

**Notice of Decision to Take Action  
On Proposed Regulation**

Re: Regulations Concerning Motor Fuel Price Posting

The Department held a public hearing on August 29, 2014 to solicit public input regarding proposed Regulations Concerning Motor Fuel Price Posting. Said public hearing had been properly noticed by the Secretary of the State on April 25, 2014. Written comments were received during the public comment period from Cumberland Farms, Inc., proposing additional language to three sections: Sec. 16a-15-8(b); Sec. 16a-15-9(a)(1); and Sec. 16a-15-9(a)(6). Based upon those comments and further Departmental review, changes were made to the original text, and a Notice of Decision detailing the changes was sent to all interested parties by then-Commissioner William M. Rubenstein and published by the Secretary of State on October 27, 2014. These regulations were then approved by the Attorney General as to legal sufficiency and were submitted to the Regulation Review Committee for consideration.

At that time, the Legislative Commissioner's Office suggested revisions to the text, detailed in the LCO Report dated July 16, 2015. A copy of this Report is attached hereto. Based upon the LCO Report, the Committee voted on July 28, 2015 to allow the Department to update the language so they may be re-submitted for consideration. Said revised copy of these regulations is attached hereto for your review.

The purpose of the proposed regulations is to create a framework to allow electronic price posting signs at motor fuel stations in Connecticut. Section 16a-15 of the Connecticut General Statutes provides the authority for the Department to create and implement regulations for pump-top signs. The proposed regulations will allow electronic signs to be employed in Connecticut, as the current regulations were drafted with only printed paper or magnetic price displays in mind.

The proposed regulations also allow for paper or magnetic signs to employ white lettering on a black background, in addition to the currently-mandated black lettering on a white background. New drawings have been added to the regulation as examples of what price signs may be modeled after. The Department of Consumer Protection's Division of Food and Standards will retain jurisdiction over motor fuel stations and their price posting signs. Uniformity and clarity in signage assists fuel-buying consumers.

All of the changes being incorporated in the current version of these regulations (including those changes referenced in the previous Notice of Decision), as compared to the version originally published, are as follows:

**1. Section 16a-15-8(b)**

**SUGGESTED CHANGE OF CUMBERLAND FARMS:** "There shall be a separate sign for each grade of covered product dispensed from an individual dispenser, except that electronic displays as described in section 16a-15-9 may consist of one sign with multiple grades appearing thereon."

**DEPARTMENT'S FINAL LANGUAGE:** "[There shall be a separate sign for] The price of each grade of covered product dispensed from an individual dispenser shall be displayed individually."

The Department is therefore adding Section 16a-15-8(b) to the final version of the proposed regulation.

Also; the Department's review concurred with the LCO Report, in that the published version of this section did not contain all of the existing language. The revised text makes clear which existing language shall remain, while that which is being eliminated is indicated within brackets.

**2. Section 16a-15-9(a)(1)**

**SUGGESTED CHANGE OF CUMBERLAND FARMS:** "Each sign shall be 7 ¼ " high and 9 ½ " wide, except that electronic displays may vary to accommodate multiple grades on one sign as described in section 16a-15-8."

**DEPARTMENT'S FINAL LANGUAGE:** "[Each sign] The price display for each grade of covered product shall be 7 ¼ " high and 9 ½ " wide."

**3. Section 16a-15-9(a)(3)**

Based upon the Department's further study of electronic price signs, the text will be modified to allow retailers the choice of using the additional color of green for the illuminated numbers and letters.

Based upon the Department's further study of price signs, the text will be modified to allow retailers the choice of employing the statement "TAXES INCLUDED" or the statement "ALL TAXES INCLUDED" in addition to the existing mandated statement "TAX INCLUDED."

**4. Section 16a-15-9(a)(6)**

**SUGGESTED CHANGE OF CUMBERLAND FARMS:** "Price signs, including the color combinations for numbers, characters and sign backgrounds, shall meet the specifications of this section and shall look like these examples, except that electronic displays may vary to accommodate multiple grades on one sign as described in section 16a-15-8."

**DEPARTMENT'S FINAL LANGUAGE:** No changes or additions will be made to the published regulation section. The price sign graphics in the regulation are merely examples of what these signs should look like in practice. No special variations or exceptions from these examples are necessary to allow electronic signs to be implemented in Connecticut.

## 5. Section 16a-15-9(a)(6) - DIAGRAMS

The Department's review concurred with the LCO Report, in that the published version of this section did not contain the existing sample price sign, and the one in the proposed text should have been marked as "NEW." The revised text eliminates the existing, obsolete price sign (indicated within brackets), and adds three new sample price signs with descriptive headers in order to properly illustrate what the three price sign types and color combinations shall look like.

### In Conclusion

The revisions cited above will therefore be made to the proposed regulations, as compared to the version originally made available via the published notice. These changes should properly update the regulation and allay all concerns that specific types of electronic price posting signs will be disallowed in Connecticut. Uniformity of price signs between the states is also advanced by updating the regulation language to include electronic signs, which aids both the sellers of motor fuels as well as the buying public.

A copy of the final version of these Regulations is attached hereto. With the changes noted above, the process leading to approval of this proposed regulation by the Regulation Review Committee of the General Assembly will next continue by forwarding these Regulations to the Office of the Attorney General for a review as to legal sufficiency. Thank you for your interest in this proposed regulation and the work of the Department of Consumer Protection.

Very truly yours,



Jonathan A. Harris  
Commissioner

Dated: \_\_\_\_\_

9/11/15

Attachments: Report of the Legislative Commissioner's Office, dated July 28, 2015;  
Regulations Concerning Motor Fuel Price Posting (amended as noted above).