



**BALTIMORE CITY COUNCIL
PUBLIC SAFETY AND GOVERNMENT OPERATIONS
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Public Safety and Government Operations Committee will be responsible for matters concerning public safety, including, but not limited to; emergency preparedness, police services, fire/EMS, and the executive, administrative, and operational functions of the city government and libraries.

**The Honorable Mark Conway
Chair**

PUBLIC HEARING

**Wednesday, February 28th, 2024
1:01 PM
CLARENCE "DU" BURNS COUNCIL CHAMBERS**

Ordinance 23-0480

Motor Fuel Credit Price Signage

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SYNOPSIS

Committee: Public Safety and Government Operations

Bill: 24-0480

Motor Fuel Credit Price – Signage

Sponsor: Chairman Conway
Introduced: January 8th, 2024

Purpose:

FOR the purpose of requiring a certain retail dealer in motor fuel to display the credit price of motor fuel on a certain sign; defining certain terms; establishing certain penalties; and generally relating to a retail dealer in motor fuel’s credit price for motor fuel.

BY repealing and re-ordaining, with amendments,
Article 1 - Mayor, City Council, and Municipal Agencies
Section 41-14(.5)
Baltimore City Code
(Edition 2000)

BY repealing and re-ordaining, with amendments,
Article 2 - Consumer Protections
Sections 10-1, 10-4, and 10-8
Baltimore City Code
(Edition 2000)

Effective: On the 30th day from the date enacted

AGENCY REPORTS

City Solicitor	Approved for form and legal sufficiency
Dept Finance	No Opposition
Dept Transportation	No Opposition
BPD	No Opposition
Equity & Civil Rights	Supports

ANALYSIS

Bill Summary

This bill if enacted would update the Civil Citations subtitle of Article 1 of the City Code and the Motor Fuel Sales subtitle of Article 2 of the City Code.

Article 1 Subtitle 41 Civil Citations would include fines for retail dealers who sell motor fuel who fail to display the highest credit price for motor fuel. The citations would include fees:

- 1st offense \$100
- 2nd offense \$250
- 3rd Offense \$500
- 4th Offense and all subsequent offenses \$1000

Article 2 Subtitle 10 Motor Fuel Sales – would be updated with the following definitions:

- Credit Price
 - “Credit price” means the total cost, including any fees, for 1 whole measurement unit of regular gasoline sold on the premises that is payable to a fuel station by a customer using a credit card or other non-cash form of payment.
- Motor Fuel
 - a light distillate of petroleum or allied substance with suitable volatility and other characteristics to be used as a fuel for operating internal combustion engines whether or not it is mixed with other materials; or
 - any other product or liquid when sold for use as a fuel in any type of internal combustion engine furnishing power to operate a motor vehicle.
- Retail Dealer
 - “Retail dealer” means any person, firm, or corporation operating a service station, filling station, store, garage, or other place of business for the retail sale of motor fuel or the sale or dispensing of motor fuel for delivery into the service tank or tanks of any motor vehicle which is propelled by an internal combustion motor, other than such a motor vehicle belonging to the person owning or operating said place of business.

The subtitle would reiterate the penalty structure from Article 1 and also require that retail dealers must on their sign clearly and visibly include the highest credit price.

State Law

In their report the Law Department noted that in the State Assembly and Senate there are several bills meant to address credit prices of motor fuel noting SB 651/HB 882. Which may if passed preempt local legislation (See attached text of state bills).

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): 24-0480 1st reader, Agency Reports, Senate Bill 651, House Bill 884

Analysis by: Anthony Leva
Analysis Date: February 22, 2024

Direct Inquiries to: 410-396-1091

**CITY OF BALTIMORE
COUNCIL BILL 24-0480
(First Reader)**

Introduced by: Councilmember Conway

Introduced and read first time: January 8, 2024

Assigned to: Public Safety and Government Operations Committee

Referred to the following agencies: City Solicitor, Department of Finance, Office of Equity and Civil Rights, Department of Transportation, Baltimore Police Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Motor Fuel Credit Price – Signage**

3 FOR the purpose of requiring a certain retail dealer in motor fuel to display the credit price of
4 motor fuel on a certain sign; defining certain terms; establishing certain penalties; and
5 generally relating to a retail dealer in motor fuel’s credit price for motor fuel.

