

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 412

Session of
1981

INTRODUCED BY PETRARCA AND KOLTER, FEBRUARY 3, 1981

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE,
FEBRUARY 3, 1981

AN ACT

1 Regulating the sale of gasoline.

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13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Short title.

16 This act shall be known and may be cited as the "Gasoline

1 Sales Act."

2 Section 2. Definitions.

3 The following words and phrases when used in this act shall
4 have, unless the context clearly indicates otherwise, the
5 meanings given to them in this section.

6 "Department." The Department of Commerce.

7 "Gasoline." Shall embrace and include gasoline, benzol,
8 benzine, naphtha and any other liquid prepared, advertised,
9 offered for sale, sold for use as, or used for, the generation
10 or power for the propulsion of motor vehicles including any
11 product obtained by blending together any one or more products
12 of petroleum with or without other products, if the resultant
13 product is capable of the same use.

14 "Major brand." The primary trade name or trademark most
15 commonly associated with and identified with a manufacturer and
16 refiner's retail service station.

17 "Manufacturer and refiner." Any person, firm or corporation
18 engaged in producing, blending or compounding motor vehicle
19 fuels.

20 "Petroleum products." Motor vehicle fuel, residual oils
21 number 4, 5 and 6, and all grades of jet (turbo) fuel.

22 "Retail service station dealer." Any person, firm or
23 corporation maintaining a place of business where motor vehicle
24 fuel is sold and delivered into the tanks of motor vehicles,
25 whether or not motor vehicles are serviced or another business
26 is conducted on the premises.

27 "Secondary brand." A trade name or trademark, other than a
28 major brand, used to identify a manufacturer and refiner's
29 retail service station.

30 "Special fuels." Shall include diesel oils, kerosene, and

1 heating oils or liquids used in diesel engines or in internal
2 combustion engines for the propulsion of motor vehicles,
3 including any product obtained by blending together any one or
4 more products of petroleum with or without other products, if
5 the resultant product is capable of the same use.

6 "Unbranded." An independent retail service station dealer,
7 jobber, heating oil distributor, motor fuel wholesaler, or
8 peddler marketing gasoline or special fuels under its own brand,
9 trade name, or trademark other than those of a manufacturer and
10 refiner, or any subsidiary thereof.

11 "Voluntary allowances." Temporary price reductions in the
12 wholesale price to a retail dealer.

13 Section 3. Ownership of service stations.

14 On and after the effective date of this act, no producer or
15 refiner of petroleum products shall open a major brand,
16 secondary brand or unbranded retail service station in the
17 Commonwealth, and operate it with company personnel, a
18 subsidiary company, commissioned agent, or under a contract with
19 any person, firm, or corporation, managing a service station on
20 a fee arrangement with the producer or refiner. The station must
21 be operated by a retail service station dealer.

22 Section 4. Divestiture of service stations.

23 On and after one year from the effective date of this act no
24 producer or refiner of petroleum products shall operate a major
25 brand, secondary brand, or unbranded retail service station in
26 the Commonwealth, with company personnel, a subsidiary company,
27 commissioned agent, or under a contract with any person, firm,
28 or corporation managing a service station on a fee arrangement
29 with the producer or refiner. The station must be operated by a
30 retail service station dealer.

1 Section 5. Uniformity of voluntary allowances.

2 Every producer, refiner, or wholesaler of petroleum products
3 supplying gasoline and special fuels to retail service station
4 dealers shall extend all voluntary allowances uniformly to all
5 retail service station dealers supplied.

6 Section 6. Equipment rentals.

7 Every producer, refiner, or wholesaler of petroleum products
8 supplying gasoline and special fuels to retail service station
9 dealers shall apply all equipment rentals uniformly to all
10 retail service station dealers supplied.

11 Section 7. Equitable apportionment.

12 Every producer, refiner or wholesaler of petroleum products
13 shall apportion uniformly all gasoline and special fuels to all
14 retail service station dealers during periods of shortages on an
15 equitable basis, and shall not discriminate among the dealers in
16 their allotments.

17 Section 8. Temporary operation.

18 The department may in the manner provided by law adopt rules
19 or regulations defining the circumstances in which a producer or
20 refiner temporarily may operate a previously dealer-operated
21 station.

22 Section 9. Exceptions to divestiture dates.

23 The department may permit reasonable exceptions to the
24 divestiture dates specified by this act upon request by a
25 producer, refiner or wholesaler of petroleum products, in
26 accordance with Title 2 of the Pennsylvania Consolidated
27 Statutes (relating to administrative law and procedure).

28 Section 10. Effective date.

29 This act shall take effect immediately.