

**PA 14-16**

HB5259

House	821-830	10
Senate	1788-1795, 1885-1886	10
General Law	327-335, 405, 408-413, <u>435, 436, 443-448</u>	24
		<b>44</b>

**H - 1183**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2014**

**VOL.57  
PART 3  
685 - 1026**

Those absent and not voting 4

SPEAKER SHARKEY:

The bill passes.

Will the Clerk please call Calendar Number 129.

THE CLERK:

Yes, Mr. Speaker, on page 8, Calendar 129, favorable report of the Joint Standing Committee on General Law, substitute House Bill 5259, AN ACT CONCERNING THE USE OF DEBIT CARDS FOR GASOLINE PURCHASES AND NOTIFICATION TO THE HANDICAPPED DRIVERS OF SELF-SERVICE PUMP REFUELING SERVICES.

SPEAKER SHARKEY:

Representative Baram, you have the floor.

REP. BARAM (15th):

Thank you, Mr. Speaker.

I move for acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER SHARKEY:

The question is acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark, sir.

REP. BARAM (15th):

Thank you, Mr. Speaker. This bill addresses two issues. The first issue is that a decal has to be

placed on a gasoline pump indicating whether or not a debit card will receive the same cash discount as the payment of cash. This merely codifies existing Department of Consumer Protection regulations.

The second issue that it addresses is a handicapped sticker that would be placed on the pump or a sign near the pump which would indicate that a handicapped individual can request service for refueling and that will be provided at no additional charge. And it must also indicate how they can contact the cashier. The exception to this rule, which is also part of DCP regulations, is that any gas station that has remotely controlled pumps or only has a single cashier are exempt from this regulation and statute.

This would take effect on October 1, 2014. There is no negative fiscal note. And I would also point out that the section of the statute that we are amending, the general statute, contains several provisions that indicates violators in using handicapped stickers can be fined and also their stickers can be revoked and police officers have the authority to ticket somebody who misuses a handicapped sticker. I urge passage of this bill.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on the bill that's before us?

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. Just a few questions, through you, to the proponent of the bill, please.

SPEAKER SHARKEY:

Please proceed, sir.

REP. CARTER (2nd):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, the -- the bill as it stands now does it in any way increase the number of gas stations that have to offer handicap service? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, no. The -- the gas stations have to comply with the statute, as they do with the regulations right now. If they have more than one cashier or the pumps are not remotely

controlled, this is a service that they have to offer for the handicapped. And, for the debit card, that is a discretionary matter to the gas station owner whether they wish to apply the cash discount.

SPEAKER SHARKEY:

Representative Carter.

REP. CARTER (2nd):

So, then, with that answer, sir, through you, it's my understanding then really this is just a labeling bill. That it does not incur any other mandate on the gas station to offer different kinds of services, it's just a matter of labeling the pumps? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that is correct.

SPEAKER SHARKEY:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker, and I thank the good chairman of the General Law Committee. You know, it's my understanding the way this bill is written, this is actually a very pro-consumer bill. I'm very

happy of the fact that if somebody is using a handicapped sticker inappropriately, they still fall under the current guidelines where they can receive a \$150 fine, and on a second offense they can actually receive a \$250 fine. So, as this bill is written, I think it's a really good bill and it ought to pass. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on the bill before us?

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

Mr. Speaker, I also do support the bill and I want to take this opportunity to just speak to the underlying issue of giving access to -- for handicapped individuals to be able to utilize the -- the pumps. In general, an issue that we've been grappling with up here is how to deal with these placards and the abuse of these placards. I have a constituent in my district that has two -- two children in -- in wheelchairs. And she has a very difficult time getting handicapped spaces and being

able to utilize the services that we worked so hard in Hartford to offer to them because there is such a proliferation of the issuance of these placards. And I think that we need to do something about that issue. I have a facility that I own that has parking spaces. We deal with recreation and sporting. And time and again I see athletes parking in these spaces with their placards and getting out of the vehicles and playing softball. It really is an epidemic.

And so, as we move forward and continue to give these rights to -- that these -- the individuals that are unable to move easily in our communities, we continue again these important rights, I think we need to make sure that we somehow stop the abuse of the handing out of these handicap stickers. So, hopefully, in the long session -- session next year, it's an issue that we could take up maybe through a task force. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further?

Representative Molgano of the 144th.

REP. MOLGANO (144th):

Thank you, Mr. Speaker. Good afternoon, sir.

SPEAKER SHARKEY:

Good afternoon, sir.

REP. MOLGANO (144th):

I, too, want to reiterate what the good Representative said from Branford regarding the need to enforce the rules of these offenders of using the services that are created for the handicapped and disabled. And I also want to thank the good chairman of the General Law Committee for making the statement about the enforcement that we all have on those who violate those privileges. And I'm looking forward to next year, too, when we will be able to do something that will be able to make this possible as is like the picture on the placard, that the person in the car, whether the driver or an occupant is the person who should be using that placard. And in the meantime, anybody -- anyone who is violating these privileges will be fined or penalized for not being the person who has that privilege. So thank you for all those who are supporting this.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on the bill that's before us?

Representative Vicino of the 35th.

REP. VICINO (35th):

Through you, Mr. Speaker. This is a very important bill to our handicapped citizens operating a motor vehicle. I was contacted in the month of January by a former state representative that served here that was in a car accident several years ago and is bound to a wheelchair. And he contacted me with the complaint of coming up to a filling station and being stuck with no help. And the former statute where the gas stations to provide fuel to the motorists, there was no help there. He waved, he beeped his horn, and he was stuck.

We talked briefly about this with the recommendation of putting a decal on the pump so that he could use his phone while he's parked in his motor vehicle to get some assistance, for someone to come out to the automobile to fuel his vehicle. And as we know, after the severe winter of all the ice and snow, it was so difficult to maneuver around some of our filling stations or just walk down the sidewalk. So this is a good bill to help our handicapped citizens who are bound to wheelchairs and other disabilities to receive refilling. Thank you very much.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on the bill that's before us?

Representative Walker -- Representative Walker. I don't think Representative Walker is in the chamber.

Is there anyone who would care to speak further on the bill that is before us?

