

Senate Study Bill 1147

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON ANGELO)

Passed Senate, Date _____ Passed House, 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:
4 TLSB 2440SC 80
5 da/pj/5

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

1 3 NEW SUBSECTION. 0A. "Advertise" means to present a
1 4 commercial message in any medium including but not limited to
1 5 print, radio, television, sign, display, label, tag, or
1 6 articulation.

1 7 NEW SUBSECTION. 2A. "Motor vehicle fuel pump" or "pump"
1 8 means a motor vehicle fuel pump as defined in section 214.1.

1 9 Sec. 2. Section 214A.3, Code 2003, is amended to read as
1 10 follows:

1 11 214A.3 FALSE REPRESENTATIONS.

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

1 15 a. Falsely advertise the quality or kind of any the motor
1 16 vehicle fuel or oxygenate octane enhancer, or add

1 17 b. Add coloring matter thereto to the motor vehicle fuel
1 18 or oxygenate octane enhancer for the purpose of misleading the
1 19 public as to its quality.

1 20 2. A retail dealer shall not advertise the sale of motor
1 21 vehicle fuel which is available at a motor vehicle fuel pump
1 22 owned or controlled by the retail dealer, if the retail dealer
1 23 limits the quantity of the motor vehicle fuel which may be
1 24 purchased at the pump at the advertised price. However,
1 25 nothing in this subsection prevents a retail dealer from
1 26 limiting the period for sale of motor vehicle fuel at a
1 27 particular price or requires the retail dealer to obtain
1 28 additional motor vehicle fuel for sale at that price.

1 29 EXPLANATION

1 30 This bill amends Code chapter 214A which provides for the
1 31 sale of motor vehicle fuel at retail (such as gasoline sold at
1 32 service stations). Under the Code chapter, a retail dealer is
1 33 the person who sells or offers motor vehicle fuel for sale to
1 34 the public. The bill prohibits a retail dealer from
1 35 advertising the sale of motor vehicle fuel sold at service
2 1 stations owned or controlled by the dealer, if the retail
2 2 dealer limits the amount that may be purchased at the
2 3 advertised price. However, it does not prevent the retail
2 4 dealer from limiting the period for sale of motor vehicle fuel
2 5 at a particular price. It also does not require the retail
2 6 dealer to obtain additional motor vehicle fuel for sale at
2 7 that price.

2 8 Under Code section 214A.11, a retail dealer who violates a
2 9 provision of the Code chapter is guilty of a simple
2 10 misdemeanor. A simple misdemeanor is punishable by
2 11 confinement for no more than 30 days or a fine of at least \$50
2 12 but not more than \$500 or by both.

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