to receive the promotional item. Under current law, no rebates shall be given so as to permit any person to obtain motor fuels from a retail dealer below the posted price or at a net price lower than the posted price applicable at the time of sale.

SENATE Amendments  
(Proposed by Senator Bassano)

to

**SENATE, No. 1070 (1R)**

(Sponsored by Senator BASSANO)

**ADOPTED**  
**DEC 19 1994**

REPLACE SECTION 1 TO READ:

1. Section 201 of P.L.1930, c.163 (C.56:6-2) is amended to read as follows:

201. (a) Every retail dealer shall publicly display and maintain, in the manner regulated by the Director of the Division of Taxation, a sign stating the price per gallon if sold by the gallon, and per gallon and per liter if sold by the liter of the motor fuel sold by said dealer. All taxes, State and Federal, imposed with respect to the manufacture or sale of motor fuel shall be included in the price shown on said sign, but said sign shall contain a statement of the amount of taxes included in said price, or, without specifying the amount thereof, said sign shall state that taxes are included in said price. A retail dealer shall not sell at any other price than the price, including tax, so posted. Any such price when posted shall remain posted and in effect for a period of not less than twenty-four (24) hours.

(b) No retail dealer shall sell motor fuel at a price which is below the net cost of such motor fuel to the retail dealer plus all selling expenses.

(c) No other price signs of motor fuel so dispensed, or signs relating to the price of such fuel shall be used or displayed on or about the premises where motor fuel is sold at retail, other than the signs provided by section 3 of P.L.1952, c. 258 (C.56:6-2.3).<sup>1</sup>

(d) No advertising or sign other than that provided for in section 3 of P.L.1952, c.258 (C.56:6-2.3), which directly or indirectly contains a statement of, or an implied reference to the price of motor fuel shall be displayed at any place where motor fuel is dispensed at retail. Any advertising of the retail price of motor fuel through any other medium which contains a reference to the per gallon or per liter price thereof, shall include all taxes in the price stated, and there shall be included in such advertising a statement that such price includes taxes, or a statement of the amount of taxes which are included in such price. Such advertising shall be identified by the name of the product, and the letters of the name shall be not less than one-half the size of the figures used in the price.

(e) No rebates, allowances, concessions or benefits shall be given, directly or indirectly, so as to permit any person to obtain motor fuels from a retail dealer below the posted price or at a net price lower than the posted price applicable at the time of the sale, except that credits earned through purchases on a credit card may be utilized by a person to receive a rebate in the purchase of motor fuels and except that the provisions of this subsection shall not prohibit a retail dealer from offering and

furnishing to any person any promotional item, which may be any tangible item or service, when that person is required to make a certain minimum purchase of motor fuel in order to receive the promotional item<sup>1</sup>. <sup>2</sup>If such credits earned through purchases on credit cards or promotional items offered are a part of a franchisor's promotion, the cost of such credits or items and advertising therefor shall be borne by the franchisor.<sup>2</sup>

(f) It shall be unlawful for any retail dealer to use lotteries, prizes, wheels of fortune, punchboards or other games of chance, in connection with the sale of motor fuels.

(g) All above-ground equipment for storing or dispensing motor fuel operated by a retail dealer shall bear, in a conspicuous place, the name or trade-mark of the product stored therein or dispensed therefrom, and no retail dealer shall permit delivery into underground or above-ground containers, tanks or equipment of any motor fuel other than the brand represented or designated by the name or trade-mark appearing on such container or dispensing equipment attached thereto. No retail dealer shall be a party to the substitution of one grade of motor fuel for another.

(h) If the motor fuel stored in or dispensed from any above-ground equipment by a retail dealer shall not have a brand name or trade-mark, such container or dispensing equipment shall have conspicuously displayed thereon the words "No Brand."

(cf: P.L.1981, c.230, s.1) ✓

#### STATEMENT

This amendment provides that if the credits earned through purchases on credit cards or promotional items offered under this bill are part of a franchisor's promotion, the franchisor is required to pay for the cost of such credits or items and the advertising therefor.