

56:6-2 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 56:6-2 et al. (Gasoline--allow sale by liters--prescribe advertising signs)

LAWS 1981 CHAPTER 230

Bill No. S1121

Sponsor(s) Graves

Date Introduced March 13, 1981

Committee: Assembly Commerce, Industry and Professions

Senate Law, Public Safety and Defense

Amended during passage Yes  No  Amendments during passage denoted by asterisks

Date of Passage: Assembly June 11, 1980

Senate June 23, 1980

Date of approval July 27, 1981

Following statements are attached if available:

Sponsor statement Yes  No

Committee Statement: Assembly ~~Yes~~ No

Senate Yes  No

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Regulations promulgated by Director of Division of Taxation:  
N.J.A.C. 18:19-1.1 et al.--R. 1982, d.77, effective 3-15-82.

6/22/81

APR 1982

CHAPTER 230 LAWS OF N. J. 1981  
APPROVED 7-27-81

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1121

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1980

By Senator GRAVES

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning the sale of motor fuels, and amending *\*\*and supplementing\*\** P. L. 1938, c. 163 and *\*\*amending\*\** P. L. 1952, c. 258.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

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

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

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

21 (c) No other price signs of motor fuel so dispensed, or signs  
22 relating to the price of such fuel shall be used or displayed on or  
23 about the premises where motor fuel is sold at retail, other than the

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

24 signs provided **\*\*[herein]\*\*** by section **\*\*[two hundred one**  
 25 **(a)]\*\*** *\*\*3 of P. L. 1952, c. 258 (C. 56:6-2.3)\*\**.

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

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

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

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

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

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

3 301. Every retail dealer who shall fail to post and publicly dis-  
 4 play, in the manner herein required, a sign stating the price per  
 5 gallon, *or per gallon and per liter*, of all motor fuel sold by said  
 6 retail dealer, or who shall sell motor fuel at a price other than the  
 7 per gallon *or per liter* price, as provided in article II hereof, or  
 8 who shall violate any other provisions of article II of this act, shall,

9 upon conviction, be subject to a penalty of not less than fifty dollars  
 10 (\$50.00) nor more than two hundred dollars (\$200.00) for each such  
 11 offense, and his license shall be suspended for a period of not less  
 12 than five (5) days nor more than thirty (30) days, and in default  
 13 of the payment of such penalty shall be imprisoned for a period  
 14 not to exceed 30 days. If there shall be a conviction upon a  
 15 second or subsequent offense, the license of the convicted retail  
 16 dealer, issued under the provisions and procedure in chapter  
 17 thirty-nine of Title 54 of the Revised Statutes, shall be revoked by  
 18 the [State Tax Commissioner] *Director of the Division of*  
 19 *Taxation.*

1     \*\*3. Section 2 of P. L. 1952, c. 258 (C. 56:6-2.2) is amended to  
 2 read as follows:

3     2. Signs under the control of the retail dealer, stating the price  
 4 of motor fuel for delivery into the service tank or tanks of any  
 5 vehicle propelled by an internal combustion engine, shall be dis-  
 6 played and maintained [on each pump or other dispensing equip-  
 7 ment from which motor fuel is sold] *as provided for in section 3*  
 8 *of P. L. 1952, c. 258 (C. 56:6-2.3).* No other sign relating to the  
 9 price of motor fuel shall be used or displayed on or about the  
 10 premises where the motor fuel is sold at retail or on other premises  
 11 under the control of the retail dealer.\*\*

1     \*\*[3.]\*\* \*\*4.\*\* Section 3 of P. L. 1952, c. 258 (C. 56:6-2.3) is  
 2 amended to read as follows:

