

# SENATE, No. 3029

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# STATE OF NEW JERSEY

## 220th LEGISLATURE

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INTRODUCED SEPTEMBER 22, 2022

**Sponsored by:**  
**Senator VIN GOPAL**  
**District 11 (Monmouth)**

### **SYNOPSIS**

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

### **CURRENT VERSION OF TEXT**

As introduced.



S3029 GOPAL

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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.).

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

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7 1. The Legislature finds and declares that:

8 a. Residents of the State depend on accessible motor fuel 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 relies on visitors being able  
15 to utilize accessible gasoline stations throughout the State.

16 d. If wholesale retailers selling discounted goods through  
17 membership warehouses and online limit the sale of motor fuel to  
18 only their members, the public interest will be harmed by the  
19 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  
24 gasoline stations to residents and visitors of the State outweighs a  
25 benefit 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.

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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 customers that are members of the club at any gasoline  
36 station operated by the club.

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

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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  
6 "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et  
7 seq.), necessary to implement the provisions of this act.

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9       3. This act shall take effect immediately.

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**STATEMENT**

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