

# 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

---

ANALYSIS

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

.....

Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the*  
6 *pump* shall be in numerals not less than 4 inches high and 3/4 of an inch in width, *or in numerals*  
7 *not less than 10 inches high and 1 inch wide when posted on a street sign.* Numerals indicating  
8 fractions or portions of whole numbers on any posted price shall be at least 1/2 the size of the whole  
9 number on such display, and all posted prices shall reflect the total price of such fuel, including all  
10 taxes thereon. All posted prices shall be clearly visible from both sides of the pump from either  
11 direction of a motorist's approach to the pump in a normal approaching manner for fuel.

12           II. Any person who shall violate the provisions of this section shall be guilty of a violation.

13           2 Effective Date. This act shall take effect 60 days after its passage.

HB 1157 – AS AMENDED BY THE HOUSE

7Mar2012... 0931h

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

---

AMENDED ANALYSIS

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

---

Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears [~~in brackets and struck through~~].  
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. RSA 339:30-a is repealed and reenacted to read  
2 as follows:

3 339:30-a Gasoline and Diesel Fuel Prices.

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

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

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

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

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

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

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

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

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

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

HB 1157 – AS AMENDED BY THE HOUSE

- 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.

**HB 1157 – AS AMENDED BY THE SENATE**

7Mar2012... 0931h

05/02/12 1865s

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

**AMENDED ANALYSIS**

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

-----  
-----  
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.

7Mar2012...: 0931h

05/02/12 1865s

12-2633

05/03

**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 Gasoline and Diesel Fuel Prices; Roadside Signs. RSA 339:30-a is repealed and reenacted to read as

follows:

339:30-a Gasoline and Diesel Fuel Prices.

I. All persons who shall offer for sale or sell gasoline or diesel fuel at retail shall post the price of all grades and services of such fuel in at least 2 of the following ways:

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

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

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

II. When a grade, blend, or mixture of gasoline or diesel fuel is sold from a single dispenser for a regular price and a cash discount price, both unit prices shall be posted on the dispenser in accordance with subparagraph I(a) and either subparagraph I(b) or I(c). Roadside signs advertising the cash discount price of gasoline or diesel fuel shall disclose that the advertised price is limited to cash purchases and display the word "cash" next to the cash discount price. The letters in the word "cash" or other words of disclosure shall be of the same height and width as the numerals of the cash discount price.

III. Numerals indicating fractions or portions of whole numbers on any posted price shall be at least  $\frac{1}{2}$  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.

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

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

(b)(1) A printed receipt of the transaction shall be made available to the customer, showing unit price, the total number of gallons dispensed, and the total price of the sale issued mechanically by the dispenser; or

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

V. When a special sale price or promotional discount price is offered on a grade, blend, or mixture of gasoline or diesel fuel, the dispenser shall be set to compute transactions at the special sale price or promotional discount price.

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



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

HB 1157 - FINAL VERSION

7Mar2012... 0931h  
05/02/12 1865s

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

---

AMENDED ANALYSIS

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

---

Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears [~~in brackets and struck through~~].  
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; Roadside Signs. RSA 339:30-a is repealed and reenacted to  
2 read as follows:

3 339:30-a Gasoline and Diesel Fuel Prices.

4 I. All persons who shall offer for sale or sell gasoline or diesel fuel at retail shall post the  
5 price of all grades and services of such fuel in at least 2 of the following ways:

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

9 (b) On a stationary roadside fuel price sign; the stationary roadside fuel sign must be  
10 clearly visible from the street; or

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

13 II. When a grade, blend, or mixture of gasoline or diesel fuel is sold from a single dispenser  
14 for a regular price and a cash discount price, both unit prices shall be posted on the dispenser in  
15 accordance with subparagraph I(a) and either subparagraph I(b) or I(c). Roadside signs advertising  
16 the cash discount price of gasoline or diesel fuel shall disclose that the advertised price is limited to  
17 cash purchases and display the word "cash" next to the cash discount price. The letters in the word  
18 "cash" or other words of disclosure shall be of the same height and width as the numerals of the cash  
19 discount price.