If not, staff and guests to the well of the House, members take your seats, the machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Will the members please check the board to make sure the vote -- your vote is properly cast. If all the members have voted, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

House Bill 5259.

Total number voting	145
Necessary for passage	73
Those voting Yea	144
Those voting Nay	1
Those absent and not voting	4

SPEAKER SHARKEY:

The bill passes.

Do we have any announcements or introductions?

Representative Jutila.

REP. JUTILA (37th):

Thank you, Mr. Speaker, for purposes of an introduction.

SPEAKER SHARKEY:

Please proceed, sir.

REP. JUTILA (37th):

Thank you, Mr. Speaker. We have with us today up in the gallery from my hometown of East Lyme, a group of fourth graders from the Flanders School where I was once a fourth grader. And I would ask the members to give them our usual warm welcome.

SPEAKER SHARKEY:

Welcome. Thank you, Representative Jutila, and welcome. Hope you're having a great day here at the

**S - 674**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2014**

**VOL. 57  
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1656 – 1970**

On page 10, Calendar 343, substitute for House Bill Number 5259, AN ACT CONCERNING THE USE OF DEBIT CARDS FOR GASOLINE PURCHASES AND NOTIFICATION TO HANDICAPPED DRIVERS OF SELF-SERVICE PUMP REFUELING SERVICES,  
Favorable Report of the Committee on General Law.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Good evening, Mr. President.

THE CHAIR:

Good evening.

SENATOR DOYLE:

I move acceptance of the Joint Committee's Favorable Report in concurrence with the State House.

THE CHAIR:

The question before the Senate is acceptance and passage in concurrence with the House. Would you care to remark further?

SENATOR DOYLE:

Yes. Thank, Mr. President.

This House Bill was -- was recently passed in the House. It came out of the General Law Committee. It does two things. A few years ago, the members will remember that we passed legislation permitting auto dealers to give cash discounts at the pump if they were to sell gasoline for -- they could differentiate between cash and credit price. That was the law passed a few years ago.

What this bill does is it just clarifies that if, in fact, a dealer has decided to opt in to have a cash and a credit price, if he makes that -- if he or she makes that decision, then they have to post on the pump what the price is for debit because it's -- it's

a differentiation. It's just a clarification purpose for the consumer on the pump.

So the first thing it will require, if they opt into cash versus credit, they identify what the debit price is charged at the pump.

Section two of the bill deals with another situation where the -- most retailers of gasoline, if they -- they decide to go into business, they -- they have certain -- gasoline dealers have to provide services to handicapped individuals that are receiving gas.

And what this clarifies is if, in fact, they have to, under the statutes, provide services to help a handicapped driver fill the tank and there are -- a few smaller -- the smaller -- the remotely controlled pumps or facilities with one single cashier are exempt from it.

But -- but if, in fact, the -- the business person has to provide these services, they have to post a sign on the pump indicating how the handicapped person will be able to notify the -- giving instructions notifying the person inside how to access the assistance to get the gas.

So it's -- it's a note just saying -- and we're keeping it generic to give flexibility to the business. But in theory, they would be able to -- they'd say call this number of beep your horn.

Through you, Mr. President, I urge the -- I urge the Chamber to approve the House Bill. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Do you care to remark further? Do you care to remark further?

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

If I may, just a few questions to the proponent of the bill.

THE CHAIR:

Please proceed.

SENATOR WITKOS:

Thank you. Through you, Mr. President, do you know how many signs our current law requires gas stations or facilities that sell gasoline, fuel, to post on their pumps? Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, I do not know the specific number, but I know this statute says that, by regulations, they can be -- by regulations promulgated by DCP, they can require to post signs. But at the present time, I don't know the exact number. Through you, Mr. President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. And, Mr. President, you know, I'm looking at the bill before us and quickly reviewing it. It seems that there are several signs that we already require a mandate that our gasoline stations require -- we require them to state whether it's a full serve or -- or a self serve.

We require them to post whether it's -- if you get a discount for any club membership or retail membership organization. We require them to post a sign dependent upon how much methanol, ethanol, or co-solvent is contained in the gasoline. We require them

to post signs whether -- if a discount is offered by cash. We also require them to post a sign if the credit card price is not the same as the gas price.

Now, we're requiring an additional sign be posted on our gas pumps and pretty soon, the pumps are going to have be so big just to accommodate the amount of signs that we're requiring.

A question, Mr. President, through you to Senator Doyle, is there anything in the regulation whether -- or statute that you're aware of that says how big the sign has to be? Through you, sir.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. -- Mr. President, it -- there is no requirement in the legislation about a specific size. It focuses on Line 77, "a clearly legible sign," and I would think, basically -- and it says, "in a location and manner that's clearly visible." So where the drive is now in the car right next to the -- the pump, so I do not think it's a large sign.

It's got to be visible, but we don't, I mean, we're basically trying to give flexibility to the dealers to craft it in such a way that the handicapped individual will be able to see and -- and figure out what to do to get assistance. But we're not getting into the specific details of how big on the pump or where it should be placed. Through you, Mr. President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

And through you to Senator Doyle, I'll direct him to while it's existing language, Lines 26 of the bill, this language doesn't speak towards the accessibility

for someone who needs assistance to pump the gas if they're handicapped. The -- the language speaks to that all signs and displays shall be maintained in a like manner, size, and print.

So we're saying that -- in our current statute, that every sign that we post on there, on a gas pump, has to be of the same size, the same manner, the same font, so that the general public is informed of the price and all the other things that I've -- I've outlined earlier.

Just through you, Mr. President, does Senator Doyle see the Line 26 that I just pointed out? Through you, sir.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, yes, I do. But I will say I think that is referring -- that section is talking about the generic authority to give -- that we give to the Commission of Consumer Protection to designate signs through regulation. Whereas we're here talking about -- if we're talking about the -- or either one. We're really focusing on a specific sign here.

So I think if -- if there is dispute or -- or an interpretation problem between what this specific sign for the handicapped should be, I would direct any person trying to determine legislative intent to focus on the section of 14-325(b), the new one, which is the new language.

