

CHAPTER 394
FORMERLY
SENATE BILL NO. 219
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO RETAIL GASOLINE STATION COMPLIANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2901, Title 6 of the Delaware Code by deleting subsection (2) in its entirety, and by redesignating the remaining subsections accordingly.

Section 2. Amend §2902, Title 6 of the Delaware Code by adding the following new subsections:

“(c) When the price indicated on the computing mechanism of a pump or other dispensing device offering motor fuel for sale is the per gallon price, that is the only price sign required to be displayed on said pump.

(d) When the price indicated on the computing mechanism of a pump is the per liter price, another sign indicating the equivalent price per gallon to the nearest 1/10 cent must be prominently displayed on said pump with numerals no smaller than those which display the liter price. In addition to the unit price, the signs on the pump may indicate that state and federal taxes are included in the unit price. All taxes must be included in the advertised price.

(e) The price indicated on the computing mechanism is the maximum price which may be charged per measured unit and the resulting total cost computed is the maximum remittance that can be demanded from the consumer for the fuel sold.

(f) A cash discount may be offered which is less than the computed cost, but a surcharge for credit, or any other reason, may not be added to the computed cost for the fuel sold.

(g) Separate pumps may be provided for cash and charge sales of the same brand, grade, type of fuel and service, providing that the pumps are adequately and prominently identified.

(h) Price signs displayed on the station premises and not attached to a pump must indicate the grade of fuel, the type of service and the unit, if other than gallon. If there are special requirements to qualify for an advertised price, such as minimum quantities, cash, etc., those requirements must also be prominently included on said sign.

(i) Fractions of a cent on the price advertised must be of the same general design and at least one-half the height and width of the numerals representing the whole cents.”

Section 3. Amend §2903, Title 6 of the Delaware Code by deleting such section in its entirety.

Section 4. Amend §2905, Title 6 of the Delaware Code by deleting such section in its entirety.

Section 5. Amend §2906, Title 6 of the Delaware Code by deleting such section in its entirety.

Section 6. Amend §2907, Title 6 of the Delaware Code by deleting such section in its entirety.

Section 7. Amend §2908, Title 6 of the Delaware Code by deleting such section in its entirety.

Section 8. Amend §2909, Title 6 of the Delaware Code by deleting such section in its entirety.

Section 9. Amend §2910, Title 6 of the Delaware Code by deleting such section in its entirety.

Section 10. Amend §2911(a) by deleting the phrase “Division of Motor Fuel Tax of the Department of Transportation” appearing therein, and inserting in lieu thereof the phrase “Weights and Measures Unit of the Department of Agriculture”

Section 11. Amend §2911, Title 6 of the Delaware Code by deleting subsections (b) and (c) in their entirety.

Section 12. Amend § 2912, Title 6 of the Delaware Code by adding the following new subsections:

(e) Retail dealers of gasoline or motor fuel who offer full-serve and self-serve facilities shall post a sign(s) provided to the retail dealer by the Office of Retail Gasoline Sales which indicates that the service station will pump gasoline to qualified persons with disabilities from the self-service pump.

(f) The sign(s) shall be conspicuously posted in close proximity to the full-service island so

that any driver seeking refueling services will be able to see said sign from each point of access to the full-service island(s). Additional signs may be posted to direct persons with disabilities to the pump or pumps from which their gasoline will be dispensed.”

Section 13. Amend Chapter 29, Title 6 of the Delaware Code by inserting new Sections to read as follows:

“§2913 Access to information.

(a) Books and Records. Whenever the Office has reason to believe that a manufacturer has engaged in, is engaging in, or is about to engage in any practice in violation of the Act or regulations, or in order to verify the accuracy of any information submitted to the Office, the Office may demand access to the books, records and data of the manufacturer. A manufacturer shall make such information available to the Office for inspection or copying during normal business hours unless otherwise agreed.

(b) Samples. Any seller of fuels within the scope of this Act shall, upon the request of the Office, provide samples of any motor fuel or special fuel for chemical analysis or other inspection, and reimbursement shall be made for the samples taken.

(c) Standard Specification for Fuels.

(1) Any motor fuel sold at retail or intended to be sold at retail in the State of Delaware which does not meet or exceed ASTM specifications for that type fuel and which causes "fuel related performance problems" for the motoring public may be ordered corrected or removed from the marketplace.

(2) Violation of Standards-Stop Sale. If a sample taken by the Office and tested by a qualified laboratory finds the sample to be substandard for any of the reasons established as standards or limitations written herein, the Office shall issue a Stop Sale for all or any portion of the seller's operation which is in violation until the violation has been corrected. The Office shall have the authority and duty to decide when the steps taken were sufficient to correct the violation and inform the seller of when sales may resume.

(3) Whenever the Office finds any person marketing petroleum products in violation of this Act or its Regulations and has issued a Stop Sale directing them to cease such violation and the violation continues, the Office shall refer the matter to the Attorney General and he shall take appropriate legal action.

§2914. Violation of act or regulation.

(a) Powers. Whenever the Office receives a complaint or any information from any source, which if true would amount to a violation of the Act or Regulations;

(1) the Office may investigate the complaint or information;

(2) the Office may, upon investigation of the complaint or information, make recommendations to the Attorney General's Office to investigate and enforce Chapter 29 of Title 6 by any remedy available.

(b) The Department shall, with the approval of the Secretary, prepare proposed rules and regulations governing the responsibilities of the retail dealers it regulates. Adoption of these rules and regulations shall be as provided in subchapter II, Chapter 101 of Title 29. The rules and regulations as adopted, and as they may be from time to time amended by the Department, shall have the effect of law and shall remain in power and force until the same are amended or repealed by the Department.”

Approved July 15, 2010