

CHAPTER 19

MOTOR FUELS—RETAIL SALES

Authority

N.J.S.A. 56:6-6.

Source and Effective Date

R.2005 d.55, effective February 7, 2005.
See: 36 N.J.R. 3651(a), 37 N.J.R. 516(a).

Chapter Expiration Date

Pursuant to Executive Order No. 1(2010), the chapter expiration date is extended from February 7, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule is readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

Chapter Historical Note

Chapter 19, Motor Fuels—Retail Sales, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 19, Motor Fuels—Retail Sales, was readopted as R.1984 d.151, effective April 6, 1984. See: 16 N.J.R. 420(a), 16 N.J.R. 1097(c).

Pursuant to Executive Order No. 66(1978), Chapter 19, Motor Fuels—Retail Sales, was readopted as R.1989 d.201, effective March 14, 1989. See: 21 N.J.R. 126(a), 21 N.J.R. 1020(b).

Pursuant to Executive Order No. 66(1978), Chapter 19, Motor Fuels—Retail Sales, was readopted as R.1994 d.188, effective March 14, 1994. See: 26 N.J.R. 778(a), 26 N.J.R. 1706(b).

Subchapter 6, Crime, was adopted as R.1995 d.79, effective February 6, 1995. See: 26 N.J.R. 4512(a), 27 N.J.R. 535(a).

Pursuant to Executive Order No. 66(1978), Chapter 19, Motor Fuels—Retail Sales, was readopted as R.1999 d.86, effective February 16, 1999. 30 N.J.R. 3611(a), 31 N.J.R. 777(c).

Chapter 19, Motor Fuels—Retail Sales, was adopted as New Rules by R.2005 d.55, effective February 7, 2005. See: 36 N.J.R. 3651(a), 37 N.J.R. 516(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

18:19-1.1 Words and phrases defined

SUBCHAPTER 2. POSTED PRICES: ADVERTISING; REBATES; ALLOWANCES AND PRIZES; TRADE MARKS

18:19-2.1 Posted price signs
18:19-2.2 Special conditions for price signs
18:19-2.3 Rebate of allowances, lotteries and games of chance
18:19-2.4 Brand names and trade names displayed
18:19-2.5 Substitution of fuels prohibited
18:19-2.6 Other advertising requirements
18:19-2.7 Posted prices and brand names; cash discounts; of diesel fuel
18:19-2.8 Gifts with fuel purchases
18:19-2.9 "Retail" fixed location sales
18:19-2.10 Conversion tables
18:19-2.11 through 18:19-2.19 (Reserved)

SUBCHAPTER 3. PREPARATION OF FINES

18:19-3.1 Violations and penalties
18:19-3.2 Procedure for collection of penalties
18:19-3.3 Enforcement
18:19-3.4 through 18:19-3.8 (Reserved)

SUBCHAPTER 4. RECORDS REQUIRED; TOTALIZERS

18:19-4.1 Records required to be kept by retail dealer, and seller and user of special fuels
18:19-4.2 Totalizers

SUBCHAPTER 5. POWERS OF THE DIRECTOR

18:19-5.1 Injunction to prohibit violations
18:19-5.2 Auditing and investigations
18:19-5.3 Hearings; oaths; subpoenas
18:19-5.4 Refusal to obey subpoena
18:19-5.5 Suspension and revocation of license
18:19-5.6 Power to seal totalizers

SUBCHAPTER 6. CRIME

18:19-6.1 Altering totalizer

SUBCHAPTER 1. GENERAL PROVISIONS

18:19-1.1 Words and phrases defined

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Director" means the Director of the Division of Taxation, in the State Department of the Treasury.

"Motor Fuels" means:

1. All products commonly or commercially known or sold as gasoline (including casinghead and absorption or natural gasoline), benzol, benzene, or naphtha regardless of their classification or uses; and

2. Any liquid prepared, advertised, offered for sale or sold for use as or commonly and commercially used as a fuel in internal combustion engines, which when subject to distillation in accordance with the standard method of test for distillation of gasoline, naphtha, kerosene and similar petroleum products (American Society of Test Material Designation D-86) shows not less than 10 percent distilled (recovered) below 347 Degrees Fahrenheit 175 Degrees Centigrade and not less than 95 percent distilled (recovered) below 464 Degrees Fahrenheit (240 Degrees Centigrade); and

3. Any other product or liquid sold for use as a fuel in any type of internal combustion engine furnishing power to operate a motor vehicle.

