



STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION

Notice of Decision to Take Action
On Proposed Regulation

Re: Regulations Concerning Motor Fuel Price Posting

The Department of Consumer Protection held a public hearing on May 28, 2014 to solicit public input regarding proposed new administrative regulations concerning Motor Fuel Price Posting. Said public hearing had been properly noticed by the Secretary of the State on April 25, 2014.

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 Department of Consumer Protection's Division of Food and Standards will retain jurisdiction over motor fuel stations and their price posting signs.

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)) because of a belief that some existing language within the regulation was not broad enough to allow the placement of one electronic sign displaying multiple grades of fuel. In light of the suggestions presented, and to better clarify the terms "display" and "sign" as used within the regulations, the following changes will be made to the proposed regulations, shown below with the suggestions made by Cumberland Farms, Inc.:

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

SUGGESTED CHANGE: "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.

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

SUGGESTED CHANGE: "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)(6)

SUGGESTED CHANGE: "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.

The above revised language 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, 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 review. Thank you for your interest in this proposed regulation and the work of the Department of Consumer Protection.

Very truly yours,


William M. Rubenstein
Commissioner

Dated: 10/14/14

Attachment: Regulations Concerning Motor Fuel Price Posting (amended as noted above).

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.

R-39 Rev. 03/2012
(Certification page—see Instructions on back)

CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

- 1) I hereby certify that the above (check one) Regulations Emergency Regulations
- 2) 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 act has not yet been codified in the Connecticut General Statutes.)
- 3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the **Connecticut Law Journal** on _____;
(Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) And that a public hearing regarding the proposed regulations was held on ____;
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) And that said regulations are **EFFECTIVE** (check one, and complete as applicable)
 - When filed with the Secretary of the State
 - OR on (insert date) _____

| | | |
|-------------------------|--|--|
| DATE <u>10/14/14</u> | SIGNED (Head of Board, Agency or Commission)  | OFFICIAL TITLE, DULY AUTHORIZED Commissioner Department of Consumer Protection |
|-------------------------|--|--|

APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended

| | | |
|------|---|---------------------------------|
| DATE | SIGNED (Attorney General or AG's designated representative) | OFFICIAL TITLE, DULY AUTHORIZED |
| | | |

*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 Rejected without prejudice
- Approved with technical corrections Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

| | | |
|---|------|---|
| By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended | DATE | SIGNED (Administrator, Legislative Regulation Review Committee) |
| | | |

Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

| | | |
|------|---------------------------------|----|
| DATE | SIGNED (Secretary of the State) | BY |
| | | |

(For Secretary of the State Use ONLY)

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in brackets []. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the statement)

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).
2.
 - a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.
 - b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.
4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.
5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.