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Introduced by Representatives Pearson of Burlington, Bissonnette of  
Winooski, Carr of Brandon, Cole of Burlington, Connor of  
Fairfield, Davis of Washington, Donovan of Burlington, Frank  
of Underhill, Gonzalez of Winooski, Head of South Burlington,  
Johnson of South Hero, Keenan of St. Albans City, Krowinski  
of Burlington, Macaig of Williston, Martin of Wolcott,  
McCullough of Williston, Myers of Essex, Patt of Worcester,  
Ram of Burlington, Savage of Swanton, Stevens of Waterbury,  
Till of Jericho, Townsend of South Burlington, Woodward of  
Johnson, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Commerce and trade; motor fuel; market share; pricing; reporting

Statement of purpose of bill as introduced: This bill proposes to establish  
mechanisms for monitoring market conduct within Vermont's motor fuel  
oil industry.

An act relating to the monitoring of Vermont's motor fuel oil industry

It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 9 V.S.A. chapter 110A is added to read:

2 CHAPTER 110A. MOTOR FUEL OIL PRICING

3 AND MARKET SHARE

4 § 4119. DEFINITIONS

5 As used in this chapter:

6 (1) “Affiliate” means any person who controls, is controlled by, or is  
7 under common control with any other person.

8 (2) “Control of dealer” means the power, whether or not exercised, to  
9 establish, fix, or direct the retail price of motor fuel sold by a dealer, through  
10 ownership of stock in or assets used by the dealer or through contract, agency,  
11 consignment, or otherwise, whether that power can be exercised directly or  
12 indirectly or through parent corporations, subsidiaries, related persons and  
13 entities, or affiliates.

14 (3) “Dealer” means a person that sells, through a service station, filling  
15 station, or otherwise, motor fuel oil to an end user for consumption in the State.

16 (4) “Motor fuel oil” means internal combustion fuel sold for use in  
17 motor vehicles as defined in 23 V.S.A. § 4(21).

18 (5) “Motor fuel oil sales” means the wholesale or retail sale of motor  
19 fuel oil.

20 (6) “Wholesaler” means a person that sells motor fuel oil for resale  
21 through dealers.

1     § 4119a. WHOLESALER MARKET SHARE REPORT

2             Annually, beginning on April 1, 2016, a wholesaler shall report to the  
3     Attorney General, for the prior calendar year beginning on January 1 and  
4     ending on December 31:

5             (1) the total number of gallons of motor fuel oil sold by the wholesaler  
6     to each dealer not controlled by the wholesaler during any portion of the  
7     reporting period;

8             (2) the total number of gallons of motor fuel oil supplied by the  
9     wholesaler to each dealer controlled by the wholesaler during any portion of  
10    the reporting period; and

11            (3) the total number of gallons of motor fuel oil sold by the wholesaler  
12    from a bulk storage facility or depot directly to an end user for consumption in  
13    the State.

14     § 4119b. ACQUISITION OF MOTOR FUEL OIL ASSETS; NOTICE

15            (a) A person shall provide notice as required under subsection (b) of this  
16    section if he or she intends to acquire, directly or indirectly, from a business  
17    engaged in motor fuel oil sales in this State:

18            (1) controlling stock; or

19            (2) substantial assets that include those used in motor fuel oil sales.

20            (b) The person acquiring stock or assets under subsection (a) of this section  
21    shall provide notice of the acquisition to the Attorney General at least 60 days

1 prior to the date of acquisition. That period may be shortened with the consent  
2 of the Attorney General. The Attorney General may require the delay of the  
3 acquisition for an additional 60 days.

4 § 4119c. INVESTIGATIONS

5 The Attorney General may investigate market shares held by dealers, other  
6 issues relating to an acquisition under section 4119b of this chapter, and  
7 wholesale and retail motor fuel oil prices, pursuant to the investigatory powers  
8 established under chapter 63 of this title.

9 § 4119d. CONFIDENTIALITY

10 Information received under section 4119a of this chapter by the Attorney  
11 General is confidential and exempt from public inspection and copying under  
12 the Public Records Act until April 1 of the third year after which it has been  
13 reported to the Attorney General. Thereafter the information may be disclosed  
14 consistent with the requirements of the Public Records Act.

15 § 4119e. ENFORCEMENT

16 A violation of this chapter constitutes an unfair and deceptive act and  
17 practice in commerce under section 2453 of this title.

18 § 4119f. RULEMAKING

19 The Attorney General may adopt rules necessary to implement this chapter.

1 Sec. 2. 9 V.S.A. § 2453a is amended to read:

2 § 2453a. PRACTICES PROHIBITED; CRIMINAL ANTITRUST

3 VIOLATIONS

4 \* \* \*

5 (f)(1) An individual who brings evidence of a violation of this section to  
6 the attention of the Attorney General or State's Attorney and fully cooperates  
7 with an ensuing investigation and enforcement action, where such evidence  
8 and cooperation lead to successful prosecution, shall receive not less than 10  
9 and not more than 25 percent of any fine or penalty recovered, at the discretion  
10 of the Attorney General or State's Attorney, as appropriate.

11 (2) An individual shall not be eligible for a monetary award under this  
12 subsection if:

13 (A) the individual was employed by the State at the time he or she  
14 obtained the information provided pursuant to this subsection;

15 (B) the individual planned, initiated, or materially benefited from the  
16 violation of this section;

17 (C) the information the individual provides pursuant to this section is  
18 based on public disclosure of allegations or transactions in a criminal, civil,  
19 administrative, or legislative investigation or proceeding, an audit or report by  
20 the State Auditor of Accounts, or a report by the news media or any other  
21 public document or source;

1           (D) the action brought or investigation conducted pursuant to this  
2           section results in an assurance of voluntary compliance or other settlement  
3           agreement, based on allegations or transactions that are the subject of another  
4           criminal, civil, administrative, or legislative proceeding; or

5           (E) the individual did not substantially contribute to the prosecution  
6           of the action brought under this section, as determined by the Attorney General  
7           or State's Attorney, as appropriate.

8           Sec. 3. EFFECTIVE DATE

9           This act shall take effect on July 1, 2015.