



STATE OF CONNECTICUT

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DEPARTMENT OF CONSUMER PROTECTION

TO: Legislative Regulation Review Committee
Capitol Building, Hartford, Connecticut

FROM: Jonathan A. Harris, Commissioner of Consumer Protection
165 Capitol Avenue, Hartford, Connecticut

DATE: March 3, 2015

SUBJECT: Proposed Regulations Concerning Motor Fuel Price Posting

Enclosed please find the original proposed regulations concerning Motor Fuel Price Posting. If you should have any questions, please call Attorney Jerry Padula of my legal staff at 860/713-6087.

SUMMARY OF REGULATION

The purpose of these regulations is to allow alternative types of signs in the advertising of motor vehicle fuel prices. These regulations impact the signs appearing on the top of each motor fuel dispenser pump.

With these regulations, the motor fuel industry will be able to use now-common electronic signs, such as those making use of Light Emitting Diode (LED) technology. Also, these regulations will allow signs that use white lettering on a black background, in addition to the currently-mandated black lettering on a white background. An additional set of images, denoted as "NEW," shows the optional method of posting a sign with white letters on a black background.

The legal effect of this proposal would be to modify the current signage requirements for pump-top motor fuel price displays in Connecticut, found in Section 16a-15-19 of the Regulations of Connecticut State Agencies.

Enclosure

C: Regulation Review: RRAgencySubmittal@cga.ct.gov
Fiscal Analysis: OFARegsSubmittal@cga.ct.gov
Commerce Committee: CommerceMail@cga.CT.gov
Commerce Committee: Kathy.Salemi@cga.CT.gov
General Law: Generallawmail@cga.ct.gov

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut
REGULATION
of

NAME OF AGENCY

DEPARTMENT OF CONSUMER PROTECTION

Concerning

SUBJECT MATTER OF REGULATION

Motor Fuel Price Posting

Section 1. Subsection (a) of Section 16a-15-9 of the Regulations of Connecticut State Agencies is hereby amended as follows:

Sec. 16a-15-9. Signs, dimensions - information

(a) Price

(1) Each sign shall be 7 1/4" high and 9 1/2" wide.

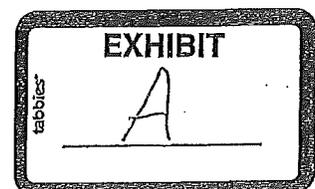
(2) The numbers on such sign shall be 4 1/2" high and 5/8" wide. The price shall be displayed to three decimal places. The third decimal place number shall be half-sized and placed on the sign as shown in the [example] examples at the end of this section.

(3) The numbers and letters shall be displayed in one of the following manners: a, black numbers and the background shall be white[.]; b, white numbers and the background shall be black; or c, illuminated white, red, or yellow numbers viewed on an electronic display, using LED technology for example, and the background shall be black. The statement "TAX INCLUDED," shall be displayed on the price sign, in [black] letters 1/2" high and 1/8" wide in black for signs with a white background, and in white for signs with a black background. All price display colors and display methods, namely electronic or non-electronic, shall be consistent throughout the retail premises.

(4) The price on the sign on the top of the dispenser shall indicate price per gallon and shall be the same price as that displayed on the face of the dispenser.

(5) Dispensers shall compute the price for the sale of gasoline on a per gallon basis. Computing the price for such sale by the fraction of a gallon shall be prohibited.

(6) Illustration of price. Price signs, including the color combinations for numbers, characters and sign backgrounds, shall meet the specifications of this section and shall look like [this example] these examples:



DIESEL	REGULAR	PLUS	SUPER
2.95 ⁹ / ₁₀			
<u>Taxes Included</u>	<u>Taxes Included</u>	<u>Taxes Included</u>	<u>Taxes Included</u>

(NEW)

DIESEL	REGULAR	PLUS	SUPER
2.95 ⁹ / ₁₀			
<u>Taxes Included</u>	<u>Taxes Included</u>	<u>Taxes Included</u>	<u>Taxes Included</u>

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation."

PURPOSE

The purpose of these regulations is to allow alternative types of signs in the advertising of motor vehicle fuel prices. These regulations impact the signs appearing on the top of each motor fuel dispenser pump.

