

# Bill as Introduced

HB 1157 - AS INTRODUCED

2012 SESSION

12-2633  
05/03

HOUSE BILL

**1157**

AN ACT

relative to signage at fuel service stations.

SPONSORS:

Rep. J. Johnson, Ches 6

COMMITTEE:

Commerce and Consumer Affairs

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ANALYSIS

This bill permits gasoline and diesel fuel retailers to post prices either on the pump or on a street sign.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT relative to signage at fuel service stations.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Gasoline and Diesel Fuel Prices; Street Signs. Amend RSA 339:30-a to read as follows:  
2 339:30-a Gasoline and Diesel Fuel Prices.

3 I. All persons who shall offer for sale or sell any gasoline or diesel fuel at retail shall post the  
4 price of all grades of such gasoline or diesel fuel on the pump from which such fuels are dispensed *or*  
5 *on a street sign clearly visible from each pump station.* [~~Such posted prices~~] *Prices posted on*  
6 *the pump* shall be in numerals not less than 4 inches high and 3/4 of an inch in width, *or in*  
7 *numerals not less than 10 inches high and 1 inch wide when posted on a street sign.*  
8 Numerals indicating fractions or portions of whole numbers on any posted price shall be at least 1/2  
9 the size of the whole number on such display, and all posted prices shall reflect the total price of such  
10 fuel, including all taxes thereon. All posted prices shall be clearly visible from both sides of the  
11 pump from either direction of a motorist's approach to the pump in a normal approaching manner for  
12 fuel.

13 II. Any person who shall violate the provisions of this section shall be guilty of a violation.  
14 2 Effective Date. This act shall take effect 60 days after its passage.

# Amendments



Amendment to HB 1157

1 Amend RSA 339:30-a, I as inserted by section 1 of the bill by replacing it with the following:

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13

I. All persons who shall offer for sale or sell any gasoline or diesel fuel at retail shall post the *current* price of all grades of such gasoline or diesel fuel *digitally* on the pump from which such fuels are dispensed. [~~Such posted prices~~] *In addition, said prices shall be posted either on a clearly visible, stationary street sign or a sign affixed to the top of the fuel pump. Prices posted on a sign affixed to the top of the fuel pump shall be in numerals not less than 4 inches high and 3/4 of an inch in width; prices posted on a street sign shall be in numerals not less than 10 inches high and 1 inch wide.* Numerals indicating fractions or portions of whole numbers on any posted price shall be at least 1/2 the size of the whole number on such display, and all posted prices shall reflect the total price of such fuel, including all taxes thereon. All posted prices shall be clearly visible from both sides of the pump from either direction of a motorist's approach to the pump in a normal approaching manner for fuel.

Amendment to HB 1157

1 Amend the bill by replacing all after the enacting clause with the following:

2  
3 1 Gasoline and Diesel Fuel Prices; Street Signs. RSA 339:30-a is repealed and reenacted to read  
4 as follows:

5 339:30-a Gasoline and Diesel Fuel Prices.

6 I. All persons who shall offer for sale or sell any petroleum fuels at retail shall post the price  
7 of all grades and services of such petroleum fuels in at least 2 of the following ways:

8 (a) On a price sign affixed to the fuel dispenser in numerals not less than 4 inches high  
9 and 3/4 of an inch in width; such price signs shall be placed on the dispenser so that they are clearly  
10 visible from both sides of the dispenser from either direction of a motorist's approach;

11 (b) On a stationary street fuel price sign; the stationary street fuel sign must be clearly  
12 visible from the street; or

13 (c) By a digital unit price indicator or an analog unit price indicator on the face of the  
14 dispenser; the indicators must display the actual price of the fuel pumped.

15 II. Numerals indicating fractions or portions of whole numbers on any posted price shall be  
16 at least 1/2 the size of the whole number n such display, and all posted prices shall reflect the total  
17 price of such fuel, including all taxes thereon.

