

New Roadside Sign Requirements for Retail Stations

Contact: *Craig VanBuren, Director
Consumer Protection Section
Motor Fuels Quality/Weights & Measures
Michigan Department of Agriculture & Rural Development*

On July 2, 2013, new requirements for the advertising of fuel on roadside signs will go into effect. The section of the Weights and Measures Act, PA 283 of 1964, as amended, that applies is as follows;

290.628e.amended Sale of motor fuel at roadside retail location; advertising; use of proprietary fuel name; conditions regarding payment by cash or credit card.
Sec. 28e.

(1) Beginning July 2, 2013, if motor fuel is sold at a roadside retail location, the roadside advertising shall comply with all of the following:

(a) The price advertised shall be clearly and completely posted in full, including any fractional prices, to the tenth of a cent.

(b) The price advertised shall include the grade of fuel being sold, with the following abbreviations allowed:

- (i) Regular gasoline: "Regular", "Reg.", or "Reg,".*
- (ii) Midgrade gasoline: "Midgrade", "Mid.", or "Mid,".*
- (iii) Premium gasoline: "Premium", "Prem.", or "Prem,".*
- (iv) Diesel fuel: "Diesel", "Dsl.", or "Dsl,".*
- (v) Kerosene fuel: "Kerosene", "Ker.", or "Ker,".*
- (vi) E85 fuel ethanol: "E85".*

(c) All prices shall be capable of being displayed at the pump, but only the unit price of the selected product shall be displayed during the transaction. All indications on the pump display shall calculate the correct total price of the purchase.

(d) Subject to subsection (3), if the advertised price of the motor fuel is subject to 1 or more conditions for sale at that price, other than payment by cash or credit card, the retailer shall post the conditions immediately adjacent to the sales price with equal illumination in lettering of the same style and of at least 1/2 the size that is used to post the sale price.

(e) If the unit price for the same grade of motor fuel differs, and the sign will not accommodate displaying all prices in lettering of the same style and size, the highest price shall be displayed in lettering using the largest size of the prices that are displayed.

(2) Subsection (1)(b) does not preclude the owner or operator of a business selling motor fuel at a roadside retail location from using a proprietary fuel name.

(3) Beginning July 2, 2017, the requirement of subsection (1)(d) also applies to conditions regarding payment by cash or credit card.

Of particular importance are sections 1(d) and 1(e). Section 1(d) states if the customer must meet certain conditions in order to obtain the price posted, those conditions must be at least $\frac{1}{2}$ the size of the price itself, and they must be equally visible both day and night. For example: if the price per gallon of gasoline is \$3.799 with the purchase of a car wash, the condition “with Car Wash” must be stated, and it must be at least $\frac{1}{2}$ the size and be as equally visible as the \$3.799. Below are some examples of signs in compliance and not in compliance.

Example 1 (In compliance)



Example 2 (In compliance)



As you can see in the two examples above, the condition of price is $\frac{1}{2}$ of the size of the price itself.

Example 3 (Not In Compliance)



Example 4 (Not In Compliance)



In example 3 above, the condition required to obtain the \$3.789 price is to purchase a gift card. In example 4, the condition in order to obtain the \$3.649 price is with a wash. In neither case are the conditions listed $\frac{1}{2}$ the size of the price per gallon.

Section 1(d) includes all conditions with the exception of cash/credit pricing. While the condition of “Cash” is not required to be $\frac{1}{2}$ the size of the price per gallon, it must still be clearly stated on the sign. The fuel name/grade also is not required to be $\frac{1}{2}$ the size but, again, it must be clearly defined on the roadside sign. **The $\frac{1}{2}$ size requirement for cash/credit pricing will go into effect on July 2, 2017.**

Section 1(e) specifies that if a station is unable to list all of its various prices for a particular grade on its sign, it must always post the highest price per gallon. For instance: if a station we to have three different prices for regular unleaded (cash, credit, with car wash), and has only two spots available on its sign, the highest price must be posted along with whichever of the other two prices it chooses. If the sign has different size displays, the highest price must be on the largest display. This applies to all conditions including cash/credit. The example below shows a sign that is not in compliance. If this location has a credit price that is higher than any of the others listed, that price must be in the top position.

Example 5 (Not in compliance)



Please remember that these requirements go into effect on July 2, 2013. If you have any questions about the legality of your signage, please contact the Michigan Department of Agriculture and Rural Development's Weights and Measures Program as soon as possible. They may be reached during normal business hours at (517) 655-8202.