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LAW/RWH

P.L.2011, CHAPTER 164, *approved January 5, 2012*
Assembly, No. 3133 (*First Reprint*)

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

3

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

6

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

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

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

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

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

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:

¹Assembly ARG committee amendments adopted May 19, 2011.

1 (e) No rebates, allowances, concessions or benefits shall be
2 given, directly or indirectly, so as to permit any person to obtain
3 motor fuels from a retail dealer below the posted price or at a net
4 price lower than the posted price applicable at the time of the sale,
5 except that '[: (1)]' credits earned through purchases on a credit
6 card, debit card, or rewards card may be utilized by a person to
7 receive a rebate, allowance, concession, or benefit in the
8 purchase of motor fuels '[: and (2) a retail dealer may offer and
9 furnish to any person any promotional item or any coupon entitling
10 the person to receive a promotional item or a discount on an item,
11 which may be any tangible item or service, when that person is
12 required to make a purchase of motor fuel in order to receive the
13 promotional item or coupon], provided that: (1) the use of credits
14 earned through purchases on a credit card, debit card, or rewards
15 card shall not change the retail price displayed on any sign required
16 pursuant to section 3 of P.L.1952, c.258 (C.56:6-2.3); and (2) the
17 retail dealer shall not bear the cost of the rebate, allowance,
18 concession, or benefit received by the motor fuel purchaser except
19 for a processing fee assessed in the ordinary course of business¹.

20 As used in this subsection, "rewards card" means a card or
21 certificate distributed by the issuer to a consumer pursuant to an
22 awards, loyalty, rewards, or promotional program, or used to
23 benefit frequent shoppers or to collect data on purchasing habits.

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

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

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

40 (cf: P.L.1995, c.51, s.1)

41

42 2. This act shall take effect immediately.

43

44

45

46 Permits use of rebates, allowances, concessions, or benefits for
47 motor fuel purchases on credit, debit or rewards cards.

ASSEMBLY, No. 3133

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JULY 1, 2010

Sponsored by:

Assemblywoman CELESTE M. RILEY

District 3 (Salem, Cumberland and Gloucester)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Permits use of rebates and other promotions for motor fuel debit card or rewards card purchases; allows retail dealer to offer promotional items, or coupons or discounts on promotional items, to consumers purchasing gasoline.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/14/2010)

A3133 RILEY, COUGHLIN

2

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

3

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

6

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

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

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

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

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

42 (e) No rebates, allowances, concessions or benefits shall be
43 given, directly or indirectly, so as to permit any person to obtain
44 motor fuels from a retail dealer below the posted price or at a net
45 price lower than the posted price applicable at the time of the sale,

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 except that: (1) credits earned through purchases on a credit card,
2 debit card or rewards card may be utilized by a person to receive a
3 rebate, allowance, concession or benefit in the purchase of motor
4 fuels; and (2) a retail dealer may offer and furnish to any person any
5 promotional item or any coupon entitling the person to receive a
6 promotional item or a discount on an item, which may be any
7 tangible item or service, when that person is required to make a
8 purchase of motor fuel in order to receive the promotional item or
9 coupon.

10 As used in this subsection, "rewards card" means a card or
11 certificate distributed by the issuer to a consumer pursuant to an
12 awards, loyalty, rewards or promotional program, or used to benefit
13 frequent shoppers or to collect data on purchasing habits.

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 dispensed
20 therefrom, and no retail dealer shall permit delivery into
21 underground or above-ground containers, tanks or equipment of any
22 motor fuel other than the brand represented or designated by the
23 name or trade-mark appearing on such container or dispensing
24 equipment attached thereto. No retail dealer shall be a party to the
25 substitution of one grade of motor fuel for another.

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

30 (cf: P.L.1995, c.51, s.1)

31

32 2. This act shall take effect immediately.

