

SENATE, No. 3000

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2022

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

SYNOPSIS

Prohibits membership club from limiting sale of motor fuel to members of club.

CURRENT VERSION OF TEXT

As introduced.



S3000 CODEY

2

1 AN ACT concerning the sale of motor fuel to consumers and
2 supplementing P.L.1938, c.163 (C.56:6-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. The Legislature finds and declares that:

8 a. Residents of the State depend on gasoline being accessible for
9 their motor vehicles, particularly because so many residents
10 commute far distances to work, including to locations out of State.

11 b. Considering New Jersey's diverse landscape of urban,
12 suburban, and rural settings, the number of gasoline stations varies
13 widely in any area.

14 c. The tourism industry in the State is bolstered by visitors
15 having access to gasoline stations throughout the State.

16 d. If retail, wholesale, merchandise or other clubs selling
17 discounted goods through membership warehouses limit the sale of
18 motor fuel to only their members, the public interest will be harmed
19 by the decrease in availability of gasoline stations.

20 e. The prohibition against restricting the sale of motor fuel to
21 members of a retail, wholesale, merchandise or other club does not
22 constitute a restraint of trade in derogation of the general public
23 interest because the Legislature finds that the availability of gasoline
24 stations to residents and visitors of the State outweighs a benefit
25 offered to a select number of individuals.

26 f. A prohibition against restricting the sale of motor fuel to
27 members of a retail, wholesale, merchandise or other club will
28 therefore promote the common welfare by increasing accessibility
29 and convenience without causing economic harm to the public in
30 general.

31

32 2. a. Notwithstanding any law to the contrary, a retail,
33 wholesale, merchandise or other club operating as a retail dealer for
34 the sale of motor fuel in the State shall not restrict the sale of motor
35 fuel to consumers that are members of the club at any gasoline station
36 operated by the club.

37 b. Any club that violates this act shall be liable for a civil penalty
38 in an amount not to exceed \$1,000 for the first violation, \$5,000 for
39 the second violation, and \$10,000 for each subsequent violation
40 collectible by the Superintendent of the Office of Weights and
41 Measures in the Division of Consumer Affairs in the Department of
42 Law and Public Safety in a summary proceeding pursuant to the
43 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
44 seq.).

45 c. As used in this act:

46 "Gasoline station" means a place of business located in the State
47 and used for the retail sale and dispensing of fuel into the tanks of
48 motor vehicles.

S3000 CODEY

3

1 “Retail, wholesale, merchandise or other club” or “club” means a
2 retail establishment selling discounted goods through membership
3 warehouses and online.

4 d. The Director of the Division of Consumer Affairs shall
5 promulgate any rules and regulations pursuant to the "Administrative
6 Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), necessary to
7 implement the provisions of this act.

8

9 3. This act shall take effect immediately.

10

11

12

STATEMENT

13

14 This bill prohibits a membership club operating as a retail dealer
15 for the sale of motor fuel from limiting the sale of motor fuel to
16 members of the club. The bill provides that it is in the public interest
17 for gasoline stations to service all individuals, whether or not the
18 individuals are members of a club that operates the gasoline station.