

Committee on Commerce and Tourism

CS/CS/SB 430 — Petroleum Fuel Measuring Devices

by Rules Committee; Commerce and Tourism Committee; and Senator Rodriguez

The bill requires each person who owns or operates a retail petroleum fuel measuring device to affix or install onto the measuring device a security measure to restrict the unauthorized access of customer payment card information. Permissible security measures include the placement and maintenance of pressure-sensitive security tape or custom branded security tape unique to the station, a physical locking mechanism that requires an access key, a device or system that will sound an alarm, a daily inspection of each measuring device, a device or system that permits customers to use a contactless payment method, or another security measure approved by the Department of Agriculture and Consumer Services (DACS). Effective January 1, 2022, two permissible security measures are required.

The bill provides that an owner or manager of a retail petroleum fuel measuring device may not use the device after discovering an unapproved or altered security measure, and allows the DACS to take a device out of service until it is in compliance with the permissible security measures.

The bill preempts regulation of petroleum fuel measuring devices to the State, and provides that the DACS may only impose penalties for violations of petroleum fuel measuring device rules if an owner or operator of a device has failed to install or implement permissible security measures or places a device back in service before it is in compliance with the permissible security measures. The bill also clarifies that the DACS may not impose a penalty against an owner or operator of a petroleum fuel measuring device if sufficient evidence is provided to demonstrate that noncompliance is the result of damage or alteration after repair by the owner or operator of the device.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 111-4