So I would really have a person focus on that, which does not necessarily focus on that area. Through you, Mr. President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. And through you, Mr. President, I believe testimony -- Senator Doyle said that there will be a sign that either directs somebody that is in need of assistance to assist the fueling of the vehicle, that he can beep their horn or call a certain number, if my -- if my recollection is correct. Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, well, I'll be honest. That was my -- my personal interpretation. The language of the bill is intentionally nebulous or not clear so we give the flexibility to the retailer to determine how he wants to provide the notification.

So that was my suggestion, that you could put -- say, call a number or beep or flash your lights or whatever. But we intentionally, in the language, did not get specific because we didn't want to -- we want to give flexibility to the business owner. Through you, Mr. President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

And through you, could you please explain to me what a -- a remotely controlled pump is? Through you, sir.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, I believe that's a -- a pump -- basically one that's controlled from inside a store. I mean, it's inside the dealer. In other

words, the person not coming out and it's really controlled from the pump with the credit card and is really not -- the idea is there's not a lot of staff there.

The intention of Lines 84 to 86 really are saying operated by a single cashier of remotely controlled pumps means it's a person that's working inside, you know, in maybe a convenience store and a person can't get in there. It's really focused on the amount of labor involved. Through you, Mr. President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

I thank Senator Doyle for those answers. And I was opposed to the bill in Committee because I -- I believe an earlier version said they'll post a phone number for them to call and as long as there's more than one person inside the establishment, they'll come out. I see that that's not in the bill.

Because I know at one of my local gas stations, there's actually a sticker on the gas pump with a picture of a cell phone with the -- the red line going right through it saying it's dangerous if you operate a cell phone while you're pumping gasoline because of potential static electricity can cause an explosion.

So we certainly wouldn't want to encourage through legislation people -- or advocate for them to use their cell phones to call somebody.

I do have some concerns with the language to assist folks that are -- are handicapped drivers because while it mirrors existing language, I'm not going to make an issue out of it. But I would state that almost all pumps now are remote controlled.

If the definition of a remote controlled pump is -- is to be -- ability to put in a -- a credit card or a debit card to active the pump, similar like pay at the

pump, then almost all gas stations have those. And then, that, just in and of itself, would allow a gas station not to assist a handicapped person, whether they have 10 people working in the store or not, because it's one or the other if -- if they either have a remote controlled pump or it's operated by a single cashier.

So I -- I wish, looking at it a second time, we could have done something there to make sure that if they do have the adequate staff, irregardless of the type of pump you have, we should -- we should assist these folks that have gone through physical therapy, gone through whatever trials that they had to do to enable themselves to be able to operate a motor vehicle now.

And imagine getting stuck at a gas station and they just -- they -- for whatever reason, maybe their handicap doesn't allow them to fill the vehicle up by themselves, they usually have somebody with them, but in this case, they don't, and somebody could get out of the bill by saying our -- our pump is remote controlled.

So looking at the vote in the House and it being fixed on what the issue I had through Committee, I'm going to support the bill today.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further? Will you remark further? Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

If there's no objection, I would move this to the Consent Calendar.

THE CHAIR:

Motion is to place this item on Consent. Is there objection? Is there objection? Seeing none, so ordered.

On page five, Calendar 295, Senate Bill 445.

On page nine, Calendar 342, House Bill 5098.

And on page 10, Calendar 343, House Bill 5259.

On page 13, Calendar 404, Senate Bill 456.

Page 14, Calendar 408, Senate Bill 489.

On page 16, Calendar 430, House Bill 5285.

On page 18, Calendar 439, House Bill 5540.

On page 26, Calendar 497, House Bill 5081.

And on page 29, Calendar 511, House Bill 5146.

Page 30, Calendar 53, Senate Bill 203, and Calendar 95, Senate Bill 176.

On page 31, Calendar 116, Senate Bill 430.

Page 38, Calendar 280, Senate Bill 312.

And on page 41, Calendar 395, Senate 104.

THE CHAIR:

I guess that's all it. Okay.

Mr. Clerk, will you please open the machines and -- I'll open the machines. You call for a roll call vote.

THE CLERK:

Immediate roll call is ordered in the Senate on today's Consent Calendar. Immediate roll call ordered in the Senate.

THE CHAIR:

If all members have voted, if all members have voted, the machine will be closed.

Mr. Clerk, will you call the tally.

THE CLERK:

On today's Consent Calendar.  
Total number voting 35  
Those voting Yea 35  
Those voting Nay 0  
Absent and not voting 1

THE CHAIR:

The Consent Calendar passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, before concluding today's session, would yield the floor to members who may wish to announce Committee meetings or for other points of personal privilege.

THE CHAIR:

Are there points of personal privilege? Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

Madam President, while I enjoyed being at the circle today, I'd like to take this opportunity to wish my wife a very happy birthday today.

THE CHAIR:

Oh my goodness.

SENATOR FASANO:

I missed the birthday dinner, but it -- I can't think of another group to spend it with other than my wife. So happy birthday to my wife.

THE CHAIR:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**GENERAL  
LAW  
PART 1  
1 – 505**

**2014  
INDEX**

41  
dr/gbr GENERAL LAW COMMITTEE

February 25, 2014  
1:00 P.M.

have, hopefully, be around for the other public hearing so we do appreciate your knowledge to provide us your input on some of these pieces of legislation.

So, again, thank you for coming and answering our questions.

COMMISSIONER WILLIAM RUBENSTEIN: All right. Thank you.

SENATOR DOYLE: Thank you.

Okay. I don't have -- are there any other executive branch or legislative -- I don't see any others in the room. So we'll go to our public list.

And I appreciate the public's patience but, again, when the Commissioner comes, he had many of the bills on the agenda so the committee had a lot of questions.

We're going to now go to the public and we're going to try to ask you to -- to limit your comments to three minutes. And if you summarize, you know, even if you have written comments, you can summarize them. We will all -- we do take and read the written comments also. But you probably will get questions from the committee members that will follow that up.

So, I'll start out. The first person to sign up is Raphy Podolsky, then Mike Morrissey, and Kate Childs.

Raphy, good afternoon.

RAPHAEL PODOLSKY: Good afternoon.

HB 5259

Thank you very much. My name is Raphael Podolsky. I'm a lawyer with the Legal Assistance Resource Center of Connecticut. We've part of the legal aid programs. I'm here just to speak on one bill, House Bill 5259, which deals with the payment for gasoline by debit card.