18 III. If a computing device is part of the fuel dispensing equipment, it shall compute the total  
19 price for single purchases at all the unit prices for which the grade, blend, or mixture of motor  
20 vehicle fuel being dispensed is offered for sale, except for the unit prices charged by contract for fleet  
21 sales and similar price-contract sales. When a grade, blend, or mixture of motor vehicle fuel is  
22 offered for sale at more than one unit price through a dispenser with a computing device:

23 (a) The unit price for a transaction shall be selected by controls on the dispenser to be  
24 used by the customer;

25 (b) A printed receipt of the transaction shall be made available to the customer, showing  
26 unit price, the total number of gallons dispensed, and the total price of the sale issued mechanically  
27 by the dispenser; or

28 (c) A printed receipt shall be made available to the customer, showing the unit price, the  
29 total number of gallons dispensed, and the total price of the sale from a person attending the  
30 dispenser or the store where the fuel is offered for sale.

31 IV. When a special sale price or promotional discount price is offered on a grade, blend, or  
32 mixture of motor vehicle fuel, the dispenser shall be set to compute transactions at the special sale

Amendment to HB 1157

- Page 2 -

1 price or promotional discount price.

2 V. Any person who shall violate the provisions of this section shall be guilty of a violation.

3 2 Effective Date. This act shall take effect January 1, 2013.

2012-0931h

AMENDED ANALYSIS

This bill establishes signage requirements for gasoline and diesel fuel prices.



# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1157

BILL TITLE: relative to signage at fuel service stations.

DATE: January 12, 2012

LOB ROOM: 302 Time Public Hearing Called to Order: 1315

Time Adjourned: 1340

(please circle if present)

Committee Members: Reps. Hunt, Coffey, Belanger, Flanders, Quandt, Headd, Nevins, Palfrey, Sullivan, Bergevin, Manuse, Mauro, McGuinness, Rice, Taylor, Meader, Gidge and Schlachman

Bill Sponsors: Rep. J. Johnson

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Jane Johnson, sponsor** - Introduced the bill. Business and consumer-friendly bill; more efficient.

**\*Adam Schmidt & Floyd Hayes, IOMA** - Both support the bill. Representing fuel dealers association. Pump topper sign could be tampered with. Price is usually shown in three places. Showing price in 2 places is enough. A third sign would be redundant.

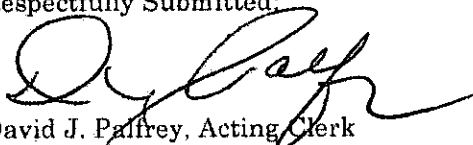
**Thomas Rymes, Rymes Propane & Oil** - Supports the bill. Have had situation where pump top signs have been tempered with. Suggested that pump sign be visible from the street.

**Rep. Johnson** - Says she will obtain an amendment to make this change.

**Sam Langley, representing self** - Opposes the bill because eliminating either a pump topper or street sign is not good.

**Peter Romano, President IOMA** - Did not speak but submitted written testimony in support of the bill on behalf of the Independent Oil Marketers Assn. of New England (IOMA).

Respectfully Submitted:

  
David J. Palfrey, Acting Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1157

BILL TITLE: relative to signage at fuel service stations.

DATE: January 12, 2012

LOB ROOM: 302 Time Public Hearing Called to Order: 1315

Time Adjourned: 1:40 PM

(please circle if present)

Committee Members: Reps. Hunt, Coffey, Belanger, Flanders, Quandt, Headd, Nevins, Palfrey, Sullivan, Bergevin, Manuse, Mauro, McGuinness, Rice, Taylor, Meader, Gidge and Schlachman.

Bill Sponsors: Rep. J. Johnson

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

<sup>Jane</sup>  
Rep. Johnson - introduced and in support of the bill  
Business + consumer friendly bill. More efficient

Adam Schmidt - Representing Fuel Dealers Assoc.

+ Pump Topper sign could be tampered with.

Floyd Hayes Price is usually shown in 3 places.

FRANCO OIL  
Price is usually shown in 3 places.  
Showing price in 2 places is enough. a third  
sign would be redundant.

they both are ~~in~~ support of the bill.

Thomas Rymer - Rymer Oil + Propane.

In support of the bill.

Have had situations where pump top signs  
have been tampered with.

Suggested that pump sign be visible from  
the street.

Rep. Johnson will obtain an amendment to make the  
Sam Langley opposed to the bill because eliminating <sup>change</sup>  
either a pump top or street sign is not good.

(OVER)

Written testimony from Peter Romano,  
President of Independent Oil Marketers  
Assoc. of New England.