20 III. Numerals indicating fractions or portions of whole numbers on any posted price shall be  
21 at least 1/2 the size of the whole number on such display, and all posted prices shall reflect the total  
22 price of such fuel, including all taxes thereon.

23 IV. If a computing device is part of the fuel dispensing equipment, it shall compute the total  
24 price for single purchases at all the unit prices for which the grade, blend, or mixture of gasoline or  
25 diesel fuel being dispensed is offered for sale, except for the unit prices charged by contract for fleet  
26 sales and similar price-contract sales. When a grade, blend, or mixture of fuel is offered for sale at  
27 more than one unit price through a dispenser with a computing device:

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

1           (b)(1) A printed receipt of the transaction shall be made available to the customer,  
2 showing unit price, the total number of gallons dispensed, and the total price of the sale issued  
3 mechanically by the dispenser; or

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

7           V. When a special sale price or promotional discount price is offered on a grade, blend, or  
8 mixture of gasoline or diesel fuel, the dispenser shall be set to compute transactions at the special  
9 sale price or promotional discount price.

10          VI. Any person who shall violate the provisions of this section shall be guilty of a violation.

11          2 Effective Date. This act shall take effect January 1, 2013.

# Amendments

Amendment to HB 1157

1 Amend the bill by replacing section 1 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 gasoline or diesel fuel at retail shall post the  
7 price of all grades and services of such fuel 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. When a grade, blend, or mixture of gasoline or diesel fuel is sold from a single dispenser  
16 for a regular price and a cash discount price, both unit prices shall be posted on the dispenser in  
17 accordance with subparagraph I(a).

18 III. Numerals indicating fractions or portions of whole numbers on any posted price shall be  
19 at least 1/2 the size of the whole number on such display, and all posted prices shall reflect the total  
20 price of such fuel, including all taxes thereon.

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

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

28 (b)(1) A printed receipt of the transaction shall be made available to the customer,  
29 showing unit price, the total number of gallons dispensed, and the total price of the sale issued  
30 mechanically by the dispenser; or

31 (2) A printed receipt shall be made available to the customer, showing the unit price,  
32 the total number of gallons dispensed, and the total price of the sale from a person attending the

Amendment to HB 1157

- Page 2 -

1 dispenser or the store where the fuel is offered for sale.

2           V. When a special sale price or promotional discount price is offered on a grade, blend, or  
3 mixture of gasoline or diesel fuel, the dispenser shall be set to compute transactions at the special  
4 sale price or promotional discount price.

5           VI. Any person who shall violate the provisions of this section shall be guilty of a violation.

Amendment to HB 1157

1 Amend the bill by replacing section 1 with the following:

2

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

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

6 I. All persons who shall offer for sale or sell gasoline or diesel fuel at retail shall post the  
7 price of all grades and services of such fuel 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 roadside fuel price sign; the stationary roadside fuel sign must be  
12 clearly 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. When a grade, blend, or mixture of gasoline or diesel fuel is sold from a single dispenser  
16 for a regular price and a cash discount price, both unit prices shall be posted on the dispenser in  
17 accordance with subparagraph I(a) and either subparagraph I(b) or I(c). Roadside signs advertising  
18 the cash discount price of gasoline or diesel fuel shall disclose that the advertised price is limited to  
19 cash purchases and display the word "cash" next to the cash discount price. The letters in the word  
20 "cash" or other words of disclosure shall be of the same height and width as the numerals of the cash  
21 discount price.

22 III. Numerals indicating fractions or portions of whole numbers on any posted price shall be  
23 at least 1/2 the size of the whole number on such display, and all posted prices shall reflect the total  
24 price of such fuel, including all taxes thereon.

