

**Notice of Decision to Take Action
On Proposed Regulation**

Re: Regulations Concerning Motor Fuel Price Posting

The Department held a public hearing on August 29, 2014 to solicit public input regarding proposed Regulations Concerning Motor Fuel Price Posting. Said public hearing had been properly noticed by the Secretary of the State on April 25, 2014. Written comments were received during the public comment period from Cumberland Farms, Inc., proposing additional language to three sections: Sec. 16a-15-8(b); Sec. 16a-15-9(a)(1); and Sec. 16a-15-9(a)(6). Based upon those comments and further Departmental review, changes were made to the original text, and a Notice of Decision detailing the changes was sent to all interested parties by then-Commissioner William M. Rubenstein and published by the Secretary of State on October 27, 2014. These regulations were then approved by the Attorney General as to legal sufficiency and were submitted to the Regulation Review Committee for consideration.

At that time, the Legislative Commissioner's Office suggested revisions to the text, detailed in the LCO Report dated July 16, 2015. A copy of this Report is attached hereto. Based upon the LCO Report, the Committee voted on July 28, 2015 to allow the Department to update the language so they may be re-submitted for consideration. Said revised copy of these regulations is attached hereto for your review.

The purpose of the proposed regulations is to create a framework to allow electronic price posting signs at motor fuel stations in Connecticut. Section 16a-15 of the Connecticut General Statutes provides the authority for the Department to create and implement regulations for pump-top signs. The proposed regulations will allow electronic signs to be employed in Connecticut, as the current regulations were drafted with only printed paper or magnetic price displays in mind.

The proposed regulations also allow for paper or magnetic signs to employ white lettering on a black background, in addition to the currently-mandated black lettering on a white background. New drawings have been added to the regulation as examples of what price signs may be modeled after. The Department of Consumer Protection's Division of Food and Standards will retain jurisdiction over motor fuel stations and their price posting signs. Uniformity and clarity in signage assists fuel-buying consumers.

All of the changes being incorporated in the current version of these regulations (including those changes referenced in the previous Notice of Decision), as compared to the version originally published, are as follows:

5. Section 16a-15-9(a)(6) - DIAGRAMS

The Department's review concurred with the LCO Report, in that the published version of this section did not contain the existing sample price sign, and the one in the proposed text should have been marked as "NEW." The revised text eliminates the existing, obsolete price sign (indicated within brackets), and adds three new sample price signs with descriptive headers in order to properly illustrate what the three price sign types and color combinations shall look like.

In Conclusion

The revisions cited above will therefore be made to the proposed regulations, as compared to the version originally made available via the published notice. These changes should properly update the regulation and allay all concerns that specific types of electronic price posting signs will be disallowed in Connecticut. Uniformity of price signs between the states is also advanced by updating the regulation language to include electronic signs, which aids both the sellers of motor fuels as well as the buying public.

A copy of the final version of these Regulations is attached hereto. With the changes noted above, the process leading to approval of this proposed regulation by the Regulation Review Committee of the General Assembly will next continue by forwarding these Regulations to the Office of the Attorney General for a review as to legal sufficiency. Thank you for your interest in this proposed regulation and the work of the Department of Consumer Protection.

Very truly yours,



Jonathan A. Harris
Commissioner

Dated: 9/11/15

Attachments: Report of the Legislative Commissioner's Office, dated July 28, 2015;
Regulations Concerning Motor Fuel Price Posting (amended as noted above).

REGS-1 Rev. 09/2013
(Title page)

For permanent regulations
First NOTICED ON AND AFTER JULY 1, 2013

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IMPORTANT: Use this form (REGS-1) to submit permanent regulations to the Legislative Regulation Review Committee.
For *emergency regulations*, use form REGS-1-E instead.
For *non-substantive technical amendments and repeals* proposed without prior notice or hearing as permitted by subsection (g) of CGS 4-168, as amended by PA 13-247 and PA 13-274, use form REGS-1-T instead.

Please read the additional instructions on the back of the last page (Certification Page) before completing this form. Failure to comply with the instructions may cause disapproval of proposed regulations.

State of Connecticut
REGULATION
of the

NAME OF AGENCY:

DEPARTMENT OF CONSUMER PROTECTION

Concerning

SUBJECT MATTER OF REGULATION:

Motor Fuel Price Posting

Section 1. Subsection (b) of Section 16a-15-8(b) of the Regulations of Connecticut State Agencies is hereby amended as follows:

(b) Price posting.