6 BY repealing and re-ordaining, with amendments,
7 Article 1 - Mayor, City Council, and Municipal Agencies
8 Section 41-14(.5)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and re-ordaining, with amendments,
12 Article 2 - Consumer Protections
13 Sections 10-1, 10-4, and 10-8
14 Baltimore City Code
15 (Edition 2000)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 Laws of Baltimore City read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 24-0480

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 41. Civil Citations

§ 41-14. Definitions.

(.5) Article 2. Consumer Protections

SUBTITLE 10. MOTOR FUEL SALES

§ 10-4(C). FAILURE TO DISPLAY HIGHEST CREDIT PRICE FOR MOTOR FUEL	
1 ST OFFENSE	\$100
2 ND OFFENSE	\$250
3 RD OFFENSE	\$500
4 TH OR SUBSEQUENT OFFENSE	\$1,000

Subtitle 16. Ticket Sales – Charges by Operators and Agents \$750

Subtitle 17. Ticket Sales – Ticket Purchasing Software \$750

Article 2. Consumer Protections

Subtitle 10. Motor Fuel Sales

§ 10-1. Definitions.

(A) IN GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *CREDIT PRICE*.

“CREDIT PRICE” MEANS THE TOTAL COST, INCLUDING ANY FEES, FOR 1 WHOLE MEASUREMENT UNIT OF REGULAR GASOLINE SOLD ON THE PREMISES THAT IS PAYABLE TO A FUEL STATION BY A CUSTOMER USING A CREDIT CARD OR OTHER NON-CASH FORM OF PAYMENT.

[(a) *Retail dealer*.]

[The term “retail dealer” shall mean any person, firm, or corporation operating a service station, filling station, store, garage, or other place of business for the retail sale of motor fuel or the sale or dispensing of motor fuel for delivery into the service tank or tanks of any motor vehicle which is propelled by an internal combustion motor, other than such a motor vehicle belonging to the person owning or operating said place of business.]

Council Bill 24-0480

1 (C) [(b)] *Motor fuel.*

2 [The term “motor fuel” shall mean:]

3 “MOTOR FUEL” MEANS:

4 (1) a light distillate of petroleum or allied substance with suitable volatility and other
5 characteristics to be used as a fuel for operating internal combustion engines
6 whether or not it is mixed with other materials; or

7 (2) any other product or liquid when sold for use as a fuel in any type of internal
8 combustion engine furnishing power to operate a motor vehicle.

9 (D) *RETAIL DEALER.*

10 “RETAIL DEALER” MEANS ANY PERSON, FIRM, OR CORPORATION OPERATING A SERVICE
11 STATION, FILLING STATION, STORE, GARAGE, OR OTHER PLACE OF BUSINESS FOR THE
12 RETAIL SALE OF MOTOR FUEL OR THE SALE OR DISPENSING OF MOTOR FUEL FOR DELIVERY
13 INTO THE SERVICE TANK OR TANKS OF ANY MOTOR VEHICLE WHICH IS PROPELLED BY AN
14 INTERNAL COMBUSTION MOTOR, OTHER THAN SUCH A MOTOR VEHICLE BELONGING TO THE
15 PERSON OWNING OR OPERATING SAID PLACE OF BUSINESS.

16 **§ 10-4. Signs.**

17 (a) *Legislative finding.*

18 The City Council finds that the preservation of the natural beauty of Baltimore City
19 requires the limitation of signs advertising prices of motor vehicle fuels at places
20 dispersing fuels in Baltimore City. Such limitation will equally serve to protect the safety
21 and recreational value of public travel on streets in the City and will better protect the
22 public investment in its streets and highways. In furtherance of these purposes, the
23 following limitations are enacted.