33

34

35

STATEMENT

36

37 This bill amends subsection e. of section 201 of P.L.1938, c.163
38 (C.56:6-2) to stipulate that a consumer who earns credits through
39 purchases on a credit card, debit card or rewards card may utilize
40 those credits to receive a rebate, allowance, concession or benefit
41 when that person purchases motor fuels. As defined in this bill,
42 "rewards card" means a card or certificate distributed by the issuer
43 to a consumer pursuant to an awards, loyalty, rewards or
44 promotional program, or used to benefit frequent shoppers or to
45 collect data on purchasing habits. Under current law, a consumer
46 who earns credits through purchases on a credit card may utilize
47 those credits to receive a rebate when that consumer purchases
48 motor fuels.

A3133 RILEY, COUGHLIN

4

1 In addition, subsection e. is also amended to permit a retail
2 motor fuel dealer to offer and furnish to any person any promotional
3 item or any coupon entitling the person to receive a promotional
4 item or a discount on an item, which may be any tangible item or
5 service, when that person is required to make a purchase of motor
6 fuel in order to receive the promotional item or coupon.

ASSEMBLY REGULATORY OVERSIGHT AND GAMING
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3133

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2011

The Assembly Regulatory Oversight and Gaming Committee reports favorably and with committee amendments Assembly Bill No. 3133.

As amended by the committee, this bill amends subsection e. of section 201 of P.L.1938, c.163 (C.56:6-2) to stipulate that a consumer who earns credits through purchases on a credit card, debit card, or rewards card may utilize those credits to receive a rebate, allowance, concession, or benefit when that person purchases motor fuels. The bill provides that: (1) the use of credits earned through purchases on a credit card, debit card, or rewards card would not change the retail price displayed of motor fuel as required pursuant to section 3 of P.L.1952, c.258 (C.56:6-2.3); and (2) the retail dealer would not bear the cost of the rebate, allowance, concession, or benefit received by the motor fuel purchaser except for a processing fee assessed in the ordinary course of business.

As defined in the bill, “rewards card” means a card or certificate distributed by the issuer to a consumer pursuant to an awards, loyalty, rewards, or promotional program, or used to benefit frequent shoppers or to collect data on purchasing habits. Under current law, a consumer who earns credits through purchases on a credit card may utilize those credits to receive a rebate when that consumer purchases motor fuels.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

1) provide that the use of credits earned through purchases on a credit card, debit card, or rewards card would not change the retail price of motor fuel that is required to be displayed pursuant to section 3 of P.L.1952, c.258 (C.56:6-2.3), i.e., on any sign located on the pump or other dispensing equipment, or any sign located on the premises and visible from any adjacent roadway;

2) stipulate that the retail dealer would not bear the cost of the rebate, allowance, concession, or benefit received by the motor fuel

purchaser except for a processing fee assessed in the ordinary course of business; and

3) delete the provision of the bill that would have allowed a retail motor fuel dealer to offer and furnish promotional items or coupons entitling the person to receive promotional items or discounts on items.

SENATE COMMERCE COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3133

STATE OF NEW JERSEY

DATED: NOVEMBER 21, 2011

The Senate Commerce Committee reports favorably Assembly Bill No. 3133 (1R).

This bill amends subsection e. of section 201 of P.L.1938, c.163 (C.56:6-2) to stipulate that a consumer who earns credits through purchases on a credit card, debit card, or rewards card may utilize those credits to receive a rebate, allowance, concession, or benefit when that person purchases motor fuels.

The bill provides that: (1) the use of credits earned through purchases on a credit card, debit card, or rewards card would not change the retail price of motor fuel displayed pursuant to section 3 of P.L.1952, c.258 (C.56:6-2.3); and (2) the retail dealer would not bear the cost of the rebate, allowance, concession, or benefit received by the motor fuel purchaser, except for a processing fee assessed in the ordinary course of business.

As defined in the bill, “rewards card” means a card or certificate distributed by the issuer to a consumer pursuant to an awards, loyalty, rewards, or promotional program, or used to benefit frequent shoppers or to collect data on purchasing habits. Under current law, a consumer who earns credits through purchases on a credit card may utilize those credits to receive a rebate when that consumer purchases motor fuels.

This bill is identical to Senate Bill No. 2927, which also was reported favorably by the Senate Commerce Committee on November 21, 2011.

