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LAW/RWH

P.L.2011, CHAPTER 152, *approved January 5, 2012*
Senate, No. 847 (*First Reprint*)

1 AN ACT concerning the display of prices by retail motor fuel
2 dealers and amending P.L.1952, c.258.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.1952, c.258 (C.56:6-2.3) is amended to read
8 as follows:

9 3. No retail dealer shall sell or offer for sale any motor fuel
10 without having a. attached by a suitable bracket or slot arrangement
11 in a manner regulated by the Director of the Division of Taxation to
12 each pump or other dispensing equipment from which motor fuel is
13 sold or offered for sale a weather-proof case of such dimensions as
14 shall be prescribed by the director, or b. displayed by a sign or signs
15 located on the premises and visible from any adjacent roadway in a
16 manner and of such dimensions as shall be prescribed by the
17 director, or c. both, as the director may prescribe, stating the price
18 per gallon, or the price per gallon and per liter, at which motor fuel
19 may be purchased from such pumps or other dispensing equipment.
20 The price signs shall show the unit price per gallon, or if sold by the
21 liter the unit price per gallon and the unit price per liter. If sold by
22 the liter, the price per gallon shall be located on the top half of the
23 sign and the price per liter shall be located on the bottom half of the
24 sign on differing background colors, such colors to be designated by
25 the director. Such unit price shall include all taxes imposed,
26 whether State or Federal. Beneath the unit price there shall be either
27 the statement:

28 "Includes N.J.Tax-- (insert the tax per gallon)
29 (insert the tax per gallon) Federal Tax," "Includes State and Federal
30 Taxes," "Includes N.J. and U.S. Taxes," or "Includes all Taxes."

31 The colors of all price signs shall be of such combination that the
32 sign may be easily read by any person purchasing motor fuel from
33 the pump or other dispensing equipment to which the sign is
34 attached. Any figure or fraction used in any price computing
35 mechanism constituting a part of a computing pump or any other
36 dispensing equipment shall not be considered a price sign under the
37 provisions of this section.

38 Price signs displayed in accordance with the provisions of
39 subsection b. of this section shall include the price per gallon, or the
40 price per gallon and per liter, for both cash and credit card
41 purchases of motor fuel. ¹[In addition to the penalties provided in

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:

¹Senate STR committee amendments adopted January 20, 2011.

1 section 301 of P.L.1938, c.163 (C.56:6-3), a retail dealer violating
2 the provisions of this paragraph shall be liable for a penalty of
3 \$1,000 for each violation.】¹

4 (cf: P.L.1981, c.230, s.4)

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6 2. This act shall take effect on the 120th day following
7 enactment.

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12 _____
13 Requires signs posted by retail motor fuel dealers to indicate
motor fuel prices for cash and credit card customers.

SENATE, No. 847

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 1, 2010

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator DIANE B. ALLEN

District 7 (Burlington and Camden)

SYNOPSIS

Requires signs posted by retail motor fuel dealers to indicate motor fuel prices for cash and credit card customers; establishes additional \$1,000 penalty for violations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/22/2010)

1 AN ACT concerning the display of prices by retail motor fuel
2 dealers and amending P.L.1952, c.258.

3

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

6

7 1. Section 3 of P.L.1952, c.258 (C.56:6-2.3) is amended to read
8 as follows:

9 3. No retail dealer shall sell or offer for sale any motor fuel
10 without having a. attached by a suitable bracket or slot arrangement
11 in a manner regulated by the Director of the Division of Taxation to
12 each pump or other dispensing equipment from which motor fuel is
13 sold or offered for sale a weather-proof case of such dimensions as
14 shall be prescribed by the director, or b. displayed by a sign or signs
15 located on the premises and visible from any adjacent roadway in a
16 manner and of such dimensions as shall be prescribed by the
17 director, or c. both, as the director may prescribe, stating the price
18 per gallon, or the price per gallon and per liter, at which motor fuel
19 may be purchased from such pumps or other dispensing equipment.
20 The price signs shall show the unit price per gallon, or if sold by the
21 liter the unit price per gallon and the unit price per liter. If sold by
22 the liter, the price per gallon shall be located on the top half of the
23 sign and the price per liter shall be located on the bottom half of the
24 sign on differing background colors, such colors to be designated by
25 the director. Such unit price shall include all taxes imposed,
26 whether State or Federal. Beneath the unit price there shall be either
27 the statement:

28 "Includes N.J.Tax-- (insert the tax per gallon)
29 (insert the tax per gallon) Federal Tax," "Includes State and Federal
30 Taxes," "Includes N.J. and U.S. Taxes," or "Includes all Taxes."