24 (b) *Price signs on pumps.*

25 (1) Every retail dealer in motor fuel shall publicly display and maintain on each pump or
26 other dispensing device, from which motor fuel is sold by him, at least 1 sign and not
27 more than 2 signs stating the price per gallon of the motor fuel, the State and Federal
28 taxes, and the total price, sold by him from such pump or device.

29 (2) Said sign or signs shall be of a size not larger than 8 inches by 10 inches.

30 (3) The price shown on each of such signs shall include an itemization of the cost per
31 gallon of said motor fuel, the amount of Federal taxes, and the amount of State taxes.

32 (4) All figures, including fractions, upon said signs, other than figures and fractions used
33 in any price-computing mechanism constituting a part of any such pump or dispensing
34 device, shall be of the same size.

Council Bill 24-0480

1 (C) *CREDIT PRICE MUST BE DISPLAYED.*

2 IF A RETAIL DEALER IN MOTOR FUEL POSTS A SIGN UNDER § 10-315(E) OF THE STATE
3 BUSINESS REGULATION ARTICLE, THE SIGN MUST INCLUDE, CLEARLY AND VISIBLY, THE
4 HIGHEST CREDIT PRICE.

5 (D) [(c)] *Other price signs prohibited.*

6 No signs stating or relating to the prices of motor fuel and no signs designed or calculated
7 to cause the public to believe that they state or relate to the price of motor fuel, other than
8 the signs referred to in [subsection (b)] SUBSECTIONS (B) AND (C) of this section and
9 required to be displayed upon pumps and other dispensing devices, shall be posted or
10 displayed on or about the premises where motor fuel is sold at retail, and within the view
11 of any public highway or reservation.

12 **§ 10-8. Penalties.**

13 (a) *In general.*

14 (1) Except as provided under [subsection (b)] SUBSECTIONS (B) AND (C) of this section,
15 whoever, himself or by his agent or servant, violates any provision of this subtitle
16 shall be punished by a fine of not less than \$10 nor more than \$100.

17 (2) Upon the 2nd conviction of any licensee or any such violation, whether by himself or
18 by his agent or servant, the Director of Finance may suspend the right of such licensee
19 to engage in the business of selling motor fuel at retail for a period not exceeding 3
20 months.

21 (3) Upon a 3rd or subsequent conviction of any license of any such violation, whether by
22 himself or by his agent or servant, the Director of Finance may suspend such right for
23 a period not exceeding 1 year.

24 (B) *VIOLATIONS OF § 10-4(C).*

25 ANY RETAIL DEALER OF MOTOR FUEL VIOLATING § 10-4(C) OF THIS SUBTITLE IS SUBJECT
26 TO:

27 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$100;

28 (II) FOR A SECOND OFFENSE, A FINE OF NOT MORE THAN \$250;

29 (III) FOR A THIRD OFFENSE, A FINE OF NOT MORE THAN \$500; AND

30 (IV) FOR A FOURTH OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN \$1,000
31 AND THE SUSPENSION OF THE RETAIL DEALER'S LICENSE UNDER § 10-2 OF THIS
32 SUBTITLE.

Council Bill 24-0480

1 (C) [(b)] *Violations of §10-6.*

2 Any retail service station dealer who is convicted of a violation of any provision of § 10-6
3 of this subtitle is subject to a fine of not more than \$25.

4 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
5 after the date it is enacted.

**PUBLIC SAFETY AND
GOVERNMENT OPERATIONS
COMMITTEE**

23-0480

**AGENCY REPORTS
Motor Fuel Credit Price Signage**

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

February 13, 2024

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 24-0480 – Motor Fuel Credit Price – Signage

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 24-0480 for form and legal sufficiency. The bill would amend language in the existing Consumer Protection law of Baltimore City concerning signs for motor fuel. Specifically, it would add a definition for “credit price,” require that the highest credit price be displayed if the retail dealer of motor fuel posts a sign under state law and provide for penalties for failure to display.

It should be noted that there are several Senate and House bills in the 2024 General Assembly that address displays of credit prices for motor fuel. *See, e.g.,* 2024 SB 651/HB 882. Should those bills be enacted, they may preempt this local legislation. MD Constitution, Art. 11-A, § 3; *see e.g., Mayor and City Council of Baltimore v. Hart*, 395 Md. 394, 408-09 (2006).


