

By: Bryant

H.B. No. 3710

A BILL TO BE ENTITLED

AN ACT

relating to the advertisement of prices by persons selling motor fuel.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Transparency at the Pump Act of 2023.

SECTION 2. Title 12, Business & Commerce Code, is amended by adding Chapter 610 to read as follows:

CHAPTER 610. TRANSPARENCY IN MOTOR FUEL PRICING

Sec. 610.001. DEFINITIONS. In this chapter:

(1) "Merchant" means a person whose business includes the sale of motor fuel through motor fuel dispensers to retail customers.

(2) "Motor fuel" has the meaning assigned by Section 162.001, Tax Code.

(3) "Credit card" means an identification card, plate, coupon, book, or number or any other device authorizing a designated person or bearer to obtain property or service on credit.

(4) "Debit card" means an identification card, plate, coupon, book, or number or any other device authorizing a designated person or bearer to communicate a request to an unmanned teller machine or a customer convenience terminal or to obtain property or services by debit to an account at a financial

1 institution.

2 Sec. 610.002. MOTOR FUEL PRICE DISPLAY REQUIREMENTS. (a) A
3 merchant shall display the price of the motor fuel mixtures sold by
4 the merchant with a prominent sign:

5 (1) on the motor fuel pump; and

6 (2) by the roadside adjacent to the merchant's
7 premises.

8 (b) A merchant shall visibly differentiate the price of the
9 motor fuel mixtures sold by the merchant to a retail customer paying
10 with:

11 (1) cash, a debit card, or a gift card; or

12 (2) a credit card.

13 (c) A merchant shall visibly display on the motor fuel pump
14 any difference between the price of the motor fuel mixture sold by
15 the merchant to a retail customer paying with cash and the price a
16 retail customer paying with a debit card, gift card, or credit card
17 would pay.

18 (d) A merchant that sells more than one grade of a certain
19 motor fuel may display the price of only the lowest grade of each
20 motor fuel sold.

21 Sec. 610.003. VIOLATION OF CHAPTER; DECEPTIVE TRADE
22 PRACTICE. A violation of this chapter is a deceptive trade practice
23 under Subchapter B, Chapter 17, and is actionable under that
24 subchapter.

25 SECTION 3. The change in law made by this Act applies only
26 to an advertisement or sale of motor fuel that takes place on or
27 after April 1, 2024. An advertisement or sale of motor fuel that

H.B. No. 3710

1 takes place before April 1, 2024, is governed by the law in effect
2 on the date the advertisement or sale of motor fuel took place, and
3 the former law is continued in effect for that purpose.

4 SECTION 4. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2023.