25 IV. If a computing device is part of the fuel dispensing equipment, it shall compute the total  
26 price for single purchases at all the unit prices for which the grade, blend, or mixture of gasoline or  
27 diesel fuel being dispensed is offered for sale, except for the unit prices charged by contract for fleet  
28 sales and similar price-contract sales. When a grade, blend, or mixture of fuel is offered for sale at  
29 more than one unit price through a dispenser with a computing device:

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

32 (b)(1) A printed receipt of the transaction shall be made available to the customer,



Amendment to HB 1157

- Page 2 -

1 showing unit price, the total number of gallons dispensed, and the total price of the sale issued  
2 mechanically by the dispenser; or

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

6 V. When a special sale price or promotional discount price is offered on a grade, blend, or  
7 mixture of gasoline or diesel fuel, the dispenser shall be set to compute transactions at the special  
8 sale price or promotional discount price.

9 VI. Any person who shall violate the provisions of this section shall be guilty of a violation.



Amendment to HB 1157

1 Amend the bill by replacing section 1 with the following:

2

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

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

6 I. All persons who shall offer for sale or sell gasoline or diesel fuel at retail shall post the  
7 price of all grades and services of such fuel 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 roadside fuel price sign; the stationary roadside fuel sign must be  
12 clearly 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. When a grade, blend, or mixture of gasoline or diesel fuel is sold from a single dispenser  
16 for a regular price and a cash discount price, both unit prices shall be posted on the dispenser in  
17 accordance with subparagraph I(a) and either subparagraph I(b) or I(c). Roadside signs advertising  
18 the cash discount price of gasoline or diesel fuel shall disclose that the advertised price is limited to  
19 cash purchases and display the word "cash" next to the cash discount price. The letters in the word  
20 "cash" or other words of disclosure shall be of the same height and width as the numerals of the cash  
21 discount price.

22 III. Numerals indicating fractions or portions of whole numbers on any posted price shall be  
23 at least 1/2 the size of the whole number on such display, and all posted prices shall reflect the total  
24 price of such fuel, including all taxes thereon.

25 IV. If a computing device is part of the fuel dispensing equipment, it shall compute the total  
26 price for single purchases at all the unit prices for which the grade, blend, or mixture of gasoline or  
27 diesel fuel being dispensed is offered for sale, except for the unit prices charged by contract for fleet  
28 sales and similar price-contract sales. When a grade, blend, or mixture of fuel is offered for sale at  
29 more than one unit price through a dispenser with a computing device:

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

32 (b)(1) A printed receipt of the transaction shall be made available to the customer,

Amendment to HB 1157

- Page 2 -



1 showing unit price, the total number of gallons dispensed, and the total price of the sale issued  
2 mechanically by the dispenser; or

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

6 V. When a special sale price or promotional discount price is offered on a grade, blend, or  
7 mixture of gasoline or diesel fuel, the dispenser shall be set to compute transactions at the special  
8 sale price or promotional discount price.

9 VI. Any person who shall violate the provisions of this section shall be guilty of a violation.

# Committee Minutes

**SENATE CALENDAR NOTICE  
TRANSPORTATION**

Senator Jim Rausch Chairman  
 Senator David Boutin V Chairman  
 Senator James Forsythe  
 Senator Molly Kelly  
 Senator Nancy Stiles

|  |                                      |
|--|--------------------------------------|
| For Use by Senate Clerk's Office ONLY    |                                      |
| <input type="checkbox"/> Bill Status.    |                                      |
| <input type="checkbox"/> Docket          |                                      |
| <input type="checkbox"/> Calendar        |                                      |
| Proof: <input type="checkbox"/> Calendar | <input type="checkbox"/> Bill Status |

