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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"N.J. toughens law that bans fuel-price gouging," The Philadelphia Inquirer, 1-4-08, p.B2

"New Law targets gas-price gouging," The Press of Atlantic City, 1-4-08, p.A7

RWH 5/15/08

P.L. 2007, CHAPTER 221, *approved January 3, 2008*  
Senate, No. 383

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 301 of P.L.1938, c.163 (C.56:6-3) is amended to read  
8 as follows:

9 301. Every retail dealer who shall fail to post and publicly  
10 display, in the manner herein required, a sign stating the price per  
11 gallon, or per gallon and per liter, of all motor fuel sold by said  
12 retail dealer, or who shall sell motor fuel at a price other than the  
13 per gallon or per liter price, as provided in article II hereof, or who  
14 shall violate any other provisions of article II of this act, shall, upon  
15 conviction, be subject to a penalty of not **[less] more** than **[fifty**  
16 **dollars (\$50.00) nor more than two hundred dollars (\$200.00)]**  
17 **\$1,500** for **[each such] the first** offense **and not more than \$3,000**  
18 **for the second and any subsequent offense**, and his license shall be  
19 suspended for a period of not less than five (5) days nor more than  
20 thirty (30) days, and in default of the payment of such penalty shall  
21 be imprisoned for a period not to exceed 30 days. If there shall be a  
22 conviction upon a second or subsequent offense, the license of the  
23 convicted retail dealer, issued under the provisions and procedure in  
24 chapter thirty-nine of Title 54 of the Revised Statutes, shall be  
25 revoked by the Director of the Division of Taxation.

26 (cf: P.L.1981, c.230, s.2)

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28 2. This act shall take effect immediately and shall apply to  
29 violations committed on or after the effective date of the act.

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34 \_\_\_\_\_  
35 Increases penalty amounts to \$1,500 and \$3,000 for violations of  
certain laws regulating retail sale of motor fuel.

**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.

# SENATE, No. 383

## STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**Co-Sponsored by:**

**Senators Turner, Coniglio, McNamara, Vitale and Karcher**

**SYNOPSIS**

Increases penalty amounts to \$1,500 and \$3,000 for violations of certain laws regulating retail sale of motor fuel.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 1/31/2006)**

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2 c.163.

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5 of New Jersey:

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12 retail dealer, or who shall sell motor fuel at a price other than the  
13 per gallon or per liter price, as provided in article II hereof, or who  
14 shall violate any other provisions of article II of this act, shall, upon  
15 conviction, be subject to a penalty of not [less] more than [fifty  
16 dollars (\$50.00) nor more than two hundred dollars (\$200.00)]  
17 \$1,500 for [each such] the first offense and not more than \$3,000  
18 for the second and any subsequent offense, and his license shall be  
19 suspended for a period of not less than five (5) days nor more than  
20 thirty (30) days, and in default of the payment of such penalty shall  
21 be imprisoned for a period not to exceed 30 days. If there shall be a  
22 conviction upon a second or subsequent offense, the license of the  
23 convicted retail dealer, issued under the provisions and procedure in  
24 chapter thirty-nine of Title 54 of the Revised Statutes, shall be  
25 revoked by the Director of the Division of Taxation.

26 (cf: P.L.1981, c.230, s.2)

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28 2. This act shall take effect immediately and shall apply to  
29 violations committed on or after the effective date of the act.

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#### STATEMENT

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34 This bill increases the monetary penalties for violations of the  
35 law regulating the retail sale of motor fuels from a penalty of not  
36 less than \$50 nor more than \$200 for each such offense, to a penalty  
37 of not more than \$1,500 for the first offense and not more than  
38 \$3,000 for the second and any subsequent offense. The penalties  
39 added by the bill are to apply to violations committed on or after the  
40 effective date of the bill.

