

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1805

Short Title: No Limits on Motor Fuel Purchases.

(Public)

Sponsors: Representatives Cole and Brubaker (Primary Sponsors).

Referred to: Judiciary II.

April 19, 2007

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE MOTOR FUELS MARKETING ACT BY PROHIBITING
2 SELLERS FROM LIMITING THE QUANTITY OF MOTOR FUEL OFFERED
3 FOR SALE.
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5 The General Assembly of North Carolina enacts:

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

7 "**§ 75-88. Public disclosure; quantity of motor fuel available for sale.**

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

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

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

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

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