**Date: March 22, 2012**

**HEARINGS**

**Thursday**

**3/29/2012**

**TRANSPORTATION**

**LOB 103**

**9:00 AM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

|          |           |   |
|----------|-----------|---|
| 9:00 AM  | HB1157    | relative to signage at fuel service stations.   |
| 9:30 AM  | HB1307    | relative to agricultural plates.  |
| 9:45 AM  | HB1434    | relative to display of antique motor vehicle plates.  |
| 10:00 AM | HB1495-FN | (New Title) establishing a Purple Heart Trail along U. S. Route 3.  |
| 10:30 AM | HB1585-FN | relative to inspections of trucks and buses.  |
| 10:45 AM | HJR22     | supporting the use of an aversive agent in certain engine coolants and antifreeze to render them impalatable. |

**Sponsors:**

**HB1157**

Rep. Jane Johnson

**HB1307**

Rep. Gary Coulombe

Sen. John Gallus

**HB1434**

Rep. Timothy Comerford

Rep. Clifford Newton

Rep. Leo Pepino

Rep. James Belanger

Rep. Robert Malone

**HB1495-FN**

Rep. Jennifer Coffey

Rep. Alfred Baldasaro

Rep. Elaine Swinford

Rep. Todd Smith

Rep. Evalyn Merrick

Rep. Kris Roberts

Rep. Robert Theberge

Rep. Stephen Shurtleff

Sen. James Forsythe

Sen. Sharon Carson

Rep. Daniel Tamburello

Sen. Gary Lambert

Rep. Carol McGuire

**HB1585-FN**

Rep. Dan McGuire

Rep. Mark Warden

**HJR22**

Rep. Jacqueline Cali-Pitts

Sen. Nancy Stiles

Rep. Robin Read

# Transportation Committee

## Hearing Report

TO: Members of the Senate

FROM: Jennifer Horgan, Legislative Aide

RE: Hearing report on HB 1157 – relative to signage at fuel service stations.

HEARING DATE: 03/29/2012

MEMBERS OF THE COMMITTEE PRESENT: Senator Rausch, Senator Boutin, Senator Stiles, Senator Kelly

MEMBERS OF THE COMMITTEE ABSENT: Senator Forsythe

Sponsor(s): Rep. J. Johnson, Ches 6

What the bill does: This bill establishes signage requirements for gasoline and diesel fuel prices.

Who supports the bill: Representative Johnson; Adam Schmidt, International Oil Marketers Association; Dennis Marquis, Weights and Measures

Who opposes the bill: No one

### Summary of testimony received:

- Representative Johnson introduced the bill and stated that she heard complaints from gas station owners regarding the upkeep of toppers on top of gas pumps. She believes that this bill makes it fair for the businesses and the consumers.
- Senator Rausch asked what would be the difference with this bill from current law.
- Representative Johnson explained that this bill would require only two displays of the prices instead of the currently required three. The law currently requires the prices to be on a sign visible from the road, on the topper above the gas pump and on the digital display of the dispenser.
- Senator Rausch asked her to explain what a topper is.
- Representative Johnson explained that they are the signs on top of the gas pumps that display the prices for the gasoline.
- Senator Stiles asked if this bill would only require the display on a sign visible from the road and on the gas dispenser.
- Representative Johnson responded yes.