31 The colors of all price signs shall be of such combination that the
32 sign may be easily read by any person purchasing motor fuel from
33 the pump or other dispensing equipment to which the sign is
34 attached. Any figure or fraction used in any price computing
35 mechanism constituting a part of a computing pump or any other
36 dispensing equipment shall not be considered a price sign under the
37 provisions of this section.

38 Price signs displayed in accordance with the provisions of
39 subsection b. of this section shall include the price per gallon, or the
40 price per gallon and per liter, for both cash and credit card
41 purchases of motor fuel. In addition to the penalties provided in
42 section 301 of P.L.1938, c.163 (C.56:6-3), a retail dealer violating
43 the provisions of this paragraph shall be liable for a penalty of
44 \$1,000 for each violation.

45 (cf: P.L.1981, c.230, s.4)

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.

1 2. This act shall take effect on the 120th day following
2 enactment.

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STATEMENT

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7 This bill provides that price signs posted by a retail motor fuel
8 dealer on the dealer's premises and visible from any adjacent
9 roadway shall include the price per gallon, or the price per gallon
10 and per liter, for both cash and credit card purchases of motor fuel
11 in accordance with regulations prescribed by the Director of the
12 Division of Taxation. A retail motor fuel dealer who violates the
13 provisions of this bill is also liable for a penalty of \$1,000 for each
14 violation, which is in addition to the penalties currently provided
15 pursuant to section 301 of P.L.1938, c.163 (C.56:6-3).

16 Current regulations recognize that retail motor fuel dealers are
17 permitted in New Jersey to establish one price for the sale of motor
18 fuel to their credit card customers and a separate lower price to cash
19 customers, provided the discount approximates the economic value
20 to the retailer of providing the discount to its cash customers.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 847

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 20, 2011

The Senate Transportation Committee reports favorably Senate Bill No. 847 with committee amendments.

As amended, this bill provides that price signs posted by a retail motor fuel dealer on the dealer's premises and visible from any adjacent roadway shall include the price per gallon, or the price per gallon and per liter, for both cash and credit card purchases of motor fuel in accordance with regulations prescribed by the Director of the Division of Taxation.

Current regulations recognize that retail motor fuel dealers are permitted in New Jersey to establish one price for the sale of motor fuel to their credit card customers and a separate lower price to cash customers, provided the discount approximates the economic value to the retailer of providing the discount to its cash customers.

The committee amended the bill to remove an additional civil penalty of \$1,000 for any retail dealer who violates the provisions of the bill. Section 301 of P.L.1938, c.163 (C.56:6-3) already provides that a retail dealer who violates the signage requirements in chapter 6 of Title 56 shall be subject to a penalty of not more than \$1,500 for a first offense and not more than \$3,000 for a second and any subsequent offense.

ASSEMBLY, No. 3862

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 17, 2011

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman RUBEN J. RAMOS, JR.

District 33 (Hudson)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Co-Sponsored by:

Assemblyman Conaway

SYNOPSIS

Requires signs posted by retail motor fuel dealers to indicate motor fuel prices for cash and credit card customers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/8/2011)

1 AN ACT concerning the display of prices by retail motor fuel
2 dealers and amending P.L.1952, c.258.

3

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

6

7 1. Section 3 of P.L.1952, c.258 (C.56:6-2.3) is amended to read
8 as follows:

9 3. No retail dealer shall sell or offer for sale any motor fuel
10 without having a. attached by a suitable bracket or slot arrangement
11 in a manner regulated by the Director of the Division of Taxation to
12 each pump or other dispensing equipment from which motor fuel is
13 sold or offered for sale a weather-proof case of such dimensions as
14 shall be prescribed by the director, or b. displayed by a sign or signs
15 located on the premises and visible from any adjacent roadway in a
16 manner and of such dimensions as shall be prescribed by the
17 director, or c. both, as the director may prescribe, stating the price
18 per gallon, or the price per gallon and per liter, at which motor fuel
19 may be purchased from such pumps or other dispensing equipment.
20 The price signs shall show the unit price per gallon, or if sold by the
21 liter the unit price per gallon and the unit price per liter. If sold by
22 the liter, the price per gallon shall be located on the top half of the
23 sign and the price per liter shall be located on the bottom half of the
24 sign on differing background colors, such colors to be designated by
25 the director. Such unit price shall include all taxes imposed,
26 whether State or Federal. Beneath the unit price there shall be either
27 the statement:

28 "Includes N.J.Tax-- (insert the tax per gallon)
29 (insert the tax per gallon) Federal Tax," "Includes State and Federal
30 Taxes," "Includes N.J. and U.S. Taxes," or "Includes all Taxes."

31 The colors of all price signs shall be of such combination that the
32 sign may be easily read by any person purchasing motor fuel from
33 the pump or other dispensing equipment to which the sign is
34 attached. Any figure or fraction used in any price computing
35 mechanism constituting a part of a computing pump or any other
36 dispensing equipment shall not be considered a price sign under the
37 provisions of this section.

38 Price signs displayed in accordance with the provisions of
39 subsection b. of this section shall include the price per gallon, or the
40 price per gallon and per liter, for both cash and credit card
41 purchases of motor fuel.

42 (cf: P.L.1981, c.230, s.4)

43

44 2. This act shall take effect on the 120th day following
45 enactment.

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.

STATEMENT

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This bill provides that price signs posted by a retail motor fuel dealer on the dealer's premises and visible from any adjacent roadway shall include the price per gallon, or the price per gallon and per liter, for both cash and credit card purchases of motor fuel in accordance with regulations prescribed by the Director of the Division of Taxation.

Current regulations recognize that retail motor fuel dealers are permitted in New Jersey to establish one price for the sale of motor fuel to their credit card customers and a separate lower price to cash customers, provided the discount approximates the economic value to the retailer of providing the discount to its cash customers.

The current penalties, as already provided in section 301 of P.L.1938, c.163 (C.56:6-3), stipulate that a retail dealer who violates the signage requirements in chapter 6 of Title 56 shall be subject to a penalty of not more than \$1,500 for a first offense and not more than \$3,000 for a second and any subsequent offense.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3862

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 7, 2011

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 3862.

As amended, Assembly Bill No. 3862 provides that all price signs posted by a retail motor fuel dealer shall include the price per gallon, or the price per gallon and per liter, for both cash and credit card purchases of all types and grades of motor fuel.

Current regulations recognize that retail motor fuel dealers are permitted in New Jersey to establish one price for the sale of motor fuel to their credit card customers and a separate lower price to cash customers, provided the discount approximates the economic value to the retailer of providing the discount to its cash customers.

Section 301 of P.L.1938, c.163 (C.56:6-3) provides that a retail dealer who violates the signage requirements shall be subject to a penalty of not more than \$1,500 for a first offense and not more than \$3,000 for a second and any subsequent offense.

COMMITTEE AMENDMENTS

At the sponsor's request, the committee amended the bill to:

- Require that all price signs include the price for both cash and credit card purchases; and
- Specify that the retail dealer include on price signs the price of all types and grades of motor fuel sold.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3862

with Assembly Floor AmendmentS
(Proposed by Assemblyman PRIETO)

ADOPTED: DECEMBER 15, 2011

Assembly Bill No. 3862 (1R) requires signs to be posted by retail motor fuel dealers to indicate motor fuel prices for cash and credit customers.

These Assembly amendments would take out the requirement that the prices must be indicated for all types and grades of motor fuel and make other technical changes that would make this bill identical to Senate Bill No. 847 (1R).