

Introduced \_\_\_\_\_  
Public hearing \_\_\_\_\_  
Council action \_\_\_\_\_  
Executive action \_\_\_\_\_  
Effective date \_\_\_\_\_

## County Council of Howard County, Maryland

2024 Legislative Session

Legislative day # 2

### BILL NO. 9 – 2024

**Introduced by:**  
Christiana Rigby, Councilmember

**Co Sponsored by:**  
Opel Jones, Councilmember  
Deb Jung, Councilmember

**AN ACT** amending the Public Protection Services title of the Code to require Motor Vehicle Fueling Station operators to add the highest price on their fuel pricing signs; and generally relating to Motor Vehicle Fueling Stations.

---

Introduced and read first time \_\_\_\_\_, 2024. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2024.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

This Bill was read the third time on \_\_\_\_\_, 2024 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_ day of \_\_\_\_\_, 2024 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2024

\_\_\_\_\_  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1       **WHEREAS**, Motor vehicle fueling facilities often have multi-tiered pricing that ties the  
2 price of fuel to either methods of payments or purchases of other services offered by the  
3 fueling facility; and

4  
5       **WHEREAS**, the current multi-tiered pricing system often results in price confusion by  
6 consumers; and

7  
8       **WHEREAS**, to protect consumers from being misled into paying higher priced fuel by  
9 requiring transparency in fuel pricing signage.

10  
11       *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the*  
12 *Howard County Code is hereby amended as follows:*

13  
14       *By Adding:*

15               *Title 17 – “Public Service Protections”*

16                       *Subtitle 4. “Consumer Protection”*

17                               *Sec. 17.403. “Deceptive or unfair trade practice prohibited.”*

18                                       *Number 28.*

19  
20                       *Subtitle 12 - “Miscellaneous”*

21                               *Section 1201 – “Motor Vehicle Fueling Facilities – Accurate Signage Required.”*

22  
23  
24  
25                                       **HOWARD COUNTY CODE**

26                                       **Title 17. Public Service Protections**

27  
28                                       **Subtitle 4. Consumer Protection**

29  
30                                       **Sec. 17.403. Deceptive or unfair trade practice prohibited.**

31                                       (a) It shall be unlawful for any merchant to engage in a deceptive or unfair trade practice  
32 with respect to any consumer whether or not any consumer has, in fact, been misled,

- 1 deceived or damaged thereby. Deceptive or unfair trade practices include, but are not  
2 limited to:
- 3 (1) Representations that merchandise, goods or services have sponsorship, approval,  
4 accessories, characteristics, ingredients, uses, benefits or quantities that they do not  
5 have.
  - 6 (2) Representations that the merchant has a sponsorship, approval, status, affiliation or  
7 connection that he does not have.
  - 8 (3) Representations that merchandise or goods are original or new, if they are  
9 deteriorated, altered, reconditioned, reclaimed or secondhand.
  - 10 (4) Representations that merchandise, goods or services are of particular standard,  
11 quality, grade, style or model, if they are of another.
  - 12 (5) A misrepresentation as to a material fact which has a tendency to mislead.
  - 13 (6) The failure to state a material fact, if such failure deceives or tends to deceive.
  - 14 (7) Disparaging the merchandise, goods, services or business of another by false or  
15 misleading representations of material facts.
  - 16 (8) Advertising or offering merchandise, goods or services without intent to sell them or  
17 sell them as advertised or offered.
  - 18 (9) Advertising or offering merchandise, goods or services with intent not to supply  
19 reasonably expected public demand, unless the advertisement or offer discloses a  
20 limitation of quantity or other qualifying conditions.
  - 21 (10) Making false or misleading representations of fact concerning: The reasons for,  
22 existence of or amounts of price reductions; or the price in comparison to price of  
23 competitors or ones own price at a past or future time.
  - 24 (11) Knowingly falsely stating that services, replacements or repairs are needed.
  - 25 (12) Falsely stating the reasons for offering or supplying merchandise, goods or services at  
26 sale or discount prices.
  - 27 (13) The harassment of any person, either by telephone, cards or letters, with regard to any  
28 act other than legal process.
  - 29 (14) Any deception, fraud, false pretense, false premise, misrepresentation or the knowing  
30 concealment, suppression or omission of any material fact with the intent that  
31 consumers rely upon such concealment, suppression or omission in connection with  
32 the sale or advertisement of any merchandise or goods or with the subsequent

1 performance of services, whether or not any person has, in fact, been misled, deceived  
2 or damaged thereby.

3 (15) Any false, falsely disparaging or misleading oral or written statement, visual  
4 description or other misrepresentation of any kind which has the capacity, tendency or  
5 effect of deceiving or misleading consumers and is made in connection with the sale,  
6 lease, rental, loan or bailment of merchandise, goods or services, the offering for sale,  
7 lease, rental, loan or bailment of merchandise, goods or services, the extension of  
8 consumer credit or the collection of consumer debts.

9 (16) Failure to provide a written estimate of repairs, alterations, modifications or servicing  
10 when requested by a consumer and then performing such subsequent repair,  
11 alteration, modification or servicing of the item without providing the estimate as  
12 requested.

13 (17) Making repairs, alterations, modifications or servicing exceeding by ten percent or  
14 more the price quoted in a written estimate, without prior written or verbal approval  
15 of a consumer.

16 (18) Failure to reassemble or restore an electrical or mechanical apparatus,  
17 appliance, chattel or other goods or merchandise to its tendered condition,  
18 unless a service or labor charge is paid, without notification of the service or  
19 labor charge prior to receiving the tendered item.