SENATE, No. 2927

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 6, 2011

Sponsored by:

Senator ROBERT M. GORDON

District 38 (Bergen)

Senator JAMES BEACH

District 6 (Camden)

Co-Sponsored by:

Senators Allen and Oroho

SYNOPSIS

Permits use of rebates, allowances, concessions, or benefits for motor fuel purchases on credit, debit or rewards cards.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/16/2011)

S2927 GORDON, BEACH

2

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

3

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

6

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

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

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

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

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

42 (e) No rebates, allowances, concessions or benefits shall be
43 given, directly or indirectly, so as to permit any person to obtain
44 motor fuels from a retail dealer below the posted price or at a net
45 price lower than the posted price applicable at the time of the sale,

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 except that credits earned through purchases on a credit card , debit
2 card, or rewards card may be utilized by a person to receive a
3 rebate, allowance, concession, or benefit in the purchase of motor
4 fuels , provided that: (1) the use of credits earned through
5 purchases on a credit card, debit card, or rewards card shall not
6 change the retail price displayed on any sign required pursuant to
7 section 3 of P.L.1952, c.258 (C.56:6-2.3); and (2) the retail dealer
8 shall not bear the cost of the rebate, allowance, concession, or
9 benefit received by the motor fuel purchaser except for a processing
10 fee assessed in the ordinary course of business .

11 As used in this subsection, “rewards card” means a card or
12 certificate distributed by the issuer to a consumer pursuant to an
13 awards, loyalty, rewards, or promotional program, or used to benefit
14 frequent shoppers or to collect data on purchasing habits.

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

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

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

31 (cf: P.L.1995, c.51, s.1)

32

33 2. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill amends subsection e. of section 201 of P.L.1938, c.163
39 (C.56:6-2) to stipulate that a consumer who earns credits through
40 purchases on a credit card, debit card, or rewards card may utilize
41 those credits to receive a rebate, allowance, concession, or benefit
42 when that person purchases motor fuels.

43 The bill provides that: (1) the use of credits earned through
44 purchases on a credit card, debit card, or rewards card would not
45 change the retail price of motor fuel displayed pursuant to section 3
46 of P.L.1952, c.258 (C.56:6-2.3); and (2) the retail dealer would not
47 bear the cost of the rebate, allowance, concession, or benefit

S2927 GORDON, BEACH

4

1 received by the motor fuel purchaser except for a processing fee
2 assessed in the ordinary course of business.

3 As defined in the bill, “rewards card” means a card or certificate
4 distributed by the issuer to a consumer pursuant to an awards,
5 loyalty, rewards, or promotional program, or used to benefit
6 frequent shoppers or to collect data on purchasing habits. Under
7 current law, a consumer who earns credits through purchases on a
8 credit card may utilize those credits to receive a rebate when that
9 consumer purchases motor fuels.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2927

STATE OF NEW JERSEY

DATED: NOVEMBER 21, 2011

The Senate Commerce Committee reports favorably Senate Bill No. 2927.

This bill amends subsection e. of section 201 of P.L.1938, c.163 (C.56:6-2) to stipulate that a consumer who earns credits through purchases on a credit card, debit card, or rewards card may utilize those credits to receive a rebate, allowance, concession, or benefit when that person purchases motor fuels.

The bill provides that: (1) the use of credits earned through purchases on a credit card, debit card, or rewards card would not change the retail price of motor fuel displayed pursuant to section 3 of P.L.1952, c.258 (C.56:6-2.3); and (2) the retail dealer would not bear the cost of the rebate, allowance, concession, or benefit received by the motor fuel purchaser, except for a processing fee assessed in the ordinary course of business.

As defined in the bill, “rewards card” means a card or certificate distributed by the issuer to a consumer pursuant to an awards, loyalty, rewards, or promotional program, or used to benefit frequent shoppers or to collect data on purchasing habits. Under current law, a consumer who earns credits through purchases on a credit card may utilize those credits to receive a rebate when that consumer purchases motor fuels.

This bill is identical to Assembly Bill No. 3133 (1R), which also was reported favorably by the Senate Commerce Committee on November 21, 2011.