

Bill No. 7-23
Concerning: Consumer Protection –
Gasoline Station Signage
Revised: 03/28/2023 Draft No. 5
Introduced: February 7, 2023
Enacted: March 28, 2023
Executive: _____
Effective: _____
Sunset Date: See Sec. 2
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Alborno
Co-Sponsors: Councilmembers Katz, Stewart, Luedtke, Balcombe, Sayles, and Mink, Council Vice-President Friedson, Council President Glass, and Councilmember Jawando

AN ACT to:

- (1) define and prohibit certain deceptive trade practices by gasoline stations;
- (2) require the inclusion of certain supplemental information on state-required signage at gasoline stations; and
- (3) generally amend the law regarding deceptive, unfair, or unconscionable trade practices.

By amending
Montgomery County Code
Chapter 11, Consumer Protection
Section 11-4

By adding
Section 11-4C

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec 1. Section 11-4 is amended, and Section 11-4C is added, as follows:

11-4. Deceptive trade practices.

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].

11-4C. Gasoline Stations – Accurate Signage Required.

(a) For purposes of this section, the following terms have the meanings indicated.

(1) Business Regulation Article means the Business Regulation Article of the Maryland Code, as amended.

(2) Credit price means the highest total amount, including any fees, payable to a gas station by a customer using a credit card or other non-cash form of payment, for one whole measurement unit of regular gasoline sold on the premises.

(3) Gasoline station means a merchant who sells motor fuel at retail under Section 10-315 of the Business Regulation Article.

(b) A gasoline station must:

- 26 (1) comply with Section 10-315 of the Business Regulation Article;
 27 and
 28 (2) if the gas station posts a sign under Section 10-315(e) of the
 29 Business Regulation Article, include within the sign additional
 30 pricing information required under subsection (c) of this Section.
- 31 (c) A sign posted by a gas station under Section 10-315(e)(2) of the Business
 32 Regulation Article must include[[, clearly and visibly,]] the [[highest]]
 33 credit price.
- 34 (d) If the lowest price under the Business Regulation Article and the credit
 35 price are the same, subsection (c) does not apply.
- 36 (e) *Alternative method of compliance - subject to sunset.*
- 37 (1) This subsection must sunset and must have no further effect 7 years
 38 after this Section takes effect.
- 39 (2) Notwithstanding any other provision of this Section, a gas station
 40 may satisfy the requirements of subsections (b) and (c) of this
 41 Section if it posts, on a sign visible to motorists and separate from
 42 the sign required under Section 10-315(e) of the Business
 43 Regulation Article, the credit price.
- 44 (3) If a gas station posts the credit price under paragraph (2) of this
 45 subsection, the letters and numerals on the separate sign must
 46 appear in the same size and font as those used on the sign posted
 47 under Section 10-315(e) of the Business Regulation Article.

48 **Sec. 2. Effective Date.** This Act must take effect 6 months after it becomes
 49 law.

50 **Sec. 3. Limited Sunset.** Subsection (e) of Section 11-4C, added under Section
51 1 of this Act, must sunset and must have no further effect 7 years after this Act takes
52 effect.

Approved:



3/29/2023

Evan Glass, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Judy Rupp, Clerk of the Council

Date