- Senator Boutin voiced some concern regarding stations charging different prices for cash versus credit and not adequately displaying it at the station. He requested that an amendment be crafted to address this issue to ensure that both prices are clearly displayed.
- Representative Johnson said she would be happy to work on that.
- Adam Schmidt (International Oil Marketers Association) stated his support for the legislation and submitted written testimony to the committee. He explained the history of the topper and stated that it is not current with today's technology and can easily be sabotaged by kids. Mr. Schmidt hopes this change will direct people's attention to the pump in order to have a clearer understanding of the cost.
- Senator Rausch asked about the price difference between cash and credit.
- Mr. Schmidt stated that he was not well versed in this matter and asked to defer to a member of the association.
- Floyd Hayes (IOMA) explained that stations can charge two different prices, but pointed out that current law requires them to visibly post both prices.
- Senator Rausch asked how that works with the electronic dispenser.
- Mr. Hayes explained that the pump automatically changes the price when you use a credit card.
- Senator Stiles stated that it should be displayed clearly when there are separate prices.
- Mr. Hayes responded that he believes that is already required to have both prices displayed at the pump.
- Senator Stiles asked if the sign on the street displays that that is the cash price.
- Mr. Hayes replied that he believes that they have to.
- Senator Boutin stated that a station informed him that they have no obligation to let the consumer know that there are different prices.
- Mr. Hayes responded that he believes that they are obligated to display both.
- Senator Boutin asked about addressing this issue in the amendment.
- Mr. Hayes responded that he believes that it is already illegal to not have it posted.
- Senator Kelly stated that the intent of the bill was to have the prices posted two places, one on the street and then on the digital dispenser. The Senator asked how the two different prices for cash and credit would be displayed on the digital dispenser.
- Mr. Hayes responded that if they had two different prices they would still have to have the topper in order to comply with the proposed regulation of two visible displays.
- Senator Kelly asked if he felt that this was clearly explained in the bill.
- Mr. Hayes responded yes.
- Mr. Schmidt stated that he believes that the issue is addressed on line 18, but stated that he would be willing to put more language in to clarify that.
- Senator Boutin stated that he believes that the issue of displaying different prices for cash and credit needs to be addressed, but either way he supports the bill.
- Senator Rausch stated that he may want more clarification regarding the different prices and the two required postings. He also voiced some concerns regarding the price being changed subjectively on the digital pump dispenser.

- Mr. Hayes responded that the pumps are programmed through software and the price can only be changed when all of the pumps are inactive. He also stated that he has never heard cases of that issue occurring. Mr. Hayes stated that the price changes are kept in records that cannot be tampered with and Weights and Measures is able to investigate claims of the prices being unfairly changed.
- Senator Kelly asked if the digital dispenser price can change after you put your credit card in.
- Mr. Hayes stated that the pump dispenser will always display the price you are paying.
- Dennis Marquis (Weight and Measures) said that if there is a price differential the stations are required to post both prices for card and cash. He went on to say that they are aware that violations of this occur and they do investigate them.
- Senator Rausch questioned how they monitor someone inserting their credit card and having the price change.
- Mr. Marquis responded by saying that if they have a complaint there are encrypted audit trails that only go to the host oil company and Weights and Measures would be able to review that trail.
- Senator Rausch asked if the Department had any problems with the bill.
- Mr. Marquis replied no.
- Senator Boutin stated that he believes it is an issue if a station displays one price on the sign and the driver finds out that they may have to pay a different price with credit after pulling in.
- Mr. Marquis asked if Senator Boutin would want to require the two different prices on the street sign.
- Senator Boutin replied yes.
- Senator Kelly asked if you had two different prices then could the price changing on the digital dispenser qualify as notification.
- Mr. Marquis replied no.
- Senator Rausch asked if the station had two different prices then they would be required to have a topper displaying the two prices as well.
- Mr. Marquis responded yes.
- Senator Rausch stated that they would need to review this matter more during executive session to see if clarification was necessary.

Funding: N/A

Future Action: The Committee took the bill under advisement.

Jennifer Horgan  
[file: HB1157 report]  
Date: 03/30/2012



# Speakers



# Testimony

**TITLE XXXI**  
**TRADE AND COMMERCE**

**CHAPTER 339**  
**SALES OF CERTAIN ARTICLES**

**Petroleum, Naphtha and Illuminating Oils**

**Section 339:30-a**

**339:30-a Gasoline and Diesel Fuel Prices. –**

I. All persons who shall offer for sale or sell any gasoline or diesel fuel at retail shall post the price of all grades of such gasoline or diesel fuel on the pump from which such fuels are dispensed. Such posted prices shall be in numerals not less than 4 inches high and  $\frac{3}{4}$  of an inch in width. Numerals indicating fractions or portions of whole numbers on any posted price shall be at least  $\frac{1}{2}$  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.

