



General Assembly

February Session, 2006

Raised Bill No. 5556

LCO No. 1931

01931_____GL_

Referred to Committee on General Law

Introduced by:

(GL)

AN ACT CONCERNING ZONE PRICING FOR GASOLINE, EFFICIENCY STANDARDS FOR REPLACEMENT TIRES AND GASOLINE STATION DISCOUNTS FOR CASH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16a-23 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) No person engaged in the business of refining petroleum into
4 gasoline and furnishing gasoline to retail distributors of gasoline for
5 sale to the public in this state shall fail to furnish gasoline to
6 independent retail distributors of gasoline in this state, whether or not
7 franchised by such person, at wholesale prices in reasonable quantities
8 as long as [he] such person continues to furnish gasoline to retail
9 distributors of gasoline in this state which are wholly owned by [him]
10 such person or operated under a franchise granted by [him] such
11 person.

12 (b) It shall constitute, prima facie, a violation of the provisions of
13 subsection (a) of this section for any such person (1) during any
14 calendar month beginning after July 1, 1973, to deliver to independent

15 retail distributors of gasoline in this state a percentage of the total
16 gallons of gasoline delivered by [him] such person to all retail
17 distributors of gasoline in this state during that month which is lower
18 than the percentage of the total gallons of gasoline delivered by [him]
19 such person to all retail distributors of gasoline in this state during the
20 period from July 1, 1971, to June 30, 1972 , which was delivered by
21 [him] such person to independent retail distributors of gasoline in this
22 state during that period, or (2) to sell gasoline to independent retail
23 distributors of gasoline in this state at a price during any such month
24 which is greater than (A) the average price at which [he] such person
25 sold gasoline to such distributors during the period from July 1, 1971,
26 to June 30, 1972, increased by (B) a percentage equal to the percentage
27 by which the average price for gasoline sold during that month to
28 retail distributors of gasoline which are wholly owned by, or operated
29 under a franchise granted by, that person exceeds the average price for
30 gasoline sold to such distributors during the period from July 1, 1971,
31 to June 30, 1972.

32 (c) No person engaged in the business of furnishing gasoline to
33 retail distributors of gasoline in this state shall use a pricing system
34 under which the wholesale price paid for gasoline by any such retail
35 distributor is determined based on the location of the retail distributor
36 in any geographic price zone in this state as may be established by
37 such person. No person shall discriminate in the price of gasoline
38 charged to retail distributors of gasoline in this state except for the
39 costs of transportation and volume discounts. Each such person shall
40 provide to the retail distributor, not later than twenty days after
41 delivery, an invoice that shall include as separate line items, the base
42 cost per gallon of gasoline and the cost of transportation, taxes and any
43 other costs that are added to such base price.

44 ~~[(c)]~~ (d) A violation of the provisions of subsection (a) or (c) of this
45 section constitutes an unfair trade practice [within the provisions of
46 chapter 735a] under subsection (a) of section 42-110b.

47 Sec. 2. Section 14-98a of the general statutes is repealed and the
48 following is substituted in lieu thereof (*Effective October 1, 2006*):

49 (a) No person shall operate a motor vehicle or trailer upon the
50 public highways unless such motor vehicle or trailer is equipped with
51 tires in safe operating condition in accordance with requirements
52 approved by the Commissioner of Motor Vehicles. The commissioner
53 shall establish standards of safe operating condition for tires mounted
54 on vehicles, using simple measuring gauges. Said requirements shall
55 encompass effects of tread wear and depth of tread. This section shall
56 not apply to self-propelled combines, self-propelled corn and hay
57 harvesting machines and tractors used exclusively for agricultural
58 purposes. Any law enforcement officer, at any time, upon reasonable
59 cause to believe that the tires of a vehicle are unsafe or it is equipped
60 with tires in violation of the provision of this section, may require the
61 operator of such vehicle to stop and submit the tires of such vehicle to
62 an inspection. If the inspection discloses the vehicle to be in violation,
63 the officer may issue a summons for such violation. Operation of a
64 motor vehicle or, as owner permitting the operation of a motor vehicle
65 in violation of any provision of this section shall be an infraction.

