
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 927 Session of
1991

INTRODUCED BY F. TAYLOR, KAISER, LUCYK, OLASZ, PRESTON,
GODSHALL, VAN HORNE, NAILOR, CAPPABIANCA, LEVDANSKY AND
CIVERA, APRIL 2, 1991

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE, APRIL 2, 1991

AN ACT

1 Defining full-service and self-service motor vehicle fuel
2 stations; establishing minimum services; requiring motor
3 vehicle fuel stations to have air pumps for the public;
4 prohibiting certain provisions in agreements; restricting
5 promulgation of certain rules and regulations; requiring the
6 conduct of an impact study; and providing penalties.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Agreement." A contract or lease, or combination of both, or
14 other terminology used to describe a contractual relationship
15 between any or all of the following parties: a refiner, a
16 distributor and a retail motor vehicle fuel station owner or
17 operator.

18 "Distributor." A person who purchases motor vehicle fuel
19 from a refiner for the purpose of resale to a retail motor

1 vehicle fuel station.

2 "Full-service." A retail motor vehicle fuel station, or
3 motor vehicle fuel pump, which offers attendant service to the
4 public for the dispensing of motor vehicle fuel into a motor
5 vehicle.

6 "Handicapped person." A person who has been issued a current
7 special registration plate and special parking placard under 75
8 Pa.C.S. § 1338 (relating to handicapped plate and placard).

9 "Refiner." A manufacturer of motor vehicle fuel.

10 "Retail motor vehicle fuel station." A place of business
11 where motor vehicle fuel is sold and dispensed into the tanks of
12 motor vehicles, either by means of a self-service or full-
13 service pump.

14 "Self-service." A retail motor vehicle fuel station, or a
15 motor vehicle fuel pump, which offers motor vehicle fuel to the
16 public which is dispensed into a motor vehicle by persons other
17 than the service station attendant.

18 Section 2. Minimum services to be provided at a full-service
19 station or a full-service pump.

20 Upon request, the minimum services which must be provided at
21 a full-service station, or full-service pump, shall include, but
22 are not limited to, checking the oil in a motor vehicle,
23 cleaning the windshields and checking the automatic transmission
24 fluid. These services shall be provided at no additional charge
25 to the posted full-service price.

26 Section 3. Duty of retail motor vehicle fuel station owners.

27 A retail motor vehicle fuel station owner shall make
28 available to the public a power-driven air pump device for the
29 purpose of inflating motor vehicle tires. It shall be available
30 for public use at all times that the station is open for

1 business, except when the pump becomes inoperable for any
2 reason. The owner shall not be in violation of this act if the
3 owner exercises due diligence to repair an inoperable pump or
4 provide another similar device as soon as possible. Nothing in
5 this act shall preclude a retail motor vehicle fuel station
6 owner or operator from charging a fee for this service.

7 Section 4. Handicapped services.

8 A retail motor vehicle fuel station which offers motor
9 vehicle fuel to the public at both full-service and self-service
10 motor vehicle fuel pumps shall provide the services required by
11 section 2 to handicapped persons at the self-service motor
12 vehicle fuel pump and at the posted self-service price between
13 the hours of 8:00 a.m. and 5:00 p.m. local time.

14 Section 5. Prohibited provision.

15 It shall be unlawful for any agreement to contain a provision
16 requiring the operation of a retail motor vehicle fuel station
17 during those hours that are proven by a retail motor vehicle
18 fuel station owner or operator to be unprofitable to such owner
19 or operator.

20 Section 6. Economic impact study.

21 The Commonwealth shall not promulgate any rule or regulation
22 requiring the installation of Stage II Vapor Recovery equipment
23 at a retail motor vehicle fuel station prior to the Department
24 of Commerce conducting an economic impact study of such
25 requirement on the business community in this Commonwealth and
26 reporting its findings to the General Assembly. This study shall
27 include, but not be limited to:

28 (1) A determination of the costs of the program on the
29 affected businesses.

30 (2) The ability of the affected businesses to obtain

1 financing to meet the requirements.

2 (3) The number of retail motor vehicle fuel stations
3 that might close because of the requirements.

4 (4) The impact on the State's economy in terms of jobs,
5 revenue and fuel availability.

6 (5) Specific recommendations for the development of a
7 loan program designed to assist retail motor vehicle fuel
8 station owners and operators to meet this requirement.

9 Section 7. Penalty.

10 Any violation of this act represents a violation of the act
11 of December 17, 1968 (P.L.1224, No.387), known as the Unfair
12 Trade Practices and Consumer Protection Law.

13 Section 8. Effective date.

14 This act shall take effect in 60 days.