

HOUSE No. 209

By Mr. Cabral of New Bedford, petition of Antonio F. D. Cabral for legislation to establish the wholesale motor fuel fairness and competition restoration act. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING THE WHOLESALE MOTOR FUEL FAIRNESS AND COMPETITION RESTORATION ACT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 94 of the General Laws is hereby amended by inserting
2 after section 295CC the following section:—

3 Section 295DD. It shall be a violation of this section for an
4 owner or operator of a terminal facility to sell motor fuel from the
5 terminal facility to any person at a price in excess of the price it
6 charges any other person, including a distributor or retailer which
7 it owns or with which it is affiliated.

8 For purposes of this section, the price an owner or operator of a
9 terminal facility charges a distributor or retailer which it owns or
10 with which it is affiliated shall be the price determined pursuant to
11 the regulations issued under section 2.

12 A sale shall not be a violation of this section if it is made pur-
13 suant to the terms of a franchise or sales contract entered into
14 before the date of the enactment of this section.

15 The commissioner of the division of standards may assess a
16 civil penalty, not to exceed \$500,000 for each violation described
17 this section.

18 The commissioner of the division of standards, in conjunction
19 with the commissioner of the division of energy resources, shall
20 promulgate rules and regulations requiring full disclosure by
21 refiners and distributors of their wholesale motor fuel pricing
22 policies, with a separate listing of each component contributing to

23 prices, including the cost of crude oil, refining, marketing, trans-
24 portation, equipment, overhead, and profit, along with a descrip-
25 tion of any rebates, incentives, and market enhancement
26 allowances. Such rules and regulations shall establish procedures
27 for determining the price an owner or operator of a terminal
28 facility charges a distributor or retailer which it owns or with
29 which it is affiliated.

30 All information acquired pursuant to these regulations shall be
31 made available to the general public. Such information shall be
32 disseminated to the public through the division of energy
33 resources. Such information shall be conspicuously posted at all
34 retail motor fuel facilities in a manner clearly available and under-
35 standable to retail consumers. Such information shall be included
36 in or with each invoice for the wholesale sale of motor fuel.