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LAW/RWH

P.L.2015, CHAPTER 44, *approved May 4, 2015*

Senate, No. 2434

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.

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

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

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

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

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

38 (cf: P.L.2011, c.164. s.1)

39

40 2. This act shall take effect immediately.

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STATEMENT

44

45 Current law provides that a consumer who earns credits through
46 purchases on a credit card, debit card, or rewards card may utilize
47 those credits to receive a rebate, allowance, concession, or benefit
48 when that person purchases motor fuels. This bill stipulates that the

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1 retail motor fuel dealer shall not be responsible for any of the costs
2 associated with the rebate, allowance, concession, or benefit
3 received by the motor fuel purchaser except for any interchange
4 fees and transaction fees associated with the use of a credit card or
5 debit card by a customer for the purchase of motor fuels.

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10 Stipulates that retail motor fuel dealers shall not be responsible
11 for certain fees associated with credit, debit and rewards cards.

SENATE, No. 2434

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2014

Sponsored by:

Senator ROBERT M. GORDON

District 38 (Bergen and Passaic)

Assemblywoman CELESTE M. RILEY

District 3 (Cumberland, Gloucester and Salem)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

Assemblymen Burzichelli and Giblin

SYNOPSIS

Stipulates that retail motor fuel dealers shall not be responsible for certain fees associated with credit, debit and rewards cards.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/24/2015)

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 purchases
5 on a credit card, debit card, or rewards card shall not change the
6 retail price displayed on any sign required pursuant to section 3 of
7 P.L.1952, c.258 (C.56:6-2.3); and (2) the retail dealer shall not
8 **【bear the cost of】** be responsible for any of the costs associated
9 with the rebate, allowance, concession, or benefit received by the
10 motor fuel purchaser except for **【a processing fee assessed in the**
11 **ordinary course of business】** any interchange fees and transaction
12 fees associated with the use of a credit card or debit card by a
13 customer for the purchase of motor fuels.

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

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

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

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

34 (cf: P.L.2011, c.164. s.1)

35

36 2. This act shall take effect immediately.

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STATEMENT

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41 Current law provides that a consumer who earns credits through
42 purchases on a credit card, debit card, or rewards card may utilize
43 those credits to receive a rebate, allowance, concession, or benefit
44 when that person purchases motor fuels. This bill stipulates that the
45 retail motor fuel dealer shall not be responsible for any of the costs
46 associated with the rebate, allowance, concession, or benefit
47 received by the motor fuel purchaser except for any interchange

S2434 GORDON

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- 1 fees and transaction fees associated with the use of a credit card or
- 2 debit card by a customer for the purchase of motor fuels.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2434

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2014

The Senate Commerce Committee reports favorably Senate Bill No. 2434.

Current law provides 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. This bill stipulates that the retail motor fuel dealer shall not be responsible for any of the costs associated with the rebate, allowance, concession, or benefit received by the motor fuel purchaser except for any interchange fees and transaction fees associated with the use of a credit card or debit card by a customer for the purchase of motor fuels.

ASSEMBLY, No. 1985

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblywoman CELESTE M. RILEY

District 3 (Cumberland, Gloucester and Salem)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

SYNOPSIS

Stipulates that retail motor fuel dealers shall not be responsible for certain fees associated with credit, debit and rewards cards.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 10/3/2014)

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2 c.163.

3

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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.

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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.

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7 P.L.1952, c.258 (C.56:6-2.3); and (2) the retail dealer shall not
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9 with the rebate, allowance, concession, or benefit received by the
10 motor fuel purchaser except for **【a processing fee assessed in the**
11 **ordinary course of business】** any interchange fees and transaction
12 fees associated with the use of a credit card or debit card by a
13 customer for the purchase of motor fuels.

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15 certificate distributed by the issuer to a consumer pursuant to an
16 awards, loyalty, rewards, or promotional program, or used to benefit
17 frequent shoppers or to collect data on purchasing habits.

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

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

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

34 (cf: P.L.2011, c.164. s.1)

35

36 2. This act shall take effect immediately.

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STATEMENT

40

41 Current law provides that a consumer who earns credits through
42 purchases on a credit card, debit card, or rewards card may utilize
43 those credits to receive a rebate, allowance, concession, or benefit
44 when that person purchases motor fuels. This bill stipulates that the
45 retail motor fuel dealer shall not be responsible for any of the costs
46 associated with the rebate, allowance, concession, or benefit
47 received by the motor fuel purchaser except for any interchange

A1985 RILEY, MUKHERJI

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- 1 fees and transaction fees associated with the use of a credit card or
- 2 debit card by a customer for the purchase of motor fuels.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1985

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2014

The Assembly Consumer Affairs Committee reports favorably Assembly Bill No. 1985.

Current law provides 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. This bill provides that the retail motor fuel dealer is not responsible for any of the costs associated with the rebate, allowance, concession, or benefit received by the motor fuel purchaser except for any interchange fees and transaction fees associated with the customer's use of a credit or debit card when purchasing motor fuels.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.