3     3. No retail dealer shall sell or offer for sale any motor fuel  
 4 without having \*a.\* attached by a suitable bracket or slot arrange-  
 5 ment in a manner regulated by the Director of the Division of Taxa-  
 6 tion to each pump or other dispensing equipment from which motor  
 7 fuel is sold or offered for sale a weather-proof case \*[not less than  
 8 [5½] 8 inches by [8] 10 inches and not more than [8] 12 inches  
 9 by [10] 12 inches, on both sides of which will be displayed a card  
 10 insert price sign not less than [5] 7 1/2 inches by [7½] 11 1/2  
 11 inches by [9] 11 1/2 inches,]\* \*of such dimensions as shall be pre-  
 11A scribed by the director, or b. displayed by a sign or signs located  
 11B on the premises and visible from any adjacent roadway in a manner  
 11C and of such dimensions as shall be prescribed by the director, or  
 12 c. both, as the director may prescribe,\* stating the price per gallon,  
 13 or the price per gallon and per liter, at which motor fuel may be  
 14 purchased from such pumps or other dispensing equipment. The  
 15 price signs shall show [only] the unit price per gallon, or if sold  
 16 by the liter the unit price per gallon and the unit price per liter.  
 17 If sold by the liter, the price per gallon shall be located on the top

18 *half of the sign and the price per liter shall be located on the bottom*  
19 *half of the sign on differing background colors, such colors to be*  
20 *designated by the director. Such unit price shall include all taxes*  
21 *imposed, whether State or Federal. Beneath the unit price there*  
21A shall be either the statement:

22           "Includes ..... N. J. Tax—  
  (insert the tax per gallon)

23           ..... Federal Tax," "Includes State  
  (insert the tax per gallon)

24           and Federal Taxes," "Includes N. J. and U. S. Taxes," or

25           "Includes all Taxes."

26 \*¶The whole numbers in the unit price of the price sign shall be at  
27 least  $3\frac{1}{2}$  inches high *and not more than  $9\frac{1}{2}$  inches high with a*  
28 *stroke width of at least  $\frac{1}{2}$  inch. The overall height of any figure*  
29 *or numeral, except the numeral one, shall not be greater than four*  
30 *times the overall width of such figure or numeral. When a fraction*  
31 *is part of the unit price, the figures in the numerator and demon-*  
32 *inator shall be at least  $1\frac{1}{2}$  inches high and the total size including*  
33 *the numerator, the line dividing the numerator and denominator,*  
34 *and the denominator shall be at least  $3\frac{1}{2}$  inches high. As a sub-*  
35 *stitute for the fraction there may be used only the numerator of the*  
36 *fraction, in which case, the numerator figure shall be  $\frac{1}{2}$  the size of*  
37 *those in the whole number. The statement that all taxes are in-*  
38 *cluded shall be in letters at least  $\frac{3}{8}$  of an inch high.]\* The colors*  
39 *of all price signs shall be of such combination that the sign may*  
40 *be easily read by any person purchasing motor fuel from the pump*  
41 *or other dispensing equipment to which the sign is attached. Any*  
42 *figure or fraction used in any price computing mechanism consti-*  
43 *tuting a part of a computing pump or any other dispensing equip-*  
44 *ment shall not be considered a price sign under the provisions of*  
45 *this section.*

1           \*\*5. Section 4 of P. L. 1952, c. 258 (C. 56:6-2.4) is amended to  
2 read as follows:

3           4. No signs stating or relating to the price of motor fuel and no  
4 signs designed or calculated to cause the public to believe that they  
5 state or relate to the price of motor fuel other than the signs pro-  
6 vided for herein [and required to be displayed upon pumps and  
7 other dispensing equipment], shall be posted or displayed on or  
8 about the premises where motor fuel is sold at retail and within  
9 view from any public highway or reservation.

1           6. (New section) a. The State Superintendent of Weights and  
2 Measures or any State, county, or municipal weights and measures

3 officer may also recover penalties for violations of P. L. 1938, c. 163  
4 (C. 56:6-1 et seq.). The action shall be within the jurisdiction of  
5 and may be brought before any Superior Court, county district  
6 court, or municipal court in the county or municipality where the  
7 offense was committed, or where the defendant may reside, or  
8 where the defendant may be apprehended, which court is herein-  
9 after referred to as the court, upon the filing of a complaint by a  
10 weights and measures officer, in a civil penalty action pursuant to  
11 "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.).

12 b. The State Superintendent or any weights and measures official  
13 shall be authorized to serve all process out of said court.