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

**Source.** 1974, 24:2, eff. June 1, 1974.

# Independent Oil Marketers Association of New England

Testimony Submitted By:  
Peter Romano, President IOMA  
To: Senate Transportation Committee

March 29, 2012

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

The Honorable Chairman Rausch, Vice Chairman Boutin, 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

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: 04/26/2012

THE COMMITTEE ON Transportation  
to which was referred House Bill 1157

AN ACT relative to signage at fuel service stations.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 1865s

Senator Nancy Stiles  
For the Committee

Jennifer Horgan 271-3091



## New Hampshire General Court - Bill Status System

**Docket of HB1157**

Docket Abbreviations

**Bill Title:** relative to signage at fuel service stations.*Official Docket of HB1157:*

| <b>Date</b> | <b>Body</b> | <b>Description</b>  |
|-------------|-------------|---|
| 10/24/2011  | H           | <b>Introduced</b> 1/4/2012 and Referred to Commerce and Consumer Affairs; <b>HJ 7</b> , PG.345          |
| 12/15/2011  | H           | ==CANCELLED== Public Hearing: 1/12/2012 1:15 PM LOB 302<br>=Insurance Div=                              |
| 1/11/2012   | H           | ==RESCHEDULED== Public Hearing: 1/20/2012 1:15 PM LOB 302<br>=Insurance Div=                            |
| 1/24/2012   | H           | Subcommittee Work Session: 2/2/2012 2:00 PM LOB 302 =Insurance Div=                                     |
| 2/8/2012    | H           | Subcommittee Work Session: 2/16/2012 10:00 AM LOB 302   |
| 2/9/2012    | H           | ==CANCELLED== Executive Session: 2/16/2012 1:15 PM LOB 302  |
| 2/16/2012   | H           | Subcommittee Work Session: 2/21/2012 10:00 AM LOB 302 ==Executive Session To Follow==                   |
| 2/23/2012   | H           | Committee Report: Ought to Pass with Amendment #0931h for Mar 7 (Vote 13-0; CC); <b>HC 18</b> , PG.1055 |
| 2/23/2012   | H           | Proposed Committee Amendment # <b>2012-0931h</b> ; <b>HC 17</b> , PG.975-976                            |
| 3/7/2012    | H           | Amendment #0931h Adopted, VV; <b>HJ 21</b> , PG.1286-1287   |
| 3/7/2012    | H           | <b>Ought to Pass with Amendment</b> #0931h: MA VV; <b>HJ 21</b> , PG.1286                               |
| 3/7/2012    | S           | Introduced and Referred to Transportation; <b>SJ 7</b> , Pg.185   |
| 3/22/2012   | S           | Hearing: 3/29/12, Room 103, LOB, 9:00 a.m.; <b>SC12</b>   |
| 4/26/2012   | S           | Committee Report: Ought to Pass with Amendment # <b>2012-1865s</b> , 5/2/12; <b>SC17</b>                |
| 5/2/2012    | S           | Committee Amendment 1865s; AA, VV   |
| 5/2/2012    | S           | <b>Ought to Pass with Amendment</b> 1865s, MA, VV; OT3rdg   |
| 5/15/2012   | H           | House Concurs with Senate AM #1865s (Rep Hunt): MA VV   |
| 5/17/2012   | H           | Enrolled  |
| 5/23/2012   | S           | Enrolled  |

NH House

NH Senate

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

HB1157 ORIGINAL REFERRAL \_\_\_\_\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

HANDOUTS FROM THE PUBLIC HEARING

PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 1861s     - AMENDMENT # 1855s  
 - AMENDMENT # 1865s    \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED     AS AMENDED BY THE HOUSE  
 FINAL VERSION     AS AMENDED BY THE SENATE

\_\_\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): \_\_\_\_\_

DATE DELIVERED TO SENATE CLERK

6/19/12

BY COMMITTEE AIDE