SUMMARY

With these regulations, the motor fuel industry will be able to use now-common electronic signs, such as those making use of Light Emitting Diode (LED) technology. Also, these regulations will allow signs that use white lettering on a black background, in addition to the currently-mandated black lettering on a white background. An additional set of images, denoted as "NEW," shows the optional method of posting a sign with white letters on a black background.

LEGAL EFFECTS

The legal effect of this proposal would be to modify the current signage requirements for pump-top motor fuel price displays in Connecticut, found in Section 16a-15-19 of the Regulations of Connecticut State Agencies.

(Certification page—see Instructions on back)

CERTIFICATION

This certification statement must be completed in full.

I hereby certify that the above Regulation(s)

- 1) is/are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)
- a. **Connecticut General Statutes section(s) 4-168 and 16a-15.**
- b. **Public Act Number(s)** _____
 (Provide public act number(s) if the authorizing act has not yet been codified in the Connecticut General Statutes.)

And I further certify

- 2) that Notice of Intent to adopt, amend or repeal said regulation(s) was electronically submitted to the Secretary of the State on 4/24/14, and posted to the Secretary's regulations website on 5/25/14; (Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)
- 3) and that a public hearing regarding the proposed regulation(s) was held on 8/29/14 or that no public hearing was held; (Insert date(s) of mandatory public hearing(s) held pursuant to CGS 4-168(a), as amended, or other applicable statute, and/or voluntary hearing, or if no hearing was held, check the box for that statement.)
- 4) and that notice of Decision to Take Action on said regulations was electronically submitted to the Secretary of the State on 10/21/14, and posted to the Secretary's regulations website on 10/27/14; (Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)
- 5) and that said regulation(s) is/are **EFFECTIVE** (check one, and complete as applicable)
 When posted online by the Secretary of the State.

OR on (insert date) _____

6) SIGNED (Head of Board, Agency or Commission) <i>[Signature]</i>	OFFICIAL TITLE, DULY AUTHORIZED <i>Commissioner</i>	DATE <i>2/18/15</i>
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APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended.		
DATE <i>3/2/15</i>	SIGNED (Attorney General or AG's designated representative) <i>[Signature]</i>	OFFICIAL TITLE, DULY AUTHORIZED <i>ASSOC. ATTY. GENERAL</i>

Proposed regulations are DEEMED APPROVED by the Attorney General in accordance with CGS Section 4-169, as amended, if the Attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.
 (For Regulation Review Committee Use ONLY)

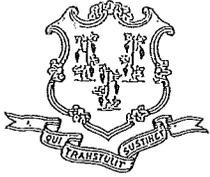
- APPROVED in WHOLE or WITH technical corrections deletions substitute pages
- DEEMED APPROVED, pursuant CGS 4-170(c), as amended.
- Rejected without Prejudice Disapproved, pursuant to CGS 4-170(c), as amended.

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
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In accordance with CGS Section 4-172, as amended by PA 13-247 and PA 13-274, one certified paper copy and one electronic copy with agency head certification statement received on the date(s) specified below.		
DATE	SIGNED (Secretary of the State)	BY

(For Secretary of the State Use ONLY)

Date Posted to SOTS Regulations Website: <input type="text"/>	SOTS file stamp: <input type="text"/>
Date Electronic Copy Forwarded to the Commission on Official Legal Publications: <input type="text"/>	



STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION

David.treadwell@ct.gov
Department of Economic and Community Development
505 Hudson Street
Hartford, CT 06106

Re: Regulations Concerning Motor Fuel Price Posting

Dear Mr. Treadwell:

Pursuant to Section 4-168 of the Connecticut General Statutes, you are hereby being notified of the Department of Consumer Protection's intention to amend regulations concerning Motor Fuel Price Posting.

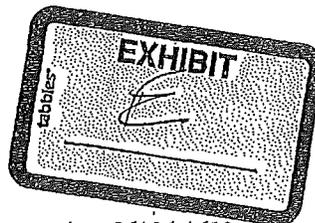
The Notice of Intent to amend will be published by the Secretary of State's office for a public hearing on May 28, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "William M. Rubenstein".

