

SENATE BILL 101

C2

1lr1303

By: **Senator Edwards**

Introduced and read first time: January 21, 2011

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2011

CHAPTER _____

1 AN ACT concerning

2 **Business Regulation – Motor Fuel Advertising Signs – Requirements**

3 FOR the purpose of ~~requiring the motor fuel advertising sign of a~~ repealing the
4 requirement that certain retail service station ~~dealer to state~~ dealers advertise
5 a certain price for a unit of ~~diesel fuel and a unit of regular~~ mid-grade gasoline
6 ~~if the retail service station sells diesel fuel~~ sold on the premises; repealing a
7 certain obsolete provision of law relating to the sale of gasohol; authorizing
8 certain signs to state a certain price for certain motor fuel products sold on the
9 premises; and generally relating to requirements for motor fuel advertising
10 signs.

11 BY repealing and reenacting, with amendments,
12 Article – Business Regulation
13 Section 10–315
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2010 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Business Regulation**

19 10–315.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) A person who sells motor fuel at retail shall display signs in accordance
2 with this section.

3 (b) (1) All dispensing equipment for motor fuel shall be marked
4 conspicuously to show in numerals of equal size the price, including taxes, of a gallon
5 of the motor fuel offered for sale.

6 (2) If numerals that show a fractional cent are used, the combined
7 height and width of the numerator and denominator shall equal the height and width
8 of the other numerals used.

9 (c) (1) A sign or other means on the premises and approaches to a retail
10 outlet that advertises the retail price of motor fuel:

11 (i) may list the price and each tax separately if the listing of the
12 total of the price and all taxes is the same size as the separate listing of the price; but

13 (ii) shall list the total of the price and all taxes by numerals of
14 uniform size.

15 (2) In the listing of the total of the price and all taxes, a denominator
16 need not be used to indicate a fraction, but:

17 (i) if a denominator is used, the numerator and denominator
18 combined shall be the same size as the numeral that indicates the whole number; or

19 (ii) if a denominator is not used, the numerator shall be the
20 same size as the numeral that indicates the whole number.

21 (d) If the retail price of motor fuel is advertised on a sign or by other means
22 on the premises of and approaches to the retail outlet, the grade designation displayed
23 for any motor fuel in the advertisement shall be the same as the grade designation
24 that is required to be displayed for that motor fuel on the retail dispensing pump as
25 specified by the Comptroller.

26 (e) (1) This subsection does not apply to:

27 ~~(i)~~ a retail service station dealer who operates with not more
28 than 3 dispensing units that combined have not more than 6 nozzles; ~~or~~

29 ~~(ii) the sale of gasoline.~~

30 (2) **(I)** Each retail service station dealer shall keep a sign on the
31 premises that:

32 ~~(i)~~ **1.** states the lowest price for a whole measurement unit
33 of:

1 ~~1.~~ regular ~~and mid-grade~~ gasoline sold on the premises;
 2 ~~OR~~

3 ~~2. IF THE RETAIL SERVICE STATION SELLS DIESEL~~
 4 ~~FUEL, DIESEL FUEL AND REGULAR GASOLINE SOLD ON THE PREMISES;~~

5 ~~(ii)~~ 2. states the unit of measurement used; and

6 ~~(iii)~~ 3. is readable by passing motorists.

7 (II) THE SIGN REQUIRED UNDER SUBPARAGRAPH (I) OF
 8 THIS PARAGRAPH ALSO MAY STATE THE LOWEST PRICE FOR A WHOLE
 9 MEASUREMENT UNIT OF DIESEL AND OTHER MOTOR FUEL PRODUCTS SOLD ON
 10 THE PREMISES.

11 (3) All numerals on the sign shall:

12 (i) be uniform;

13 (ii) be at least 8 inches high and 3.5 inches wide; and

14 (iii) have a brush stroke of at least 1 inch.

15 (4) A numeral in a fraction or a letter shall be at least one-third the
 16 height of a numeral that indicates a whole number.

17 (5) If a new or additional sign is required to comply with this
 18 subsection, the supplier of the gasoline shall provide the sign and numerals without
 19 cost to the retail service station dealer.

20 (f) A sign required at a service station by this section or any other State or
 21 federal law is exempt from the provisions of a local law, ordinance, or regulation for
 22 the purpose of determining:

23 (1) the total number of signs permitted; and

24 (2) the area of signs permitted.

25 (g) Except as provided in subsection (f) of this section, signs regulated by this
 26 section or other State law or by federal law may be regulated by the local zoning
 27 authority and shall be consistent with the local law, ordinance, or regulation
 28 governing signs.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 30 October 1, 2011.