

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH80367-LB-354 (04/10)

Short Title: No Limits on Motor Fuel Purchases.

(Public)

Sponsors: Representatives Cole and Brubaker (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE MOTOR FUELS MARKETING ACT BY PROHIBITING
SELLERS FROM LIMITING THE QUANTITY OF MOTOR FUEL OFFERED
FOR SALE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 75-88 reads as rewritten:

"§ 75-88. ~~Public disclosure.~~ disclosure; quantity of motor fuel available for sale.

(a) Any refiner or terminal supplier computing prevailing price under the provisions of G.S. 75-81(4)(a)(i) or (ii) shall be required to publicly disclose said price.

(b) No entity shall limit the quantity of motor fuel sold or offered for sale from a motor fuel pump to any one customer to a quantity less than the entire supply that is owned or possessed by the seller and that the seller is authorized to sell at the place of sale or offering for sale unless this subsection is preempted by a State or federal state of emergency.

(c) Motor fuel purchased under this section shall be dispensed into a container approved by the fire prevention code, the State Building Code as authorized under G.S. 143-139, or a containment vehicle approved by the Department of Transportation.

(d) Each act that is in violation of this section shall constitute a separate offense and is subject to a civil penalty. The civil penalty for each offense shall be not more than five thousand dollars (\$5,000). Upon a proper showing by the Attorney General, further violations may be temporarily or permanently enjoined. The proceeds of civil penalties under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

SECTION 2. This act becomes effective October 1, 2007, and applies to sales of motor fuels and offers of sale of motor fuels on or after that date.