William M. Rubenstein
Commissioner of Consumer Protection

Dated: ~~4/30/14~~ 4/30/14





STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION

April 30, 2014

Sen. Paul R. Doyle
Co-Chair, General Law Committee
Room 3500, Legislative Office Building
Hartford, CT 06106

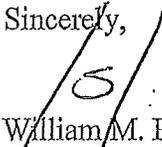
Re: Regulations Concerning Motor Fuel Price Posting

Dear Sen. Doyle:

Pursuant to Section 4-168 of the Connecticut General Statutes, you are hereby being notified of the Department of Consumer Protection's intention to amend Regulations Concerning Motor Fuel Price Posting.

The Notice of Intent to amend will be published by the Secretary of State's office for a public hearing on May 28, 2014.

Sincerely,


William M. Rubenstein
Commissioner of Consumer Protection

/taw

Enc.



STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION

April 30, 2014

Sen. Gary D. LeBeau
Co-Chair, Commerce Committee
Room 110, State Capitol Building
Hartford, CT 06106

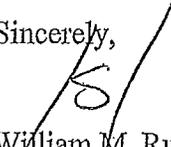
Re: Regulations Concerning Motor Fuel Price Posting

Dear Sen. LeBeau:

Pursuant to Section 4-168 of the Connecticut General Statutes, you are hereby being notified of the Department of Consumer Protection's intention to amend Regulations Concerning Motor Fuel Price Posting.

The Notice of Intent to amend said regulations will be published by the Secretary of the State, for a hearing on May 28, 2014.

Sincerely,


William M. Rubenstein
Commissioner of Consumer Protection

/taw
Enc.

Washington, Tanya

To: SOTS Regulations
Subject: RE: Notices of Intent for Publishing

Thanks so much.

From: SOTS Regulations
Sent: Friday, April 25, 2014 3:06 PM
To: Washington, Tanya
Subject: RE: Notices of Intent for Publishing

Hi Tanya.

Your notices were posted today, 4/25/2014.

NOI	Consumer Protection	Residential property condition disclosure report	20-327b-1	04/25/2014	05/25/2014	2014 0425 03
NOI	Consumer Protection	Signs — Retail Gasoline Outlets	16a-15-9	04/25/2014	05/25/2014	2014 0425 02

From: Washington, Tanya
Sent: Thursday, April 24, 2014 11:03 AM
To: SOTS Regulations
Subject: Notices of Intent for Publishing

Please publish the attached notices as soon as possible.

*Tanya A. Washington, Paralegal Specialist
Consumer Protection, Legal Division
State Office Building
165 Capitol Avenue, RM 100
Hartford, CT 06106
Phone: 860/713-6086
Fax: 860/706-1332*



STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION

Hon. George C. Jepsen
Attorney General
State of Connecticut
55 Elm Street
Hartford, CT 06106

Re: Regulation Concerning Motor Fuel Price Posting

Dear Attorney General Jepsen:

Enclosed please find regulations concerning Motor Fuel Price Posting. I am submitting these regulations, attached as Exhibit A, to you for approval in accordance with Section 4-169 of the Connecticut General Statutes. Please contact Jerry Padula at 860/713-6087, if you should have any questions.

- 1) On May 25, 2014, the Department of Consumer Protection published notice of its intention to amend the regulations with the Secretary of the State. A copy of said notice is attached hereto as Exhibit B.
- 2) On October 7, 2014, a Fiscal Note was prepared by Consumer Protection. A true copy of said fiscal note is attached hereto as Exhibit C.
- 3) On October 7, 2014, a Small Business Impact Statement was prepared. A true copy of said statement is hereto attached as Exhibit D.
- 4) On or about April 30, 2014, letters went to the DECD, General Law and Commerce Committees, notifying of the department's intention to amend the regulations, and of the public hearing scheduled for August 29, 2014 (attached as Exhibit E).
- 5) Pursuant to 4-168, the Department prepared a Notice of Decision to take action on the proposed regulation. Attached hereto is a copy of said Notice for publishing, along with a Summary of Testimony and the hearing transcript (Exhibit F).

Please review the regulations for legal sufficiency and promptly return them to my office so that I may file them with the Legislative Regulation Review Committee. Thank you.

Sincerely,

Jonathan A. Harris
Commissioner of Consumer Protection

c: alan.shepard@cga.ct.gov
giancarl.casa@ct.gov

Dated: 2/18/15