

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1766 Session of 1981

INTRODUCED BY LEVIN, KOLTER, PETRARCA, BORSKI, SWAIM, DONATUCCI, McMONAGLE, McCLATCHY, E. Z. TAYLOR, McVERRY, FISCHER, MACKOWSKI AND GLADECK, JULY 1, 1981

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 23, 1982

AN ACT

1 Requiring CERTAIN retail motor vehicle service stations to have <—  
2 air pumps for the public and providing penalties and civil  
3 remedies.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Purpose.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 finds that:

9 (1) There has been a serious decline in the number of  
10 retail service stations that have air pumps available to the  
11 public for inflating tires.

12 (2) Properly inflated tires are necessary for the safe  
13 operation of motor vehicles upon public highways and for the  
14 conservation of gasoline.

15 (3) The lack of availability of air pump devices is  
16 detrimental to the public safety of our highways and reduces  
17 the effectiveness of the energy conservation policies of the

1 Commonwealth and the United States.

2 (4) It is therefore the intent of the General Assembly  
3 to ensure greater motorist access to air pump devices by  
4 requiring each retail service station ~~dealer~~ OWNER to provide <—  
5 a power driven air pump device for public use.

6 Section 2. Duty of retail service station ~~dealers~~ OWNERS. <—

7 (a) Every retail service station ~~dealer~~ OWNER shall make <—  
8 available to the public a power driven air pump device for the  
9 purpose of inflating motor vehicle tires. Such device shall be  
10 available for public use at all times that the station is open  
11 for business except that when such pump becomes inoperable for  
12 any reason, the ~~dealer~~ OWNER shall not be in violation of this <—  
13 act provided that the ~~dealer~~ OWNER exercises due diligence to <—  
14 repair the device or provide another operable device as soon as  
15 practicable.

16 (b) For the purpose of this act "retail service station  
17 ~~dealer~~ OWNER" means any person, firm or corporation maintaining <—  
18 a place of business where motor vehicle fuel is sold and  
19 delivered into the tanks of motor vehicles, whether or not motor  
20 vehicles are serviced or another business is conducted on the  
21 premises.

22 Section 3. Summary offense.

23 Any retail service station ~~dealer~~ OWNER who violates the <—  
24 provisions of this act shall be guilty of a summary offense and,  
25 upon conviction thereof, shall, for the first offense be  
26 sentenced to pay a fine not exceeding \$300, and for a second and  
27 each subsequent offense, be sentenced to pay a fine not  
28 exceeding \$1,000.

29 Section 4. Civil remedy.

30 Any person who has sustained damage as a result of a

1 violation of this act shall be entitled to recover his damages  
2 in a civil action against the retail service station dealer ←  
3 OWNER. Any plaintiff succeeding in such an action shall be ←  
4 entitled to recover at least \$100 and the costs of the action  
5 and such other remedy as the court may deem appropriate.

6 Section 5. Effective date.

7 This act shall take effect in 120 days.