The Law Department can approve the bill for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Hilary Ruley".

Hilary Ruley
Chief Solicitor

cc: Ebony M. Thompson, City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Ashlea Brown, Chief Solicitor
Jeffery Hochstetler, Chief Solicitor
Teresa Cummings, Assistant Solicitor
Michelle Toth, Assistant Solicitor

F R O M	NAME & TITLE	Corren Johnson, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Dept. of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	Council Bill 24-0480		

DATE: 2/7/2024

TO: Mayor Brandon Scott
TO: Public Safety and Government Operations Committee

FROM: Department of Transportation
POSITION: **No Opposition**
SUBJECT: Council Bill 24-0480

TITLE – Motor Fuel Credit Price - Signage

PURPOSE – For the purpose of requiring a certain retail dealer in motor fuel to display the credit price of motor fuel on a certain sign; defining certain terms; establishing certain penalties; and generally relating to a retail dealer in motor fuel’s credit price for motor fuel.


COMMENTS – Council Bill 24-0480 establishes a placement and content criteria for signs used by motor fuel retail dealers (e.g. gas stations) to advertise the price of fuel. The bill would forbid retail dealers from advertising fuel prices in a highly visible or disruptive manner while also requiring signage (1) to be posted only at pumps and (2) to be limited to a modest size. The bill would also provide for fines and the temporary suspension of licenses retail dealers found to be in violation of this law. Overall, the bill seeks to address concerns on the potentially distracting or disruptive advertisement prevalent among various motor fuel retail dealer locations.

DOT POSTION – We foresee no direct operational or fiscal impact resulting from this legislation. Therefore, we have **no objection** the advancement of Council Bill 24-0480.

Please do not hesitate to contact Liam Davis at Liam.Davis@baltimorecity.gov or at 410-545-3207 if you have any questions or concerns.

Sincerely,

Corren Johnson,
Director

FROM	NAME & TITLE	Robert Cename, Deputy Finance Director <i>RC</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Finance Room 454, City Hall		
	SUBJECT	24-0480 Motor Fuel Credit Price - Signage		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400

February 8th, 2024

Position: Does Not Oppose

The Department of Finance is herein reporting on City Council Bill 24-0480, Motor Fuel Credit Price - Signage, for the purpose of requiring a certain retail dealer in motor fuel to display the credit price of motor fuel on a certain sign; defining certain terms; establishing certain penalties; and generally relating to a retail dealer in motor fuel's credit price for motor fuel.

Background

The Director of Finance is given the authority under Article 2, § 10-2 of the Baltimore City Code to issue licenses for motor fuel sales to operate and sell motor fuel within the City of Baltimore. Motor fuel cannot be sold within the city limits without a license. The same subtitle contains various regulations for businesses that engage in motor fuel sales. Currently, businesses engaged in the sale of motor fuels must only post the cash price of fuel.

Generally, when customers use credit cards and other noncash methods of payment, there is a fee placed on the transaction by the company that is responsible for the noncash method of payment. This fee, which can either be a flat fee or a percentage of the sale, is paid for by the business. This fee is passed on to the consumer and general results in a higher cost per gallon compared to the cash price. City Council Bill 24-0480 would require a business that sells motor fuels to post signage stating the price of motor fuels if purchased using credit cards and other noncash methods of payment.

Fiscal Impact

The Department of Finance expects minimal fiscal impact to implement this legislation. The Department will add the requirements contained in City Council Bill 24-0480, Motor Fuel Credit Price – Signage to the inspection list.

Conclusion

City Council Bill 24-0480, Motor Fuel Credit Price – Signage would require retail dealers of motor fuel to display the credit card price for motor fuel. The Department of Finance is in charge of licensing motor fuel retailers. The Department of Finance expects minimal costs to implement this legislation.