# Sub-Committee Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 1157

**BILL TITLE:** relative to signage at fuel service stations.

**DATE:** 2-2-12, 2-16-12 & 2-21-12

**Subcommittee Members:** Reps. Banking/Business Division

**Comments and Recommendations:** No notes.

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. James F. Headd, Clerk  
Subcommittee Chairman/Clerk



HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 1157

BILL TITLE: relative to signage at fuel service stations.

DATE: 2-2-12

Subcommittee Members: Reps.

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON  
HB 1157

BILL TITLE: relative to signage at fuel service stations.

DATE: 2-16-12 continue, 2-21-12

Subcommittee Members: Reps.

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

# Testimony

# Independent Oil Marketers Association of New England

Testimony Submitted By:  
Peter Romano, President IOMA  
To: Commerce and Consumer Affairs Committee

January 20, 2012

RE: HB 1157: An Act Relative to Signage at Fuel Service Stations.

The Honorable Chairman Hunt, Vice Chairman Coffey, and members of the committee, my name is Peter Romano and I am the President of the Independent Oil Marketers Association of New England (IOMA). We represent independent gasoline marketers who reside, pay taxes, hire, and invest capital in the communities of New Hampshire.

IOMA members are in support of HB 1157, which basically would eliminate the need to display/maintain fuel pump toppers on top of all fuel pumps in New Hampshire. We site three reasons to support HB 1157.

1. The initial intent of pump topper requirements was to make it crystal clear to the consumer what the cost of fuel per gallon was at the time of purchase. Back in the 60's/70's/early 80's the fuel pumps where operated with mechanical gears and fuel prices displayed on the pumps were small and very hard to read. Since then, the pumps have changed from mechanical gears to computer/LED displays, which clearly display the price of fuel at the time of purchase. Thus, the pump price toppers currently displayed above the new version of pumps in New Hampshire is not only redundant but also unnecessary. Simply, the newer version of fuel pumps clearly display the price of fuel to the consumer on the face of the pump and there is no need to post it again above the pump on a price topper.

2. Most, if not all fuel marketers in New Hampshire, display fuel prices on "the street" on large prices signs and are required to display fuel pump toppers over each pump in New Hampshire. Pump toppers can be tampered with by the public or not reflect the accurate price for the product due to an oversight by an attendant. This could lead an individual to believe they are purchasing product for one price while paying either a higher or lower price. Most consumers would be unaware of the difference in price as when they lift the nozzle they focus on the "pump topper price sign" and not the LED pump face, which is real price of the gasoline that is being dispensed from the pump. Eliminating the pump topper will ensure consumers look at the correct price on the dispenser rather than the topper.

PO Box 1857

N Falmouth, MA 02556

508.548.7627

## Independent Oil Marketers Association of New England

3. Displaying and maintaining pump toppers is expensive and labor intensive. Cost per topper can range from \$110.00 to \$140.00 per sign and a significant amount of labor is necessary to display, maintain, and change these toppers as the price of fuel changes.

In addition, the State of Maine eliminated pump toppers just a few years ago and several other States have eliminated pump toppers as well. My understanding is that these States recognized that the newer pumps and potential for consumer fraud did not warrant requiring pump toppers posted above all pumps.

Thank you for your time and consideration. Please vote in favor of HB 1157.

Sincerely,  
Peter Romano  
Peter Romano  
President, IOMA

PO Box 1857  
N Falmouth, MA 02556  
508.548.7627

# Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1157

**BILL TITLE:** relative to signage at fuel service stations.

**DATE:** 2-21-12

**LOB ROOM:** 302

Amendments:

Sponsor: Rep. Headd OLS Document #: 2012 0931h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Headd

Seconded by Rep. Palfrey

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Headd

Seconded by Rep. Palfrey

Vote: 13-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Consent or Regular (Circle One)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jim Headd, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1157

BILL TITLE: relative to signage at fuel service stations.