14 c. Any judgment recovered for a penalty under the provisions  
15 of P. L. 1938, c. 163 (C. 56:6-1 et seq.), in any municipal court or  
16 any county district court may be docketed with the Superior Court.  
17 Execution may issue in a manner similar to that for other Superior  
18 Court judgments.

19 d. Any habitual violations of provisions of P. L. 1938, c. 163  
20 (C. 56:6-1 et seq.), or of any orders or rules or regulations made  
21 pursuant to said statutes may be restrained by the Superior Court  
22 in an action brought for such purpose by the Attorney General on  
23 behalf of the State Superintendent of Weights and Measures.

24 e. Penalties, when imposed or recovered in an action brought by  
25 a State weights and measures officer, shall be payable to the State  
26 Treasurer. When such action is brought by a county or municipal  
27 weights and measures officer, the penalty moneys shall be paid to  
28 the respective county or municipal treasury, as the case may be.\*\*

1 \*\*[4.]\*\* \*\*7.\*\* This act shall take effect \*[immediately]\* \*on  
2 the first day of the seventh month next following enactment.\*

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36 fraction, in which case, the numerator figure shall be  $\frac{1}{2}$  the size of  
37 those in the whole number. The statement that all taxes are in-  
38 cluded shall be in letters at least  $\frac{3}{8}$  of an inch high. The colors  
39 of all price signs shall be of such combination that the sign may  
40 be easily read by any person purchasing motor fuel from the pump  
41 or other dispensing equipment to which the sign is attached. Any  
42 figure or fraction used in any price computing mechanism consti-  
43 tuting a part of a computing pump or any other dispensing equip-  
44 ment shall not be considered a price sign under the provisions of  
45 this section.

1 4. This act shall take effect immediately.

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#### STATEMENT

This bill would increase the sizes of the signs on gasoline pumps that state the unit price. The sign cases would be not less than 8" x 10" and not greater than 12" x 12". Presently such cases measure not less than 5 $\frac{1}{2}$ " x 8" and not greater than 8" x 10". The purpose is to improve the visibility of the signs. In addition, the bill would permit retailers of gasoline to sell by the liter. If they choose to do so, the unit price signs would have to state both the unit price by the gallon and by the liter. By requiring retailers to prominently display such signs, consumers will easily be able to compare the price with the price in stations which continue selling only by the gallon.

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SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO

**SENATE, No. 1121**  
with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 15, 1980

As amended, this bill would give the Director of the Division of Taxation authority to promulgate regulations establishing the size and manner of display of signs containing the prices of gasoline in retail gas stations. The purpose of the bill is to provide for the uniform regulation of signs in stations selling either by the gallon or by the liter. When sold by the liter, price signs would have to have the price per gallon and per liter. The bill was also amended to go into effect 6 months following enactment in order to give a sufficient lead in time.



FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JULY 27, 1981

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills privately in his office:

S-667, sponsored by Senator Matthew Feldman (D-Bergen), amends the law governing the appointment of adult school crossing guards to conform the appointment process with the general appointment powers under different forms of local governments.

Under current law, crossing guards are appointed by the local governing body. Under this bill, the appointment would be made by the same entity which makes all other appointments -- the governing body, the chief executive or the chief administrator -- depending on the form of government adopted by the municipality under the Faulkner Act.

S-673, sponsored by Senator Anthony Russo (D-Union) requires the preparer of a deed, lease, mortgage or other conveyance, to affix his signature to the document or have another member of his firm or association sign the document.

Current law simply requires that the preparer be named.

S-1118, sponsored by Senator Frank Graves (D-Passaic) subjects a person to a fine of up to \$100 if he or she is found to have purposely driven a car on closed highway or has mutilated, damaged or removed signs or barriers of closed highways.

S-1121, also sponsored by Senator Graves, provides for the uniform regulation by the Division of Taxation of signs in gas stations selling gas by either the gallon or by the liter.

Penalties for violations may be recovered by state or local weights and measures officials pursuant to the summary procedures of the Penalty Enforcement Law.

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