

ASSEMBLY, No. 3651

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

**Assemblyman Spearman, Assemblywomen Carter, McKnight, Vainieri
Huttle and Speight**

SYNOPSIS

Prohibits retail motor fuel dealer from charging a credit card customer in excess of four percent above the purchase price for same fuel sold to customer paying by cash.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

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

3

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

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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 be
8 responsible for any of the costs associated with the rebate,
9 allowance, concession, or benefit received by the motor fuel
10 purchaser except for any interchange fees and transaction fees
11 associated with the use of a credit card or debit card by a customer
12 for the purchase of motor fuels.

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

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

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

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

33 (i) No retail dealer shall sell motor fuel by credit card purchase
34 to a customer at a price which is greater than four percent above the
35 purchase price for the same fuel to a customer purchasing that fuel
36 by cash.

37 (cf: P.L.2015, c.44, s.1)

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39 2. This act shall take effect on the first day of the fourth month
40 following enactment.

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STATEMENT

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45 This bill provides that no retail dealer shall sell motor fuel by
46 credit card purchase to a customer at a price which is greater than
47 four percent above the purchase price for the same fuel sold to a
48 customer purchasing that fuel by cash.