

HOUSE BILL 632

C2, I4, I3

2lr2544

By: **Delegate Stukes**

Introduced and read first time: February 7, 2012

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Sale of Motor Fuel – Amount Charged**

3 FOR the purpose of prohibiting a certain retail service station dealer from charging
4 more than a certain amount above a certain cost for the price of motor fuel;
5 requiring the Comptroller to investigate a complaint alleging a violation of this
6 Act and take certain actions to enforce this Act; and generally relating to the
7 amount charged for the sale of motor fuel.

8 BY repealing and reenacting, with amendments,
9 Article – Business Regulation
10 Section 10–304.1
11 Annotated Code of Maryland
12 (2010 Replacement Volume and 2011 Supplement)

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

15 **Article – Business Regulation**

16 10–304.1.

17 (a) Except as provided in subsection (b) of this section, a retail service station
18 dealer may not sell motor fuel below cost.

19 (b) A retail service station dealer may sell motor fuel below cost if the sale is:

20 (1) made in good faith to meet competition;

21 (2) made as part of a final liquidation or closing of the business of the
22 retail service station dealer;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) made as part of a bona fide charitable promotion lasting no longer
2 than 2 days; or

3 (4) made under the direction or order of a court or government entity.

4 (c) **A RETAIL SERVICE STATION DEALER MAY NOT CHARGE MORE THAN**
5 **5 CENTS PER GALLON ABOVE COST FOR THE PRICE OF MOTOR FUEL.**

6 **(D)** If the Comptroller receives a complaint in writing that a retail service
7 station dealer is selling motor fuel [below cost] **IN VIOLATION OF THIS SECTION**, the
8 Comptroller shall investigate and determine within 3 business days of the receipt of
9 the complaint whether the allegations contained in the complaint are true.

10 **[(d)] (E)** The Comptroller shall issue a stop sale notice and may suspend or
11 revoke the certificate of registration of a retail service station dealer if the Comptroller
12 determines that the retail service station dealer is in violation of this section.

13 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect
14 October 1, 2012.