I guess I have to tell you that I have mixed feelings about the bill. In -- in my written testimony I try and explain that a little. There are two principal points there. Number 1, the Commissioner actually already has -- has regulations that require disclosure, although there's a certain amount of -- of vagueness in the regulations.

And second, in the background is the fact that I do believe that the regulations themselves reflect a continuing misunderstanding of the underlying statute, which is that debit is supposed to be treated as cash, not just credit. With that in mind, if the committee at looking at doing a bill on disclosure, my suggestion to you is that you should go beyond the Commissioner's regulations to -- to make it a stronger disclosure bill.

And the four things I would say you ought to have in there at least; first of all, it should be clear that if there's noncompliance with disclosure, then the price that applies is the cash price. Should be -- I think you should make that explicit.

Second, that you want disclosure wherever cash credit advertising is going on. So, for example, if they have a big sign by the street, you would want some -- some kind of disclosure there also as to where -- as to what applies to a debit card, because you're

dealing with what induces the consumer to drive into the station.

Third, you want make sure that the disclosures are really prominent. I've been to gasoline stations where they have a little, tiny sticker on the pump that says debit is treated as credit, but it's like about -- the type face is about this high so you don't notice it when you actually pump the gas. You want to make sure that -- that that's a prominent disclosure.

And finally you ought to provide the failure to comply with the disclosure requirements is a per se unfair trade practice.

From my perspective, the better solution is to recognize that the statute itself creates two categories. One is a category that's cash, check, debit card, or -- or similar means, and the other's credit card. And if you look at the actual wording of the statute, it -- prior to debit card being added, the statute used the -- the key word is really rather than, and it says buyer -- to induce -- to induce the buyer to pay by cash, check, or similar means rather than by credit card.

In 2008 the Legislature amended that statute to insert debit card. It did not insert debit card as rather than by credit card or debit card. It inserted it on the cash side, so that it reads as it reads now; cash, debit card, check, or similar means, rather than by credit card.

And -- and I can tell you from having been around, that was a very specific intent at the time that was put in. And so if you wanted to make that clear and remove ambiguity, then I would say at the end of my testimony I give

you some language that would simply be designed to clarify that. But -- so that's why I have mixed feelings about the bill.

But certainly if you're going to do a disclosure, then I think there are ways you can make it stronger than what's in the present regulations. I think -- in my written testimony I cite you to where you can find those regulations and I quote part of them.

SENATOR DOYLE: Thank you.

RAPHAEL PODOLSKY: Thank you very much.

SENATOR DOYLE: Thank you. Raphy.

RAPHAEL PODOLSKY: I'd be happy to answer questions if I could.

SENATOR DOYLE: Any questions for Raphy?

Senator Witkos.

SENATOR WITKOS: Thank you.

The biggest opposition that I - I hear from the industry is -- is the cost that when you're running through a card, whether it's a credit card or debit card, there's a transaction fee, so it costs, whether it's the gas station or their financial institution that charges back, whatever that percent charge is.

So they're claiming that it's not fair to treat it as cash. But do you know if there's a charge -- a chargeback if somebody writes a check?

RAPHAEL PODOLSKY: I actually don't know. You -- you should ask them.

SENATOR WITKOS: I'm going to, but I just wanted to ask (inaudible).

RAPHAEL PODOLSKY: And -- and I'm not -- I'm not sure. I'm not sure. I think -- I think there may be, but I'm not sure that there is. But I do think, I mean, your question is a good question because it -- it's a public policy issue as to when you individualize particular customers in any aspect of any commercial transaction and when you build it into the overall cost of doing business.

That -- because the reason any entity may absorb some higher cost in order to -- is -- is in order to get more customers in. I mean, you let people pay by debit card at the pump or by credit card for that matter because you would like to have customers other than just the customers who come in and pay you cash and walk into the, you know, walk up to the cash register. There's always a countervailing value that you use these various techniques to build volume.

A large part of what every business does is overhead, and they do not try to individualize it by the -- by the particular customer. You don't go into a grocery store and find that there is a separate price if you're buying with one means of payment, you will actually have more to pay as the base price. Not -- not that you're going to have to pay your credit card company something, some interest, but that you will pay more to the store because you're using a particular method of payment.

And, in fact, it's really only in gas stations that we -- that this happens. And that reflects the fact that we don't make those

distinctions. Similarly, nobody charges a higher price, as far as I know, for paying with a check than for paying with cash, and that -- that's reflected in the way the statute is actually written. The check is grouped with cash.

So it's -- it is true, I mean, it certainly is true that there is a charge for using the network. My understanding is it's normally somewhat less for debit than for credit card. It may depend on the dollar amount of the transaction, and so there may be some circumstances when that's not true. But it -- from -- this was presented as a consumer protective rule. That is to say to give the consumer a break for using cash, you're going to give him a lower price.

But from a consumer's point of view, debit is cash. There is no extension of credit. So I think it's really important you look at this as if you were the consumer rather than as you're the business, because the business can always build it into the -- the overhead. The consumer can't.

SENATOR WITKOS: So if a -- if a consumer went in and purchased gas through a debit card or attempted to purchase gas through a debit card and they didn't have the money in their account, are you aware -- would that be declined, because isn't a debit --

RAPHAEL PODOLSKY: I mean, depending on the system

--

SENATOR WITKOS: My understanding a debit is an immediate removal or withdrawal from your personal account.

RAPHAEL PODOLSKY: I think it ordinarily be declined. If -- if it were not declined, then the debit-- then -- then the, I mean, you may have an arrangement with the bank such that it will not be declined and it will be covered and it will end up being treated as a loan --

SENATOR WITKOS: It's a separate transaction.

RAPHAEL PODOLSKY: -- from the point of view of the bank.

SENATOR WITKOS: But that's a separate transaction between yourself and the financial institution.

RAPHAEL PODOLSKY: Between you and your issuer, yeah.

SENATOR WITKOS: Now if you went to a gas station and you wrote out a check and you walked away from the register and the check came back as returned for insufficient funds, generally the account holder is charged a fee.

So not only would you have been able to purchase gasoline, but you also now just encumbered a \$25 insufficient fund charge that, hopefully, you'll try to redeem from the person if you can find them again, you know?