"Person" means and includes natural persons and partnerships, firms, associations, joint stock companies, syndicates and corporations and any receiver, trustee, conservator or other officer appointed pursuant to law by any court, state or Federal. The use of the singular number shall include the plural number.

"Purchase" means any acquisition of ownership.

"Retail dealer" means any person operating a service station, filling station, store, garage or other place of business for the sale of motor fuel, for delivery into the service tank or tanks of any vehicle propelled by an internal combustion engine.

"Sale" shall have its ordinary meaning and, in addition, shall include any exchange, gift, theft, or other disposition.

"Seller of special fuels" means any person who sells any fuel capable of generating power in a diesel type engine which will include, without limitation, diesel fuel, No. 2 fuel oil, and kerosene.

"Selling expense" means and includes all overhead and general business expense.

"Special fuels" means any fuel capable of generating power in a diesel type engine which will include, without limitation thereto, diesel fuel, No. 2 fuel oil, and kerosene.

"Superintendent" means the State Superintendent of Weights and Measures. The term may also include any State, county, or municipal weights and measures officer.

"User of special fuels" means any person, except the State of New Jersey and any political subdivision thereof, who maintains a storage tank or tanks of any type, including a conveyance, equipped with a dispensing device and being used for storage and dispensing diesel fuel, No. 2 fuel oil, or kerosene, for his own use. "Storage tanks" as used in this section shall not apply to a vehicle service tank used to carry motor fuels for use exclusively in propelling the vehicle carrying the tank.

Amended by R.1982 d.77, effective March 15, 1982.

See: 13 N.J.R. 855(a), 14 N.J.R. 285(c).

Added definition of "Superintendent".

Amended by R.1995 d.79, effective February 6, 1995.

See: 26 N.J.R. 4512(a), 27 N.J.R. 535(a).

SUBCHAPTER 2. POSTED PRICES: ADVERTISING; REBATES; ALLOWANCES AND PRIZES; TRADE MARKS

18:19-2.1 Posted price signs

(a) All signs relating to the price of motor fuels being sold or dispensed by a retail dealer must be used and displayed in accordance with the provisions of these regulations.

(b) Signs, stating the price of motor fuel for delivery into the service tank or tanks of any vehicle propelled by an internal combustion engine, must be displayed and maintained on each pump or other dispensing equipment from which motor fuel is sold.

(c) No retail dealer shall sell or offer for sale any motor fuel without having attached by a suitable bracket or slot arrangement to each pump or other dispensing equipment from which motor fuel is sold or offered for sale a weather-proof case not less than 5½ inches by eight inches and not more than 12 inches by 12 inches, on both sides of which will be displayed a card insert price sign not less than five inches by 7½ inches and not more than 11½ inches by 11½ inches, stating the price per gallon if sold by the gallon, and per gallon and per liter if sold by the liter at which motor fuel may be purchased from such pumps or other dispensing equipment.

1. Data to be shown on price signs:

i. The price signs shall show the unit price per gallon if the fuel is sold by the gallon;

ii. If the fuel is sold per liter, the signs shall show the unit price per gallon and the unit price per liter. The price per gallon shall be located on the top half of the sign and the price per liter shall be located on the bottom half of the sign on differing background colors such as black and white;

iii. If the credit price is the same as the cash price a statement in words to that effect may be included in the signage, in lieu of repeating the unit price in digits for both cash and credit prices. Such signs shall show no other data than the data required by this subsection.

2. Such unit price includes all taxes imposed, whether State or Federal. Beneath the unit price there shall be either the statement:

i. "Includes.. (insert the tax per gallon).. N.J. Tax.. (insert tax per gallon).. Federal Tax;"

ii. "Includes State and Federal Taxes";

iii. "Includes N.J. and U.S. Taxes";

iv. "Includes all Taxes."

3. The size of the whole numbers and fractions which are a part of the price sign must be of such a size that will be readily readable by a customer approaching the pump.

4. The statement that all taxes are included shall be in letters at least ⅜ of an inch high.

5. The colors of all price signs shall be of such combination that the sign may be easily read by any person purchasing motor fuel from the pump or other dispensing equipment to which the sign is attached.