

701—64.21(452A) Price posting.

64.21(1) *Persons who must post the price.* Every distributor or other persons selling motor fuel in this state to a person who will resell the fuel to dealers in this state must post the price and any discounts of such motor fuel. This provision does not apply to persons not selling motor fuel, nor does it apply to distributors who do not sell the motor fuel for resale to dealers in this state. If a person only sells directly to dealers or to users, then that person need not post the price or the discounts of the motor fuel under Iowa Code section 452A.20 and this rule.

The following examples will demonstrate the application of this rule:

1. The XYZ Oil Company owns motor fuel stored in terminal T and sells the fuel to A, a motor fuel dealer. The XYZ Oil Company would not have to post its prices, assuming A is its only customer, because it does not “sell motor fuel for resale to dealers,” but rather sells directly to the dealer.

2. The XYZ Oil Company owns motor fuel stored in terminal T and sells the fuel to A, an Iowa licensed motor fuel distributor. A sells the motor fuel only to ultimate consumers. Assuming A is XYZ Oil Company’s only customer, the XYZ Oil Company would not have to post its prices because it is not “selling the motor fuel for resale to dealers.”

3. The XYZ Oil Company owns motor fuel stored in terminal T and sells the fuel to A, an Iowa licensed distributor. A sells the fuel to B, a motor fuel dealer, and also sells to C, an ultimate consumer of motor fuel. The XYZ Oil Company would have to post its prices because it is selling to a distributor who is reselling the fuel to a dealer, and, therefore, XYZ Oil Company would have to conform to the posted prices. However, A would not have to post prices because A is selling directly to dealers and consumers and is not “selling motor fuel for resale to dealers.”

4. The XYZ Oil Company owns motor fuel stored in terminal T, which fuel it sells to A, an Iowa licensed distributor. A sells the fuel to B, a dealer of motor fuel, and to C, an Iowa licensed distributor, who in turn sells the fuel to D, a dealer of motor fuel. Both the XYZ Oil Company and A would have to post their prices because both are “selling motor fuel for resale to dealers.” C would not have to post prices because C is selling the motor fuel directly to dealers and is not “selling motor fuel for resale to dealers.”

64.21(2) *Information required to be posted.* When a person is required to post the prices of motor fuel, the posting must include: (1) the net price per gallon of each grade of motor fuel, (2) the amount of any state excise tax per gallon, (3) the amount of any federal excise tax per gallon and (4) the total price per gallon. If any rebate, discount, commission or other concession is granted by the person posting the prices of such a nature as will reduce the cost or price to any purchaser, the conditions, quantity and amount of such rebate, discount, commission or other concession must be posted as a part of the posted price.

64.21(3) *Place of posting.* The placards required to be posted by Iowa Code section 452A.20 and this rule must be posted at each and every place of business, including bulk plants, which the person required to post prices operates in this state. This includes locations where the motor fuel is sold for resale to dealers and locations where the motor fuel is available for sale for resale to dealers. The placard must be posted in a conspicuous place most accessible to the public.

64.21(4) *Department approval.* Prior to posting prices, the person so posting must obtain approval from the department as to the form of the placard to be posted. The department is concerned only with the form of the placard posted and is not concerned with the price charged or any rebates given. Once the form of the placard has been approved, the person posting the prices may alter the price or other information posted at will so long as the form of the placard remains the same. (See 1968 O.A.G. 1011.)

This rule is intended to implement Iowa Code section 452A.20.