RAPHAEL PODOLSKY: They may be -- right. And they be able to get that back, I don't know. But -- but we're -- we're really talking here about debit cards that are not bouncing. And you're right, normally you're going to have a declined transaction so that there is no -- there is no transaction at that point.

The -- the -- so you're not dealing with some kind of narrow statute that says if you use a debit card, and the debit card it goes

through, but then they bounce it. I mean, I don't know if that could ever happen. That then you're charging -- you could charge them some kind of extra charge for that. That's not what we're talking about.

SENATOR WITKOS: Sure. Thank you.

SENATOR DOYLE: Any further questions?

Raphy, I just have a comment.

Your point is valid like gasoline is probably the only place that has this distinction. Usually they're covered by the cost of the business like if you compared it to a supermarket. But as you probably remember, in 2008 Legislature kind of looked -- attempted this move because there's such extreme sensitivity by the constituents and consumers about the volatility of gas and it was, you know.

I'm agreeing with you that it's unusual for gasoline, but I think it was designed because for some reason every person has a high concern and awareness of gas prices. So I'm not sure it was successful, to be honest, but it was an attempt to try to separate and get a lower price for one consumer. That was the rationale, I think, by the Legislature in 2008.

RAPHAEL PODOLSKY: I -- I actually recall that Chris Stone -- you should -- you actually could ask Chris Stone about this, but the -- the formal chair of the General Law Committee questioned why someone representing poor people would care about this. And the result of that was a focus on debit cards and he subsequently added the debit card language. This is the reason I feel confident that that

was the intention at the time. It was really to address an issue that had come up at the public hearing.

SENATOR DOYLE: Okay. Any further comments or questions?

Thank you, Raphy.

RAPHAEL PODOLSKY: Yeah. Thank you very much.

SENATOR DOYLE: Next speaker is Mike Morrissey, then Kate Childs, and Kevin Roman.

Mike.

MICHAEL MORRISSEY: Good afternoon, Senator Doyle, and Representative Baram, Senator Witkos, and other distinguished members of your committee.

I'm Mike Morrissey from Glastonbury. I'm also the Connecticut State Director to the National Propane Gas Association. Today I'm here representing the members of our association who bring propane gas to the State of Connecticut.

I'm here to speak in opposition to Raised Bill 5260, AN ACT CONCERNING HEATING FUEL. Requiring energy companies to post a bond will increase the price of propane and potentially create an unlevel playing field amongst the marketers of propane in our state.

Securing a surety bond may not be possible for some companies, and for those who can secure a bond, the cost will be passed on to the prepaid fixed contract to the customer. For those companies not able to secure a surety bond, they will not be able to legally offer prepaid fixed price contracts to consumers.

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side that consumer protection, I guess, is not following through with.

SENATOR WITKOS: Right. I didn't know if there was something at the --

STEVE SACKS: Not on the wholesale level, no, there's not.

SENATOR WITKOS: Okay. Thank you.

Thank you, Mr. Chairman.

REP. BARAM: Any other questions?

Thank you both very much, very helpful.

SCOTT DAVIS: Thank you very much.

STEVE SACKS: Thank you.

REP. BARAM: All right. Next we have Chris Herb followed by Mark Gingras.

CHRISTIAN HERB: Good afternoon. My name is Chris Herb. I'm the president of the Connecticut Energy Marketers Association. I'm here to testify in opportunity of House Bill 5259 and 5260. You've heard a lot today on 5260 in regards the bonding requirements, so I'll hit some of the main points one last time and try to put the exclamation point on it.

As you've heard today, bonds will lead to dealer failure. It is not the right mechanism to enforce the way that consumers should get what they pay for. Existing law to buy the oil is the only way to lock in the price to ensure that consumers do get what they pay for. The law needs to be vigorously enforced.

in other states, and Connecticut is actually ahead of most other states -- other heating oil states in the country.

We were the first ones to pass the laws that exist today. They need to be enforced. The dealers who are doing them right are not in jeopardy of failing. So that's that. If I could just have a couple more minutes to talk about the other bill.

The other one is House Bill 5259, AN ACT CONCERNING THE USE OF DEBIT CARDS FOR GASOLINE PURCHASES. You heard testimony previously today that was absolutely inaccurate. The person who testified first today told you a whole bunch of information when he actually opposed the original bill that would allow dealers to offer a cash discount when their customers purchased gasoline with cash.

The reason why that law exists is because our association brought it to the General Law Committee, Representative Stone at the time, agreed with us. Because there was a prohibition in our supply contracts, our suppliers upstream from us, the refiners primarily, would not allow us to lower the price of fuel at the pump if -- if a customer was willing to pay in cash. We thought that was wrong and we changed the law, and now it is prohibited here like it is in many other states.

All the cash discount does is provide the opportunity to purchase the same fuel at a less price because it is an instrument that does not cost the retailer anything. Credit cards, debit cards, and anything that has the MasterCard, Visa, American Express symbol, costs money. Some debit cards in some circumstances are more expensive than credit.

So we think that the existing regulations that are on the books and it is included in my testimony are comprehensive. We believe that, hopefully, the bill doesn't go any further than what the existing regulations are. It says basically that if you are at the pump and you are -- and -- and a cash discount is being offered, you have to disclose whether a debit card is captured in that.

Again, since there's a fee in -- in every case, most retailers aren't going to extend that cash discount. If they want to, God bless them, but that's not the case. We think that this bill is redundant. It is unnecessary. And just to let you know, of the stickers that Raphy was referring to before, this is the actual size of them. Our association is distributing to our members. I haven't see anything else on the street that talks about it, so I don't know what he's talking about. A very small -- something you couldn't read.

In terms of disclosure, we have a street sign that is -- you can see from a mile down the road so you know exactly what you're getting into before you go. When you arrive at the gas station, there's a pump tap sign. There's a digital display. There are so many disclosures when you go to buy gasoline, any further requirements to disclose what you're buying and what you're going to get would -- I think would be confusing. If we put any more signs on how much the cost of gasoline is at the station, I think you're making a mistake.

We think that the existing regulations and the existing law works and we would ask you to reject House Bill 5259 and 5260.

REP. BARAM: Thank you.