For the reasons stated above, the Department of Finance does not oppose City Council Bill 24-0480.

cc: Michael Mocksten
Nina Themelis



BALTIMORE POLICE DEPARTMENT



Brandon M. Scott
Mayor

Richard J. Worley
Police Commissioner

February 28, 2024

Honorable President and Members of the Baltimore City Council
Room 400, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

RE: City Council Bill #24-0480
Motor Fuel Credit Price--Signage

Dear Council President Mosby and Members of the City Council:

The Baltimore Police Department (BPD) has reviewed Council Bill 24-0480 for the purpose of requiring a motor fuel retail dealer to display the credit price of fuel on specific signage; defining terms; and establishing penalties. This bill aims to ensure that proper information on fees is clearly available to the consumer while also ensuring that signage does not negatively affect the natural beauty and aesthetic of the area.

The Baltimore Police Department has no opposition to Council Bill #24-0480. Thank you for allowing us to comment on this important piece of legislation.

Sincerely,

Erin Murphy, Esq.
Director of Government Affairs

cc: Natwana Austin, Executive Secretary of the Baltimore City Council
Nina Themelis, Director of the Mayor's Office of Government Relations
Andrew Smullian, BPD Deputy Chief of Staff



CITY COUNCIL BILL: 24-0480

BILL REPORT

MOTOR FUEL CREDIT PRICE - SIGNAGE

TO: The Honorable Nick Mosby, President, Baltimore City Council
FROM: Dana Petersen Moore, Director, Office of Equity and Civil Rights
THRU: Nina Themelis, Director, Mayor's Office of Government Relations
ANALYST: Dana Petersen Moore, Director, Office of Equity and Civil Rights and Baltimore City
Chief Equity Officer
DATE: February 28, 2024
POSITION: **Favorable**

INTRODUCTION

The Office of Equity and Civil Rights (OECR) has reviewed and is herein reporting on City Council Bill 24-0480 – Motor Fuel Credit Price - Signage. This is a consumer protection bill that requires gas stations to display the highest price for paying for fuel with a credit card. The bill also defines certain terms and establishes specified penalties. Further, the bill repeals and re-ordains with amendments Article I, Section 41-14(.5) of the Baltimore City Code, and Article 2, Sections 10-1, 10-4, and 10-8 of the Baltimore City Code.

ANALYSIS

Council Bill 24-0480 seeks to require that businesses selling gasoline to consumers advertise the actual cost for their product when a consumer pays for the product with a credit card or debit. This requirement seeks to alleviate the surprise that many consumers experience when they pull into a gas station because the advertised price per gallon appears low, only to find at the time of purchase that there is a surcharge for not paying with cash.

CONCLUSION

The Office of Equity and Civil Rights supports a **favorable** committee report on City Council Bill 24-0480.

Respectfully submitted,

Dana Petersen Moore

**PUBLIC SAFETY AND
GOVERNMENT OPERATIONS
COMMITTEE**

23-0480

**ADDITIONAL DOCUMENTS
Motor Fuel Credit Price Signage**

HOUSE BILL 882

C2

4r3253
CF SB 651

By: **Delegate Rosenberg**

Introduced and read first time: February 2, 2024

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Sale of Motor Fuel – Pricing Signage**
3 **(Gas Price Gouging Act)**

4 FOR the purpose of altering a signage requirement for retail service stations relating to the
5 price of regular gasoline; altering a signage authorization for retail service stations
6 relating to the price of diesel and other motor fuel products; repealing an exemption
7 from a certain signage requirement for retail service station dealers with not more
8 than a certain number of dispensing units and nozzles; and generally relating to
9 pricing signs at retail service stations.

10 BY repealing and reenacting, with amendments,
11 Article – Business Regulation
12 Section 10–315
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2023 Supplement)

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

17 **Article – Business Regulation**

18 10–315.

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

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

24 (2) If numerals that show a fractional cent are used, the combined height

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 and width of the numerator and denominator shall equal the height and width of the other
2 numerals used.

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

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

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

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

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

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

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

20 (e) (1) [This subsection does not apply to a retail service station dealer who
21 operates with not more than 3 dispensing units that combined have not more than 6
22 nozzles.

