

ADDENDUM

PS/ECON Item #1
March 13, 2023
Worksession

MEMORANDUM

March 10, 2023

TO: Public Safety Committee
Economic Development Committee

FROM: Christine Wellons, Senior Legislative Attorney

SUBJECT: Bill 7-23, Consumer Protection – Gasoline Station Signage

PURPOSE: Worksession – Joint Committee recommendation expected

On March 10, 2023, Council staff received the following suggestions regarding Bill 7-23 from Eric Friedman, Director, Office of Consumer Protection (OCP).

1. Suggested Amendment – Deletion of “Clearly and Visibly”

First, OCP has suggested deleting the bill’s requirement that the credit price must be posted “clearly and visibly” on the sign because the phrase is undefined and, thus, it could be difficult to enforce.

Council staff agrees with the enforcement concern and also believes that the phrase “clearly and visibly” is unnecessary because the Business Regulation Article already provides, with respect to the gas station signs: “All numerals on the sign shall: (i) be uniform; (ii) be at least 8 inches high and 3.5 inches wide; and (iii) have a brush stroke of at least 1 inch.” § 10-315.

If the Committees wish to delete the phrase “clearly and visibly,” they could amend lines 31-33 as follows.

(c) A sign posted by a gas station under Section 10-315(e)(2) of the Business Regulation Article must include[. clearly and visibly,] the [[highest]] credit price.

2. Suggested Amendment – Deceptive Trade Practices

As originally drafted, Bill 7-23 would include a violation of the gas station signage requirements within the list of “deceptive, unfair, or unconscionable trade practices” prohibited under Section 11-4 of the County Code.

OCP has recommended removing the gas station signage violations from the list of “deceptive, unfair, or unconscionable trade practices.” Mr. Friedman has explained to Council staff: “The list of ‘Deceptive Trade Practices’ in §11-4 is designed in all County, State, and Federal consumer protection laws to be a generic list that applies to all merchants subject to the law. Consumer protection provisions regarding specific types of merchants are codified in separate sections.”

If the Committees wish to remove the gas station sign violations from the list of deceptive practices, it could amend lines 3-13 of the bill as follows.

A merchant must not engage in a deceptive, unfair, or unconscionable trade practice, whether or not any specific consumer has, in fact, been misled, deceived, or damaged thereby. Deceptive, unfair, or unconscionable trade practices include:

* * *

- (y) taking payment for goods or services without delivering the goods or performing the services; [or] or
- (z) practicing, or in any way engaging in, any trade, occupation, or profession without a license, registration, certificate, or other evidence of training or experience required by law[; or
- (aa) a violation of Section 11-4C].