66 (b) (1) On and after October 1, 2006, replacement tires for passenger
67 motor vehicles, as defined in section 12-692 of the 2006 supplement to
68 the general statutes shall meet the standards required for tires on new
69 vehicles under 49 CFR 571, including standards affecting fuel
70 economy.

71 (2) Nothing in this section shall apply to (A) a tire, or a group of
72 tires with the same SKU number, plant and year, for which the volume
73 of tires produced or imported annually is fewer than fifteen thousand;
74 (B) a deep tread, winter-type, snow tire, a space saver tire, or a
75 temporary use spare tire; (C) a tire with a normal rim measuring not
76 more than twelve inches in diameter; (D) a tire manufactured
77 specifically for use in a motorcycle, as defined in section 14-1 of the
78 2006 supplement to the general statutes; or (E) a tire manufactured

79 specifically for use in an all-terrain vehicle, as defined in section 14-
80 379.

81 (3) Not later than July 1, 2007, the Commissioner of Transportation
82 shall adopt regulations in accordance with the provisions of chapter 54
83 regarding policies and procedures for testing and labeling tires for fuel
84 economy pursuant to this subsection that (A) secures the maximum
85 technically feasible and cost-effective fuel savings; (B) does not
86 adversely affect tire safety; (C) does not adversely affect average tire
87 life; and (D) establishes minimum fuel economy standards for tires.

88 Sec. 3. Section 42-133ff of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective October 1, 2006*):

90 (a) No seller may impose a surcharge on a buyer who elects to use
91 any method of payment, including, but not limited to, cash, check,
92 credit card or electronic means, in any sales transaction.

93 (b) Any seller who accepts or offers to accept a bank credit card
94 bearing a trade name as a means of payment shall accept any bank
95 credit card bearing such trade name presented by a cardholder,
96 notwithstanding the identity of the card issuer. For the purposes of this
97 subsection, "bank credit card" means any credit card issued by a bank,
98 savings bank, savings and loan association or credit union.

99 (c) Nothing in this section shall prohibit any seller from offering a
100 discount to a buyer to induce such buyer to pay by cash, check or
101 similar means rather than by credit card. No person engaged in the
102 business of furnishing gasoline to a retail distributor of gasoline in this
103 state shall prohibit such retailer from offering a discount to a buyer to
104 pay cash for such gasoline.

105 (d) Nothing in this section shall prohibit any seller from
106 conditioning acceptance of a credit card on a buyer's minimum
107 purchase. Each seller shall disclose any such minimum purchase policy
108 orally or in writing at the point of purchase. For the purposes of this

109 subsection, "at the point of purchase" includes, but is not limited to, at
110 or on a cash register and in an advertisement or menu.

111 (e) No provider of travel services may impose a surcharge on or
112 reduce the commission paid to a travel agent who acts as an agent for
113 such provider if the buyer uses a credit card to purchase such
114 provider's travel services. A violation of any provision of this
115 subsection shall be deemed an unfair or deceptive trade practice under
116 subsection (a) of section 42-110b. As used in this subsection, "provider
117 of travel services" means a person, firm or corporation engaged in the
118 business of furnishing travel, transportation or vacation services, but
119 does not include a travel agent, and "travel agent" means a person,
120 firm, corporation or other entity that (1) is (A) a duly appointed agent
121 of a common carrier, or (B) a member of a cruise line association and
122 operates exclusively as an agent for cruise lines in the sale of cruise
123 travel products or services, and (2) offers or sells travel, transportation
124 or vacation arrangements as an agent for a provider of travel services,
125 but does not include a common carrier or an employee of a common
126 carrier.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	16a-23
Sec. 2	<i>October 1, 2006</i>	14-98a
Sec. 3	<i>October 1, 2006</i>	42-133ff

Statement of Purpose:

To ban gasoline zone pricing, to institute efficiency standards for replacement tires and to prohibit gasoline companies from banning gas stations from giving customers discounts for cash.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]