# SENATE, No. 963

# STATE OF NEW JERSEY

## 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

**Sponsored by:**
**Senator JOSEPH F. VITALE**
**District 19 (Middlesex)**
**Senator LINDA R. GREENSTEIN**
**District 14 (Mercer and Middlesex)**

**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: 4/13/2020)**

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

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

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

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

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

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

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

(e) No rebates, allowances, concessions or benefits shall be given, directly or indirectly, so as to permit any person to obtain motor fuels from a retail dealer below the posted price or at a net price lower than the posted price applicable at the time of the sale, except that credits earned through purchases on a credit card, debit card, or rewards card may be utilized by a person to receive a rebate,

**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 <u>thus</u> is new matter.**

allowance, concession, or benefit in the purchase of motor fuels, provided that: (1) the use of credits earned through purchases on a credit card, debit card, or rewards card shall not change the retail price displayed on any sign required pursuant to section 3 of P.L.1952, c.258 (C.56:6-2.3); and (2) the retail 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.

As used in this subsection, "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.

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

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

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

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

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

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

STATEMENT

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