41 Section 201 of P.L.1938, c.163 (C.56:6-2) provides for: (1) the  
42 display and maintenance of a properly posted sign on each pump  
43 from which motor fuel is sold; (2) the selling of motor fuel at a  
44 price equal to or greater than its net cost to the retail dealer, plus all

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**S383 SACCO, CIESLA**

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1 selling expenses; (3) the requirement to sell only at the posted price;  
2 (4) the prohibition of the giving of rebates, allowances, concessions  
3 or benefits either directly or indirectly so as to permit any person to  
4 obtain motor fuels from a retail dealer below the posted price,  
5 except in one specified instance; (5) the prohibition of the use of  
6 lotteries, wheels of fortune, punch boards, or other games of chance  
7 in connection with the sale of motor fuels; (6) the prohibition of  
8 changing the selling price more than once in any 24-hour period;  
9 and (7) the proper branding of dispensing and storage equipment.

ASSEMBLY TRANSPORTATION AND PUBLIC WORKS  
COMMITTEE

STATEMENT TO

**SENATE, No. 383**

**STATE OF NEW JERSEY**

DATED: MAY 14, 2007

The Assembly Transportation and Public Works Committee reports favorably Senate Bill No. 383.

As reported, this bill increases the monetary penalties for violations of the law regulating the retail sale of motor fuels from a penalty of not less than \$50 nor more than \$200 for each such offense, to a penalty of not more than \$1,500 for the first offense and not more than \$3,000 for the second and any subsequent offense. The penalties added by the bill are to apply to violations committed on or after the effective date of the bill.

Section 201 of P.L.1938, c.163 (C.56:6-2) provides for: (1) the display and maintenance of a properly posted sign on each pump from which motor fuel is sold; (2) the selling of motor fuel at a price equal to or greater than its net cost to the retail dealer, plus all selling expenses; (3) the requirement to sell only at the posted price; (4) the prohibition against the giving of rebates, allowances, concessions or benefits either directly or indirectly so as to permit any person to obtain motor fuels from a retail dealer below the posted price, except in one specified instance; (5) the prohibition against the use of lotteries, wheels of fortune, punch boards, or other games of chance in connection with the sale of motor fuels; (6) the prohibition against changing the selling price more than once in any 24-hour period; and (7) the proper branding of dispensing and storage equipment.

As reported, Senate Bill No. 383 is identical to Assembly Bill No. 2523 which was released by the committee today.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### SENATE, No. 383

# STATE OF NEW JERSEY

DATED: JANUARY 30, 2006

This bill increases the monetary penalties for violations of the law regulating the retail sale of motor fuels from a penalty of not less than \$50 nor more than \$200 for each such offense, to a penalty of not more than \$1,500 for the first offense and not more than \$3,000 for the second and any subsequent offense. The penalties added by the bill are to apply to violations committed on or after the effective date of the bill.

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This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.



# ASSEMBLY, No. 2523

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 9, 2006

**Sponsored by:**

**Assemblyman NEIL M. COHEN**

**District 20 (Union)**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**Co-Sponsored by:**

**Assemblymen Holzapfel, Wolfe, Assemblywoman Beck and Assemblyman Wisniewski**

**SYNOPSIS**

Increases penalty amounts to \$1,500 and \$3,000 for violations of certain laws regulating retail sale of motor fuel.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/12/2007)**

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43 from which motor fuel is sold; (2) the selling of motor fuel at a  
44 price equal to or greater than its net cost to the retail dealer, plus all  
45 selling expenses; (3) the requirement to sell only at the posted price;

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1 (4) the prohibition of the giving of rebates, allowances, concessions  
2 or benefits either directly or indirectly so as to permit any person to  
3 obtain motor fuels from a retail dealer below the posted price,  
4 except in one specified instance; (5) the prohibition of the use of  
5 lotteries, wheels of fortune, punch boards, or other games of chance  
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7 changing the selling price more than once in any 24-hour period;  
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ASSEMBLY TRANSPORTATION AND PUBLIC WORKS  
COMMITTEE

STATEMENT TO

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**STATE OF NEW JERSEY**

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