Any questions.

Senator Witkos.

HB 5259

SENATOR WITKOS: Yeah. Chris, could you just respond to the comment that was made earlier by a gentleman that testified that only gas companies sell different prices at their base price. No other industry or no other tangible product you can buy has a different price for cash versus debit versus credit.

CHRISTIAN HERB: I -- not off the top of my head, but my parents own a grocery store and every item that they sell is up for negotiation. Their customers come in and negotiate the price all -- all the time. So I'm not -- I'm aware -- well, on the heating oil side, for instance, there are prompt payment discounts, there are -- there may be -- there may be cash incentive discounts to use cash incentives, but not off the top of my head.

SENATOR WITKOS: Isn't that part of the cost of doing business that you try to make it whatever is best for your customer? I don't -- in my personal experiences, other than at a gas station, is the only place that differentiates the cost whether I'm paying cash or -- or I use a debit card or a credit card.

CHRISTIAN HERB: I can tell you there's probably no other retail establishment that you can go to that you have more information that at a gas station on what it costs and what you're buying and having it -- a warning of it as you're driving down the street and you can make the decision to drive past it.

SENATOR WITKOS: If -- if you, and let me make sure I understand this correctly. When the legislation was passed and it was prior to my arrival here in the General Assembly for the first time around, that was because of upstream you had to have that included so you could get that sale purchase price.

What happens if the legislation we do today, or down the road, says that debit cards will be treated as cash in the State of Connecticut? Will that have the same effect further upstream as prior legislation did to get us to where we are today?

CHRISTIAN HERB: Absolutely. I mean, I -- I don't know -- I can tell you right now, if debit cards were forced to be treated as cash, and we went through this last year at a very lengthy hearing, where I would have brought 20 gasoline dealers to explain it if I thought that -- that someone was going to come and to actually testify and say that you should be treating debit as cash, again.

But I would say that -- that absolutely this would send a chilling effect, and testimony that you heard a year ago at the hearing that dealt with this said that they would stop offering cash discounts if they had to treat debit as cash. We would go back to one pricing system.

Right now at least people have an option. Not all dealers even offer the cash discount. But if you were to take it -- if you were to require debit to be treated as cash, you would dry up the cash discount. There would be no cash discounts anywhere in Connecticut. They just wouldn't offer them. That would be my -- my guess.

REP. BARAM: Any other questions?

Just one from me. You held up a -- a sign, right?

CHRISTIAN HERB: It's in my testimony.

REP. BARAM: It -- it, okay. It says pay less with cash. But does it saying anything about a debit card on that?

CHRISTIAN HERB: Yeah. Pay less with cash before making your purchase. Check or pump top -- check our pump top price sign. Debit cards are credit price. We arrived at this just like we did with the heater -- heating oil dealer registration law and its evolution over the years by sitting down with the department in the Attorney General's office and working out what is best.

It wasn't -- it's not prescribed in the -- in the regs. It's not prescribed -- prescribed in statute. We came about arriving at this as the -- this is a proper disclosure that meets the requirements of the regulation. That's why I don't see why this bill is necessary, and I actually think this bill goes further than it may have been intended, and it may require further disclosures at that pump, additional decals on the pump, for -- for retailers who do not offer cash discounts.

I mean, we're talking about potentially adding thousands of -- of decals to pumps throughout the state. I don't know if that was intended in this legislation? I do address it in my written testimony, but I -- I can see how it could be interpreted that way. I think this legislation is a mistake.

REP. BARAM: Thank you.

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Any other questions?

Thank you very much.

CHRISTIAN HERB: And, again, I appreciate the opportunity to sit down and work through our prepay issue with you.

REP. BARAM: I will remind Paul of that.

Mark Gingras.

MARK GINGRAS: Good afternoon. I'm in a unique position to be between you and going home, so I won't take a whole lot of time.

I've also learned an awful lot about contracts with petroleum and with pharmaceuticals and gasoline, but I'm in the beer business, so we're going to talk about a different subject.

I know Senator Doyle is not here right now, but I appreciate Representative Baram and the Senator, and the members of the General Law Committee.

My name is Mark Gingras and together with my wife, Christine, we're the owners of G and G Beverage Distributors in Wallingford, Connecticut. We've been at it for together for 34 years. On behalf of the members of the Connecticut Beer Wholesalers Association, I'm here to speak to you in a unique position of favoring Senate Bill 206, which is AN ACT CONCERNING THE POWERS AND DUTIES OF THE COMMISSIONER OF CONSUMER PROTECTION.

Over the summer, the Connecticut Beer Wholesalers have had an opportunity to speak with the Commissioner of Consumer Protection and revenue services about our concern

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1-800-842-1420  
www.SenatorWilliams.cga.ct.gov

**State of Connecticut**  
**SENATOR DONALD E. WILLIAMS, JR.**  
*Twenty-ninth District*  
**President Pro Tempore**

**Testimony before the General Law Committee**  
**Donald E. Williams, Jr.**

**February 25, 2014**

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|---|---|
| <b>In Support of <u>Senate Bill 207</u></b> | <b><i>AA Requiring Home Improvement Contractors and Salesmen to Obtain and Display Identification Badges</i></b>                      |
| <b>In Support of <u>Senate Bill 208</u></b> | <b><i>AAC Pharmacy Rewards Programs and Protected Health Information</i></b>  |
| <b>In Support of <u>Senate Bill 209</u></b> | <b><i>AA Prohibiting Unsolicited Commercial Text Messages and Increasing Penalties for Violations of the Do Not Call Registry</i></b> |
| <b>In Support of <u>House Bill 5259</u></b> | <b><i>AAC The Use of Debit Cards for Gasoline Purchases</i></b>   |

Senator Doyle, Representative Baram, distinguished members of the General Law Committee, I appear before you today in support of SB 207, SB 208, SB 209 and HB 5259.

**Senate Bill 207, AA Requiring Home Improvement Contractors and Salesmen to Obtain and Display Identification Badges** will protect consumers as well as home improvement contractors who play by the rules and register properly with the state Department of Consumer Protection. ID badges will ensure that, if anything should go wrong on a project, the contractor can be tracked down using the state registration number issued by DCP. Some people unlawfully provide services in the state without proper registration, as required by law. This puts those contractors who play by the rules at a disadvantage.

