



General Assembly

January Session, 2011

**Committee Bill No. 5869**

LCO No. 4026

\*04026HB05869GL\_\*

Referred to Committee on General Law

Introduced by:  
(GL)

***AN ACT BANNING GASOLINE ZONE PRICING.***

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 Section 16a-23 of the general statutes is repealed and the  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 July 1, 2011*):

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 producer or refiner of petroleum products who is subject to  
33 the provisions of section 14-344a and furnishes gasoline to a person  
34 that sells gasoline at retail in this state shall use a pricing system under  
35 which the wholesale price paid for such gasoline by such retail seller is  
36 determined based on the geographic location of such retail seller in  
37 this state, or any other system that would prevent retail sellers of  
38 gasoline from paying lower prices on an equal basis with other retail  
39 sellers of gasoline in this state. Such producer and refiner shall not  
40 discriminate in the price of such gasoline charged to retail sellers of  
41 gasoline in this state, except to offer discounts or rebates that may be  
42 determined by such producer or refiner from time to time. Such  
43 discounts or rebates shall be disclosed by the producer or refiner to the  
44 retail sellers and shall be offered by the producer or refiner to all of its  
45 retail sellers on equal terms and conditions. When offered, all such  
46 discounts or rebates and the time period they are offered shall be listed  
47 as a separate line item entry on each invoice.

48 ~~[(c)]~~ (d) A violation of the provisions of subsection (a) or (c) of this  
49 section constitutes an unfair trade practice within the provisions of

50 chapter 735a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2011	16a-23

**Statement of Purpose:**

To ban the wholesale pricing of gasoline based on a service station's geographic location.

*[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.]*

Co-Sponsors: REP. TONG, 147th Dist.; REP. FOX, 146th Dist.  
SEN. DUFF, 25th Dist.

H.B. 5869