

Chapter 25

(Senate Bill 101)

AN ACT concerning

Business Regulation – Motor Fuel Advertising Signs – Requirements

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

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

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

Article – Business Regulation

10–315.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) All numerals on the sign shall:

- (i) be uniform;
- (ii) be at least 8 inches high and 3.5 inches wide; and
- (iii) have a brush stroke of at least 1 inch.

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

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

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

- (1) the total number of signs permitted; and
- (2) the area of signs permitted.

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

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

Approved by the Governor, April 12, 2011.