20 (19) Failing to supply to a consumer a copy of a sales or service contract, lease,  
21 promissory note, trust agreement or other evidence of indebtedness which that person  
22 may execute or has, in fact, executed.

23 (20) Selling or leasing or providing merchandise, goods or services on a credit sale basis  
24 with knowledge by the merchant, at the time of the transaction, that there was no  
25 reasonable probability of payment in full of the obligation by the consumer.

26 (21) Selling, leasing or providing merchandise, goods or services with knowledge by a  
27 merchant, at the time of the transaction, of the inability of the consumer to receive  
28 substantial benefits from the merchandise, goods or services sold or leased.

29 (22) Selling, leasing or providing merchandise, goods or services where there exists a  
30 gross disparity between the price of the merchandise, goods or services sold or leased  
31 and the value of the merchandise, goods or services measured by the price at which  
32 similar merchandise, goods or services are readily obtainable in transactions by like

1 buyers or lessees. Any insurance commission or rebate received by a merchant shall  
2 be considered in determining the existence of a gross disparity.

3 (23) The fact that the merchant failed to disclose that he contracted for or received a  
4 commission fee or rebate for insurance with respect to credit sales.

5 (24) The fact that the merchant has knowingly taken advantage of the inability of the  
6 consumer to reasonably protect his interests by reason of physical or mental  
7 infirmities, ignorance, illiteracy or inability to understand the language of the  
8 agreement.

9 (25) Replacing parts or components in an electrical or mechanical apparatus, appliance,  
10 chattel or other goods or merchandise when such parts or components are not  
11 defective, unless this replacement is specifically requested by the consumer.

12 (26) Falsely stating or representing that repairs, alterations, modifications or servicing  
13 have been made when they have not been.

14 (27) Insertion by a merchant, in a contract of sale or lease, of a clause or condition which  
15 is so one sided as to be unconscionable under the circumstances existing at the time of  
16 the making of the contract.

17 (28) FAILING TO COMPLY WITH SECTION 17.1201.

18  
19  
20 **Subtitle 12. Miscellaneous**

21  
22 **SECTION 17.1201. MOTOR VEHICLE FUELING FACILITIES – ACCURATE SIGNAGE**  
23 **REQUIRED.**

24  
25 (A) PURPOSE. THE PURPOSE OF THIS PROVISION IS TO REQUIRE FUEL PRICING  
26 TRANSPARENCY BY MOTOR VEHICLE FUELING FACILITY OPERATORS BY REQUIRING  
27 OPERATORS TO DISCLOSE ON THEIR PRICING SIGNS THE HIGHEST PRICE FOR EACH OF  
28 THEIR FUELING OPTIONS IN ADDITION TO ITS LOWEST PRICES.

29  
30 (B) DEFINITIONS. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS HAVE THE  
31 MEANINGS INDICATED.

32 (1) BUSINESS REGULATION ARTICLE MEANS THE BUSINESS REGULATION  
33 ARTICLE OF THE MARYLAND CODE, AS AMENDED.

1 (2) HIGHEST PRICE MEANS THE TOTAL AMOUNT, INCLUDING ANY FEES,  
2 PAYABLE TO A MOTOR VEHICLE FUELING FACILITY BY A CUSTOMER FOR  
3 ONE WHOLE MEASUREMENT UNIT OF GASOLINE SOLD ON THE PREMISES.

4 (3)MOTOR VEHICLE FUELING FACILITY MEANS A MERCHANT WHO SELLS MOTOR  
5 FUEL AT RETAIL UNDER SECTION 10-315 OF THE BUSINESS REGULATION  
6 ARTICLE.

7  
8 (C) A MOTOR VEHICLE FUELING FACILITY SHALL:

9 (1) COMPLY WITH SECTION 10-315 OF THE BUSINESS  
10 REGULATION ARTICLE; AND

11 (2) IF THE MOTOR VEHICLE FUELING FACILITY POSTS A SIGN UNDER SECTION  
12 10-315(E) OF THE BUSINESS REGULATION ARTICLE, IT SHALL INCLUDE WITHIN  
13 THE SIGN ADDITIONAL PRICING INFORMATION REQUIRED UNDER SUBSECTION (D)  
14 OF THIS SECTION.

15  
16 (D) ANY PRICING SIGN POSTED BY A MOTOR VEHICLE FUELING STATION UNDER SECTION  
17 10-315(E)(2) OF THE BUSINESS REGULATION ARTICLE SHALL INCLUDE, IN ADDITION  
18 TO THE LOWEST PRICE, A CLEAR AND VISIBLE HIGHEST PRICE.

19  
20 (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A MOTOR VEHICLE  
21 FUELING FACILITY MAY SATISFY THE REQUIREMENTS OF SUBSECTION (D) OF THIS  
22 SECTION IF IT POSTS, ON A SIGN VISIBLE TO MOTORISTS AND SEPARATE FROM THE SIGN  
23 REQUIRED UNDER SECTION 10-315(E) OF THE BUSINESS REGULATION ARTICLE, THE  
24 HIGHEST PRICE.

25  
26 (F) IF A MOTOR VEHICLE FUELING FACILITY POSTS THE HIGHEST PRICE UNDER SUBSECTION  
27 (D) OF THIS SUBSECTION, THE LETTERS AND NUMERALS ON THE SEPARATE SIGN MUST  
28 APPEAR IN THE SAME SIZE AND FONT AS THOSE USED ON THE SIGN POSTED UNDER  
29 SECTION 10-315(E) OF THE BUSINESS REGULATION ARTICLE.

30  
31  
32 ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that***  
33 ***this Act shall become effective September 1, 2025.***