

FEB 28 2003

COMMERCE, REGULATION & LABOR

HOUSE FILE 352
BY ROBERTS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the marketing of motor vehicle fuel and making
2 penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 352

1 Section 1. Section 214A.1, Code 2003, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 0A. "Advertise" means to present a
4 commercial message in any medium including but not limited to
5 print, radio, television, sign, display, label, tag, or
6 articulation.

7 NEW SUBSECTION. 2A. "Motor vehicle fuel pump" or "pump"
8 means a motor vehicle fuel pump as defined in section 214.1.

9 Sec. 2. Section 214A.3, Code 2003, is amended to read as
10 follows:

11 214A.3 FALSE REPRESENTATIONS.

12 1. A person ~~for purposes of selling~~ who sells motor
13 vehicle fuel or an oxygenate octane enhancer shall not falsely
14 represent do any of the following:

15 a. Falsely advertise the quality or kind of any the motor
16 vehicle fuel or oxygenate octane enhancer. ~~or add~~

17 b. Add coloring matter ~~therete~~ to the motor vehicle fuel
18 or oxygenate octane enhancer for the purpose of misleading the
19 public as to its quality.

20 2. A retail dealer shall not advertise the sale of motor
21 vehicle fuel which is available at a motor vehicle fuel pump
22 owned or controlled by the retail dealer, if the retail dealer
23 limits the quantity of the motor vehicle fuel which may be
24 purchased at the pump at the advertised price. However,
25 nothing in this subsection prevents a retail dealer from
26 limiting the period for sale of motor vehicle fuel at a
27 particular price or requires the retail dealer to obtain
28 additional motor vehicle fuel for sale at that price.

29 EXPLANATION

30 This bill amends Code chapter 214A which provides for the
31 sale of motor vehicle fuel at retail (such as gasoline sold at
32 service stations). Under the Code chapter, a retail dealer is
33 the person who sells or offers motor vehicle fuel for sale to
34 the public. The bill prohibits a retail dealer from
35 advertising the sale of motor vehicle fuel sold at service

1 stations owned or controlled by the dealer, if the retail
2 dealer limits the amount that may be purchased at the
3 advertised price. However, it does not prevent the retail
4 dealer from limiting the period for sale of motor vehicle fuel
5 at a particular price. It also does not require the retail
6 dealer to obtain additional motor vehicle fuel for sale at
7 that price.

8 Under Code section 214A.11, a retail dealer who violates a
9 provision of the Code chapter is guilty of a simple
10 misdemeanor. A simple misdemeanor is punishable by
11 confinement for no more than 30 days or a fine of at least \$50
12 but not more than \$500 or by both.

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