DATE: 2-21-12

LOB ROOM: 302

Amendments:

Sponsor: Rep. HEADD

OLS Document #: 09314

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. HEADD

Seconded by Rep. PALFREY

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. HEADD

Seconded by Rep. PALFREY

Vote: 13-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Consent or Regular (Circle One)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jim Headd, Clerk

OTP/A



COMMERCE AND CONSUMER AFFAIRS

Bill #: HB 1157 Title: \_\_\_\_\_

PH Date: 1/1/12

Exec Session Date: 2/21/12

Motion: OTP

Amendment #: 09316

MEMBER	YEAS	NAYS
Hunt, John B, Chairman	✓	✓
Coffey, Jennifer R, V Chairman	✓	✓
Belanger, Ronald J	✓	✓
Flanders, Donald H		
Quandt, Matt J	✓	✓
Headd, James F, Clerk	✓	✓
Nevins, Chris F	✓	✓
Palfrey, David J	✓	✓
Sullivan, James M	✓	✓
Bergevin, Jerry E		
Manuse, Andrew J		
Mauro, Donna C		
McGuinness, Sean M	✓	✓
Rice, Frederick C	✓	✓
Taylor, Kathleen N		
Meador, David R		
Gidge, Kenneth N	✓	✓
Schlachman, Donna L	✓	✓
<i>Per Ter MARGC</i>	✓	✓
	13 -	0
	13 - 0	0

*OTPA*

# Committee Report

**CONSENT CALENDAR**

**March 7, 2012**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on COMMERCE AND CONSUMER  
AFFAIRS to which was referred HB1157,

AN ACT relative to signage at fuel service stations.

Having considered the same, report the same with the  
following amendment, and the recommendation that  
the bill OUGHT TO PASS WITH AMENDMENT.

**Rep. James F Headd**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	COMMERCE AND CONSUMER AFFAIRS
Bill Number:	HB1157
Title:	relative to signage at fuel service stations.
Date:	February 23, 2012
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

### STATEMENT OF INTENT

This bill eliminates the necessity of posting and displaying fuel prices on pump toppers on top of all fuel pumps in New Hampshire if the gas stations have the prices posted on large signs at the street. Eliminating the pump toppers ensures that the consumer is looking at the current price on the electronic dispensers rather than the toppers. Toppers can be tampered with and are also a redundant posting of the price of fuel. The amendment insures that toppers may continue to be used.

Vote 13-0.

Rep. James F Headd  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### COMMERCE AND CONSUMER AFFAIRS

**HB1157**, relative to signage at fuel service stations. **OUGHT TO PASS WITH AMENDMENT.**  
Rep. James F Headd for COMMERCE AND CONSUMER AFFAIRS. This bill eliminates the necessity of posting and displaying fuel prices on pump toppers on top of all fuel pumps in New Hampshire if the gas stations have the prices posted on large signs at the street. Eliminating the pump toppers ensures that the consumer is looking at the current price on the electronic dispensers rather than the toppers. Toppers can be tampered with and are also a redundant posting of the price of fuel. The amendment insures that toppers may continue to be used.

**Vote 13-0.**

Original: House Clerk  
Cc: Committee Bill File

HB 1157

Rep. James F. Headd

OTP/A #0931h

CC

This bill eliminates the necessity of posting and displaying fuel prices on pump toppers on top of all fuel pumps in New Hampshire if the gas stations have the prices posted on large signs at the street. Eliminating the pump toppers ensures that the consumer is looking at the current price on the electronic dispensers rather than the toppers. Toppers can be tampered with and are also a redundant posting of the price of fuel. The amendment insures that toppers may continue to be used.

JBA

HB 1157

Rep. James F. Headd

OTP/A #0931h

CC

This bill eliminates the necessity of posting and displaying fuel prices on pump toppers on top of all fuel pumps in New Hampshire. \*Eliminating the pump toppers ensures that the consumer is looking at the current price on the electronic dispensers rather than the toppers.

Toppers can be tampered with and are also a redundant posting of the price of fuel. *The Amendment insures that toppers may continue to be used.*

*\* If the gas stations have the prices posted on large signs at the street.*

*JBH*

COMMITTEE REPORT

COMMITTEE: Commerce

BILL NUMBER: HB 1157

TITLE: Relative to SIGNAGE at Fuel Service STATIONS

DATE: 2-23-12 CONSENT CALENDAR: YES  NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
0931h

STATEMENT OF INTENT:

The Bill eliminates the necessity of posting and displaying fuel prices on pump toppers on top of all fuel pumps in N.H. By eliminating the pump toppers ensures that the consumer is looking at the correct price on the electronic dispenser rather than the topper. Toppers can be tampered with and are also a redundant posting of the price of fuel.

COMMITTEE VOTE: 13-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Sam Howell  
For the Committee