

1                                   **POSTING ON MOTOR AND SPECIAL FUEL**

2   **PUMPS**

3   1998 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Glenn Way**

6 AN ACT RELATING TO COMMERCE AND TRADE; REQUIRING POSTING OF TAX RATE  
7 DECALS ON MOTOR FUEL AND SPECIAL FUEL PUMPS; PROVIDING FOR CERTAIN  
8 PENALTIES; AND REQUIRING THE TAX COMMISSION TO PROVIDE THE DECALS.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11                   **13-16-7**, as last amended by Chapter 260, Laws of Utah 1991

12 ENACTS:

13                   **13-16-13**, Utah Code Annotated 1953

14                   **59-13-104**, Utah Code Annotated 1953

15 *Be it enacted by the Legislature of the state of Utah:*

16                   Section 1. Section **13-16-7** is amended to read:

17                   **13-16-7. Civil actions authorized -- Expenses -- Jurisdiction and venue.**

18                   (1) (a) If the Division of Consumer Protection has reason to believe that a person has  
19 engaged in acts [or], practices, or omissions that violate Section 13-16-4 [or], 13-16-5, or  
20 13-16-13, the division may request the attorney general or a county attorney to commence a civil  
21 action to enjoin the acts or practices, and upon a proper showing, a temporary restraining order,  
22 preliminary injunction, or permanent injunction shall issue without the necessity of a bond.

23                   (b) Any person who violates Section 13-16-4 or 13-16-5 is liable to the state for a civil  
24 penalty, assessed by a court, not to exceed \$5,000 per day for each business location where a  
25 violation occurred.

26                   (2) (a) Any person injured as a result of an act or practice that violates Section 13-16-4 or  
27 13-16-5 may bring a civil action for appropriate relief, including an action for a declaratory

1 judgment, injunctive relief, a treble award of actual damages, and exemplary damages.

2 (b) Any action under this subsection shall be brought within two years after the alleged  
3 violation occurred.

4 (3) The court, in making an award under Subsection (1) or (2), may award court costs and  
5 a reasonable attorney's fee to the prevailing party, except that the court may not award attorney's  
6 fees or court costs against the state, a state agency, or a political subdivision of the state.

7 (4) If the state, a state agency, or a political subdivision of the state prevails in an action  
8 under this chapter, it is entitled to an award for reasonable investigative expenses in addition to  
9 any other relief granted.

10 (5) (a) The district courts of this state may hear and determine all cases brought under this  
11 section.

12 (b) Venue lies in any county where the defendant is doing business or in the county where  
13 the plaintiff resides.

14 Section 2. Section **13-16-13** is enacted to read:

15 **13-16-13. Tax rate decals posted on pump.**

16 Beginning October 1, 1998, a person who sells motor fuel or special fuel in a retail sale  
17 shall post a tax rate decal described under Section 59-13-104 on each motor fuel or special fuel  
18 pump or dispensing device.

19 Section 3. Section **59-13-104** is enacted to read:

20 **59-13-104. Tax rate decals.**

21 (1) The commission shall produce tax rate decals that are required to be posted under  
22 Section 13-16-13.

23 (2) The decals shall:

24 (a) clearly and conspicuously disclose the name of each tax and the tax rate of each tax  
25 imposed on motor fuel or special fuel;

26 (b) show the tax imposed separately by federal, state, and local taxing entities; and

27 (c) be obtained at no cost to motor fuel and special fuel retailers from the commission.

**Legislative Review Note**  
**as of 12-17-97 3:21 PM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**