There shall be a double-faced sign or two reversed single-faced signs on each fixed-location covered product dispenser displayed in a manner that shall be clearly visible to the members of the public from either side of the dispenser. [There shall be a separate sign for] The price of each grade of covered product dispensed from an individual dispenser shall be displayed individually. [If more than two grades of covered products are dispensed from an individual dispenser, display signs as described in section 16a-15-9 shall be required only for the highest and lowest priced grades of covered products available for sale from that dispenser. For all intermediately priced grades of covered product available for sale from that dispenser, signs, as described in section 16a-15-9, shall be required except that all sign, letter, and number dimensions shall be halved.]

Sec. 2. Subsection (a) of Section 16a-15-9 of the Regulations of Connecticut State Agencies is hereby amended as follows:

Sec. 16a-15-9. Signs, dimensions - information

(a) Price

(1) [Each sign] The price display for each grade of covered product shall be 7 ¼ " high and 9 ½ " wide.

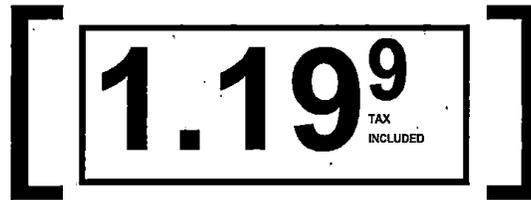
(2) The numbers on such sign shall be 4 1/2" high and 5/8" wide. The price shall be displayed to three decimal places. The third decimal place number shall be half-sized and placed on the sign as shown in the [example] examples at the end of this section.

(3) The numbers and letters shall be displayed in one of the following manners: (A) black numbers and the background shall be white[.]; (B) white numbers and the background shall be black; or (C) illuminated white, red, green or yellow numbers viewed on an electronic display, using light-emitting diode (“LED”) technology for example, where the background behind the illuminated numbers shall be black, and the body of the sign shall be either black with white letters, or white with black letters. The statement “TAX INCLUDED,” or “TAXES INCLUDED,” or “ALL TAXES INCLUDED” shall be displayed on the price sign, in [black] letters 1/2" high and 1/8" wide in black for signs with a white background, and in white for signs with a black background. All price display colors and display methods, namely electronic or non-electronic, shall be consistent throughout the retail premises.

(4) The price on the sign on the top of the dispenser shall indicate price per gallon and shall be the same price as that displayed on the face of the dispenser.

(5) Dispensers shall compute the price for the sale of gasoline on a per gallon basis. Computing the price for such sale by the fraction of a gallon shall be prohibited.

(6) Illustration of price. Price signs, including the color combinations for numbers, characters and sign backgrounds, shall meet the specifications of this section and shall look like [this example] these examples, except that electronic displays may vary to accommodate multiple grades on one sign as described in section 16a-15-8:



(NEW)

Sample display with white background and black letters:

DIESEL	REGULAR	PLUS	SUPER
2.95 ⁹ / ₁₀			
Taxes Included	Taxes Included	Taxes Included	Taxes Included

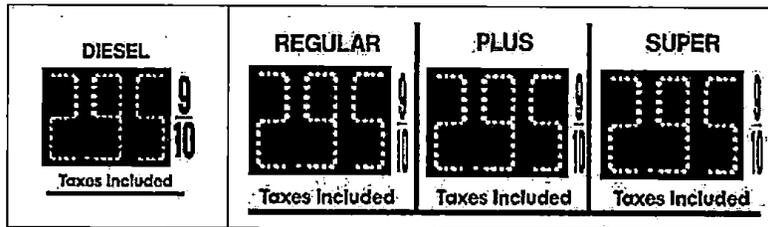
(NEW)

Sample display with black background and white letters:



(NEW)

Sample electronic display:



(Statement of Purpose page)

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

PURPOSE

The purpose of these regulations is to allow alternative types of signs in the advertising of motor vehicle fuel prices. These regulations impact the signs appearing on the top of each motor fuel dispenser pump.

SUMMARY

With these regulations, the motor fuel industry will be able to use now-common electronic signs, such as those making use of Light Emitting Diode (LED) technology. Also, these regulations will allow signs that use white lettering on a black background, in addition to the currently-mandated black lettering on a white background. An additional set of images, each denoted as "NEW," show the three methods of posting a price sign: Black letters on a white background, white letters on a black background, and the new electronic display method.

LEGAL EFFECTS

The legal effect of this proposal would be to modify the current signage requirements for pump-top motor fuel price displays in Connecticut, found in sections 16a-15-8 and 16a-15-9 of the Regulations of Connecticut State Agencies.