This problem was highlighted in the wake of recent severe weather events, when some contractors engaged in deceptive practices in order to provide home improvement services to overwhelmed homeowners. Sometimes, "storm chaser" or "fly-by-night" contractors from out of state offer their services at high prices without having proper state registration and with no way for a consumer to verify their credentials. Because these workers travel the country looking for work after natural disasters, they move on quickly and are nearly impossible to track down if a project is incomplete or has a problem.



This bill, similar to a law passed in New Jersey, would require a DCP-issued identification badge to be worn at all times while on the job or while soliciting services. The badge will have a picture, the name of the business, the DCP registration number, and the DCP eLicensing website address where credentials can be verified.

**Senate Bill 208, AAC Pharmacy Rewards Programs and Protected Health Information** will help protect consumers' health privacy. Several large pharmacies now offer prescription drug discount programs which can be attractive to consumers such as seniors facing high prescription drug costs. Most consumers don't realize that when they sign up for these programs they are often unknowingly signing away their privacy rights to their entire medical record, allowing the pharmacy access to a customer's health history and the right to sell a customer's personal health information for marketing and other purposes.

This proposal would ensure that if a customer chooses to participate in these discount programs, they understand what they are signing away when they do so. It will require pharmacies to clearly define in layman's terms - on webpages and other promotional materials - the privacy rights a consumer is giving away by enrolling in the program. It will also require larger typeface and greater prominence of these terms on pharmacy websites and other promotional materials prior to the check-off box for final enrollment in the program.

**Senate Bill 209, AA Prohibiting Unsolicited Commercial Text Messages and Increasing Penalties for Violations of the Do Not Call Registry** will reduce unwanted, unsolicited phone intrusions which are on the rise. Many consumers are targets of phone scams and there is currently little incentive for businesses to comply with the law. Our proposals tighten up loopholes in the current law and increase penalties for violators. This bill will raise the stakes of non-compliance by markedly increasing penalties. It will prohibit text messaging in the state's Do Not Call law, and it will also increase consumers' awareness of how and where to make complaints of violations by displaying complaint procedures on phone bills.

**House Bill 5259, AAC The Use of Debit Cards for Gasoline Purchases** will increase transparency for consumers at the gas pump. Many gas retailers offer a discounted price for payment with cash versus credit cards. Retailers that do offer a cash discount often do not make it clear to consumers whether the use of a debit card is treated by the retailer as a cash or credit purchase. Some consumers may assume that when they are using their debit cards, that they are using cash, and are therefore getting the discounted cash price for the gasoline. In fact, many gas stations treat debit cards as credit cards, under the theory that debit card transactions result in fees, albeit lower than credit card fees. When this practice is not made clear to consumers before they initiate the purchase, some consumers are unknowingly being charged a higher price per gallon.

This bill would place in statute a requirement that the policy regarding debit cards be clearly posted on the gas pump of stations that offer cash discounts. The bill would not dictate what policy the station has to adopt, just that consumers be informed so they can make their own decisions.



February 25, 2014

Co-Chair Paul R. Doyle  
Co-Chair David A. Baram  
Senator Kevin D. Witkos  
Representative Dan Carter

General Law Committee:

We are submitting testimony in opposition to H.B. 5259, AN ACT CONCERNING THE USE OF DEBIT CARDS FOR GASOLINE PURCHASES.

The Connecticut Energy Marketers Association (CEMA) represents 576 petroleum marketers and their associated business in Connecticut. CEMA members own operate and distribute motor fuel to more than 1,000 gasoline stations in our state.

H.B. 5259 seems to mirror existing Department of Consumer Protection (DCP) regulations that requires sellers of motor fuels who offer a cash discount when purchasing fuel, to disclose to the purchaser at the dispenser whether the cash discount applies to other forms of payment (ie. debit transactions, etc.)

CEMA believes that the existing regulation concerning the disclosure of when a cash discount applies is adequate and that H.B. 5259 is redundant and unnecessary.

If the bills intention is to require motor fuels sellers who do not offer cash discounts to disclose that debit cards are charged the credit price, the existing regulations cover that also.

Currently, the regulations require that a motor fuels seller disclose on the "pump top" sign the price of fuel. Additionally, if they offer a cash discount, the pump top sign must be split and indicate what the price of fuel is and the price of fuel when cash is used as payment.

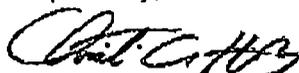
The current regulations are clear and transparent to motorists when purchasing fuel. Pump top signs and street signs are clear and conspicuous when a motorist is approaching a gas station and even more so at the pump. No other seller of any product or service does more to inform the potential customer of the cost of a product than the motor fuel industry and further regulation is unwarranted.

Motorist can purchase motor fuels with cash, credit cards, gift cards, check, and debit cards. The way our regulation work today – however you choose to purchase fuel you pay the posted price regardless of the financial instrument your use and when a cash discount is offered you pay the discounted price. If debit cards do not receive a cash discount you must disclose that prior to the sale.

You do not need additional regulation on every possible way that a motorist might pay for fuel. Requiring additional unnecessary disclosure is cumbersome, costly and potentially confusing to consumers.

We ask that the General Law Committee oppose H.B. 5259, AN ACT CONCERNING THE USE OF DEBIT CARDS FOR GASOLINE PURCHASES.

Respectfully,



Christian A. Herb  
President

STATE OF CONNECTICUT  
**REGULATION**  
of the  
**DEPARTMENT OF CONSUMER PROTECTION**  
(NAME OF AGENCY)  
Concerning  
**THE POSTING OF MOTOR FUEL PRICES**  
(SUBJECT MATTER OF REGULATION)

SECRETARY OF THE STATE  
LEGISLATIVE ELECTRONIC

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Section 16a-15a-2 of the Regulations of Connecticut State Agencies is amended to read as follows.

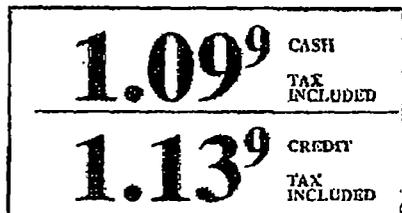
**Sec. 16a-15a-2. Posting of cash payment and credit card prices**

(a) At the dispensers or islands where cash discounts are offered, retail dealers shall display clear and conspicuous signs posting the price per gallon reduction for cash payment.

