

By: Representative Summers

To: Transportation;
Accountability, Efficiency,
Transparency

HOUSE BILL NO. 220

1 AN ACT TO AMEND SECTION 75-55-9, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT WHEN THE TOTAL PRICE PER GALLON OF GASOLINE LISTED ON
3 ANY PUMP OR DISPENSING EQUIPMENT IS DIFFERENT FROM THE TOTAL PRICE
4 PER GALLON OF GASOLINE LISTED ON SIGNS PLACED ON THE PREMISES OF
5 ANY SERVICE STATION AND ON SIGNS PLACED ON ANY HIGHWAY, ROAD,
6 STREET OR ALLEY LEADING TO THE STATION, THE SELLER OF SUCH
7 GASOLINE SHALL CHARGE THE CUSTOMER THE LOWEST OF THE LISTED
8 PRICES; TO AMEND SECTION 75-27-51, MISSISSIPPI CODE OF 1972, TO
9 CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Section 75-55-9, Mississippi Code of 1972, is
12 amended as follows:

13 75-55-9. Any person selling at retail gasoline, alcohol
14 blended fuel, diesel fuel or kerosene, as defined in this chapter,
15 shall at all times display signs as herein defined:

16 (a) All pumps and dispensing equipment for gasoline,
17 alcohol blended fuel, diesel fuel or kerosene shall be marked
18 conspicuously to show the total price per gallon of gasoline,
19 alcohol blended fuel, diesel fuel or kerosene offered for sale, in
20 figures of equal size and where fractional cents or figures are
21 used therein, the combined height and width of the numerator and



denominator shall be equal to the height and width of the other figures used. Provided, however, that any sign provided by the manufacturer of the retail pump or dispensing equipment which shows the total price per gallon and is part of the computing mechanism of such pumps and dispensing equipment shall be considered as being in compliance with this subsection.

(b) All signs placed on the premises of any service station and any highway, road, street or alley leading thereto advertising the price per gallon of gasoline, alcohol blended fuel, diesel fuel or kerosene offered for sale, shall show the registered brand name and total price in figures of equal size, and where fractional figures are used therein, the width of the numerator and denominator of the fraction shall be equal to one-third ($\frac{1}{3}$) of the width of the other figures, but the combined height of the numerator and denominator shall be the same as that of the other figures. Where a decimal is used, then the fraction shall be at least one-half ($\frac{1}{2}$) the height of the other figures used in the sign, and the fraction shall be at least one-third ($\frac{1}{3}$) of the width of the other figures used in the sign. All figures and fractional figures shall be painted the same color as the other figures used in the sign. The total price per gallon on signs located on all premises of any service station and on highways, roads, streets or alleys leading to the service station shall be in agreement as to the total price per gallon shown on the retail pump dispensing the same brand of gasoline, alcohol



47 blended fuel, diesel fuel or kerosene as that being so advertised.
48 All signs advertising the price per gallon of gasoline, alcohol
49 blended fuel, diesel fuel or kerosene offered for sale through
50 self-service operated pumps at retail service stations shall
51 clearly indicate that the posted price per gallon and brand is
52 offered for sale through self-service pumps.

53 (c) When the total price per gallon of gasoline listed
54 on any pump or dispensing equipment is different from the total
55 price per gallon of gasoline listed on signs placed on the
56 premises of any service station and on signs placed on any
57 highway, road, street or alley leading thereto, the seller of such
58 gasoline shall charge the customer the lowest of the listed
59 prices.

60 (* * *d) Containers of gasoline below fifty (50)
61 gallons capacity, or any product flashing below one hundred (100)
62 degrees Fahrenheit, shall be painted red; provided that
63 containers, not of metal and of a capacity of one (1) gallon or
64 less, may carry a red label designating the product.

65 (* * *e) All filler pipes for petroleum bulk storage
66 tanks and retail station storage tanks shall be identified by
67 painting a sign on the intake pipe cap or within six (6) inches
68 thereof in lettering not less than two (2) inches in height and
69 not less than one-fourth ($\frac{1}{4}$) inch in width the following: for
70 premium gasoline or alcohol blended fuel, the letter "P"; for
71 regular leaded grade gasoline or alcohol blended fuel, the letter



"R"; for third grade gasoline, the letters "3G"; for unleaded gasoline or alcohol blended fuel, the letters "UG"; for diesel fuel, the letter "D"; for kerosene, the letter "K"; for lubricating oil, the letters "LO"; for tractor fuel, the letters "TF"; the letter "S" for solvent; the letter "N" for naphtha; and for any other petroleum product classified as an oil not specifically specified in this subsection, the word "oil." In addition to existing requirements, all filler pipes for bulk and retail station tanks used for the storage of nonleaded gasoline shall be further identified as follows: for nonleaded premium gasoline, the letters "NLP"; and for nonleaded regular grade gasoline, the letters "NLR." Such lettering shall be painted on the intake pipe cap or within six (6) inches thereof, and shall be not less than two (2) inches in height and not less than one-fourth ($\frac{1}{4}$) inch in width. Nothing in this subsection shall apply to bulk storage tanks located at marine or pipeline terminals, nor bulk storage tanks used for the storage of liquefied compressed gas, nor prohibit "color coding" in addition to the lettering, where desired.

SECTION 2. Section 75-27-51, Mississippi Code of 1972, is amended as follows:

75-27-51. Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or



97 deceive an actual or prospective purchaser. Whenever an
98 advertised, posted, or labeled price per unit of weight, measure,
99 or count includes a fraction of a cent, all elements of the
100 fraction shall be prominently displayed and the numeral or
101 numerals expressing the fraction shall be immediately adjacent to,
102 of the same general design and style as, and at least one-half ($\frac{1}{2}$)
103 the height and width of the numerals representing the whole
104 cent * * *. A person who is found guilty of the misrepresentation
105 of the price of a commodity or the representation of a price in
106 any manner calculated or tending to mislead or deceive an actual
107 or prospective purchaser shall be assessed a civil penalty by the
108 director or his or her designee in the amount of not less than One
109 Hundred Dollars (\$100.00) for the first offense and not less than
110 One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
111 (\$500.00) for each subsequent offense. Each violation shall
112 constitute a separate offense. The commissioner or his or her
113 designee shall afford the person an opportunity for a hearing to
114 show cause why the penalty should not be assessed.

115 **SECTION 3.** This act shall take effect and be in force from
116 and after July 1, 2021.