23 (2)] (i) Each retail service station dealer shall keep a sign on the
24 premises that:

25 1. [states the lowest price] **PROMINENTLY DISPLAYS**
26 **CLEARLY AND VISIBLY**, for a whole measurement unit of regular gasoline sold on the
27 premises:

28 **A. THE CREDIT AND DEBIT PRICE, IF HIGHER THAN THE**
29 **CASH PRICE; OR**

30 **B. THE CREDIT AND DEBIT PRICE AND THE CASH PRICE;**

31 2. states the unit of measurement used; and

32 3. is readable by passing motorists.

1 (ii) The sign required under subparagraph (i) of this paragraph also
2 may [state the lowest price] **PROMINENTLY DISPLAY CLEARLY AND VISIBLY**, for a whole
3 measurement unit of diesel and other motor fuel products sold on the premises:

4 **1. THE CREDIT AND DEBIT PRICE, IF HIGHER THAN THE**
5 **CASH PRICE; OR**

6 **2. THE CREDIT AND DEBIT PRICE AND THE CASH PRICE.**

7 **[(3)] (2)** All numerals on the sign shall:

8 (i) be uniform;

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

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

11 **[(4)] (3)** A numeral in a fraction or a letter shall be at least one-third the
12 height of a numeral that indicates a whole number.

13 **[(5)] (4)** If a new or additional sign is required to comply with this
14 subsection, the supplier of the gasoline shall provide the sign and numerals without cost to
15 the retail service station dealer.

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

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

20 (2) the area of signs permitted.

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

24 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect
25 October 1, 2024.

SENATE BILL 651

C2

4r3250
CF 4r3253

By: **Senator Kagan**

Introduced and read first time: January 29, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Sale of Motor Fuel – Pricing Signage**
3 **(Gas Price Gouging Act)**

4 FOR the purpose of altering a signage requirement for retail service stations relating to the
5 price of regular gasoline; altering a signage authorization for retail service stations
6 relating to the price of diesel and other motor fuel products; repealing an exemption
7 from a certain signage requirement for retail service station dealers with not more
8 than a certain number of dispensing units and nozzles; and generally relating to
9 pricing signs at retail service stations.

10 BY repealing and reenacting, with amendments,
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15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Business Regulation**

18 10–315.

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

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

24 (2) If numerals that show a fractional cent are used, the combined height

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 and width of the numerator and denominator shall equal the height and width of the other
2 numerals used.

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

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

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

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

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

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

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

20 (e) (1) [This subsection does not apply to a retail service station dealer who
21 operates with not more than 3 dispensing units that combined have not more than 6
22 nozzles.

23 (2)] (i) Each retail service station dealer shall keep a sign on the
24 premises that:

25 1. [states the lowest price] **PROMINENTLY DISPLAYS**
26 **CLEARLY AND VISIBLY**, for a whole measurement unit of regular gasoline sold on the
27 premises:

28 **A. THE CREDIT AND DEBIT PRICE, IF HIGHER THAN THE**
29 **CASH PRICE; OR**

30 **B. THE CREDIT AND DEBIT PRICE AND THE CASH PRICE;**

31 2. states the unit of measurement used; and

32 3. is readable by passing motorists.

1 (ii) The sign required under subparagraph (i) of this paragraph also
2 may [state the lowest price] **PROMINENTLY DISPLAY CLEARLY AND VISIBLY**, for a whole
3 measurement unit of diesel and other motor fuel products sold on the premises:

4 **1. THE CREDIT AND DEBIT PRICE, IF HIGHER THAN THE**
5 **CASH PRICE; OR**

6 **2. THE CREDIT AND DEBIT PRICE AND THE CASH PRICE.**

7 **[(3)] (2)** All numerals on the sign shall:

8 (i) be uniform;

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

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

11 **[(4)] (3)** A numeral in a fraction or a letter shall be at least one-third the
12 height of a numeral that indicates a whole number.

13 **[(5)] (4)** If a new or additional sign is required to comply with this
14 subsection, the supplier of the gasoline shall provide the sign and numerals without cost to
15 the retail service station dealer.

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

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

20 (2) the area of signs permitted.

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

24 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect
25 October 1, 2024.