(1) Each sign shall be 7 1/4" high and 9 1/2" wide

(2) Each sign shall be clearly visible to the members of the public. The letters on such sign shall be of contrasting color to the background and large enough to direct customers to the appropriate dispenser

(b) One method by which retailers may meet the cash-credit price posting requirement set forth in subsection (a) of this section is with a split sign that is 7 1/4" high by 9 1/2" wide, showing the cash price per gallon on the top half of the sign and the credit price on the bottom half. The numerals on such sign shall be at least 2 3/4" high and 3/8" wide and shall look like the following example:



(c) If an island or dispenser is dedicated exclusively to cash sales, the price posted shall be the cash purchase price.

(d) If a non-cash form of payment, including, but not limited to, a credit card, debit card, gift card, store card, cash card or gas card is accepted as a form of payment, and a cash discount is offered for the purchase of motor fuel, disclosure by the retailer in a form acceptable to the commissioner shall be posted in a prominent manner at the point of dispensing of motor fuel. Such disclosure shall alert consumers to the form or forms of payment to which the cash discount price does not apply.

**STATEMENT OF PURPOSE**

The purpose of these regulations is to provide clarity to consumers in their use of debit cards to purchase motor fuel, specifically clarifying when that payment type may earn a cash discount.

The Department believes that the addition of subsection (d) will help avoid confusion among consumers in their purchasing of motor fuel. Cash discounts have proven popular. With this proposed change, the payment types that earn the cash discount will be more transparent.

The legal effect of this proposal would be to create a new regulation subsection that requires motor fuel price posting signs to include the fact that consumers will not earn a cash discount, if offered by the seller, when using a debit card for the purchase. This regulation applies only when use of a debit card will not earn the discounted cash price.

E

# PAY LESS WITH CASH!

**Before making your purchase,  
check our pump top price signs!**

**DEBIT CARDS are CREDIT PRICE**

Credit card companies charge us fees for their use!



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# Legal Assistance Resource Center of Connecticut, Inc.

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## H.B. 5259 -- Debit Card Gasoline Purchases

General Law Committee public hearing – February 25, 2014

Testimony of Raphael L. Podolsky

**Recommended Committee action: REVISE BILL TO TREAT DEBIT AS CASH**

This bill authorizes the Commissioner of Consumer Protection to require the posting on each gas pump, at any gas station offering a cash discount, a statement whether a debit card payment is subject to the cash price or the credit price. There are two problems with this bill. *First*, the Commissioner has already promulgated a regulation substantially containing this provision. The bill adds little or nothing to that regulation. *Second and more fundamental*, the regulation itself misapplies C.G.S. 42-133ff(c), which requires that debit card purchasers receive the cash price. The General Law Committee should, if anything, clarify 42-133ff(c) so as to eliminate the misconception that debit card customers can be charged a credit card price. If the Committee will not do so, then this bill should at least be revised so as to strengthen the Commissioner's regulation.

(1) Strengthening the regulation: The DCP regulation, which is found in Section 16a-15a-2(d) of the Regulations of Connecticut State Agencies, provides that, if any non-cash form of payment is accepted by the gas station, then "disclosure by the retailer in a form acceptable to the commissioner shall be posted in a prominent manner at the point of dispensing said motor fuel alerting consumers to the form or forms of payment to which the cash discount price does not apply." See [www.sots.ct.gov/sots/lib/sots/regulations/title\\_16a/015a.pdf](http://www.sots.ct.gov/sots/lib/sots/regulations/title_16a/015a.pdf). If H.B. 5259 is to continue to allow a debit transaction to be subject to a credit card price, then the bill should be revised to include:

- The failure to make such a disclosure results in the cash price being the price.
- The disclosure must be both at each pump dispensing gasoline and on any other signs disclosing the discounted price.
- The disclosure must be truly conspicuous and prominent – I would suggest as prominent as the prices themselves
- The failure to comply with these requirements is an unfair trade practice

The Commissioner's regulation took effect almost 2½ years ago (Oct 5, 2011), and my experience is that it is commonly ignored by gas stations. Even those stations that disclose that "Debit Customers Pay the Credit Price," or similar language, do so on a pump sticker (not on the card above the pump) in type that is tiny compared with the 2.75" numerals that show the price of the gasoline or even the letters that say "CREDIT" or "CASH."

(2) Applying the statute: Subsection (a) of C.G.S. 42-133ff prohibits surcharging gas station customers based on method of payment, but subsection (c) permits discounting the

(continued on reverse side. )

price "to induce such buyer to pay by cash, debit card, check or similar means rather than by credit card" [*underlining added*]. The key phrase in the statute is "rather than," which originally contrasted a discount price for cash, check, or similar means with a credit card price. In 2008, the legislature amended the statute to classify debit cards as "similar" to cash and checks (not to credit cards) by adding them to that group. The addition of the phrase "debit card" was not to permit it to be assigned the credit card price but rather to include it in any discount price. That is reasonable policy, because the statute is supposed to be consumer protective, not dealer protective. While it is true that a dealer may be charged by a network for accepting debit cards (although usually at a lower price than for credit cards), from the customer's perspective they are simply transferring their own money and are functionally paying cash. There is no extension of credit by anyone. The acceptance of a debit card is an inducement to the customer to buy gasoline at the station and is a routine cost of doing business. The following language would properly clarify C.G.S. 42-133ff(c):

Subsection (c) of Section 42-133ff is repealed and the following is substituted in lieu thereof

(c) Nothing in this section shall prohibit any seller from offering a discount to a buyer to induce such buyer to pay by cash, debit card, check or similar means, rather than by credit card, provided that such discount is offered equally to buyers paying by cash, debit card, check or similar means. In furtherance of the legislative findings contained in section 42-133j, as amended by this act, no existing or future contract or agreement shall prohibit a gasoline retailer or distributor from offering a discount to a buyer based upon the method of payment by such buyer for such gasoline. Any provision in such contract or agreement prohibiting such retailer or distributor from offering such discount is void and without effect as contrary to public policy