

City of Chicago
Department of Business Affairs and Consumer Protection

FILLING STATION
RULES AND REGULATIONS

Effective Date: June 1, 2014



City of Chicago
Mayor Rahm Emanuel

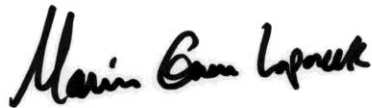
Maria Guerra Lapacek
Commissioner

**FILLING STATION RULES AND REGULATIONS
AUTHORITY AND USAGES**

By the authority vested in the Commissioner of Business Affairs and Consumer Protection pursuant to the general provisions of Chapter 2-25 and the specific provisions of Chapter 4-108 and 4-276 of the Municipal Code of the City of Chicago regarding regulation of Filling Stations,

I, MARIA GUERRA LAPACEK, Commissioner of Business Affairs and Consumer Protection of the City of Chicago, issue the following Filling Station Rules and Regulations.

By Order of the Commissioner:



Maria Guerra Lapacek
Commissioner

6/1/2014

Date

Effective Date: June 1, 2014

The Department of Business Affairs and Consumer Protection adopts the rules promulgated hereunder. This Resolution and the Rules adopted hereby supersede and replace for all purposes all prior resolutions and rules adopted by the Department of Business Affairs and Consumer Protection.

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DEFINITIONS

As used in these rules and regulations, the following terms are defined below. The use of the singular includes the plural, and the plural includes the singular:

- a. **“Authorized Attendant”** means the owner, employee, or agent who is authorized by the Filling Station to dispense gasoline and other motor fuels.
- b. **“Commissioner”** means the Commissioner of the Department of Business Affairs and Consumer Protection.
- c. **“Department”** means the Department of Business Affairs and Consumer Protection.
- d. **“Electronic Terminal”** means an electronic device, through which a consumer may initiate the transfer of funds. This term includes, but is not limited to, point-of-sale terminals.
- e. **“Filling Station”** means any establishment at which motor vehicles are refueled or recharged.
- f. **“Dispensing Pump”** means the device that distributes a distinct grade of fuel.
- g. **“Dispensing Station”** means the above ground structure along with the associated equipment required for consumer interface and the distribution of fuel (e.g., Dispensing Pumps, hose, and nozzle).
- h. **“Full-Service”** means the dispensing of fuel solely by Authorized Attendants.
- i. **“Public Restroom”** means a room equipped with one or more toilets and hand wash sinks available for public use.
- j. **“Self-Service”** means the dispensing of fuel by persons other than Authorized Attendants.
- k. **“Self-Service Station”** means a Filling Station where all dispensing of fuel is Self-Service.
- l. **“Split-Island Station”** means a Filling Station offering both Full-Service and Self-Service.

SECTION I. PRICE MARKINGS, ADVERTISING, AND SIGNAGE

Rule FS1 Price Marking Signs Readable from the Street or Driveway.

One or more signs must be placed in a position that is clearly readable from the street. Each such sign, as well as any other price-marking sign, must:

- a. Indicate the total price to be charged at the Dispensing Station for each grade or type of fuel sold; and
- b. Indicate both the cash price and credit card price (if different) for each grade or type of fuel sold; and
- c. Indicate whether the fuel price can differ based upon any type of sales promotion or condition, including, but not limited to, price discounts given when purchasing related services at the station, such as a car wash or other service or good; and
- d. Use letters of the same height, width, and color to indicate the fuel grades, fuel types, and any conditions that affect the sale price; and
- e. Use whole numbers of the same height, width, and color to indicate all fuel prices. Any fractions must be not less than 50% of the height and width of the whole number; and
- f. Use letters of the same height, width, and color to indicate the fuel grades, fuel types, and any conditions that affect the sale price; and
- g. Be clear and conspicuous to consumers when observed from any reasonable position within the station and from the street area.

Rule FS2 Required Price Marking Signs on Fuel-Dispensing Pumps and Stations.

- a. On each Dispensing Pump, there must be a display clearly indicating the price, type, and grade of fuel dispensed from the pump. If the cash price is different from the credit card price, the display, in same size and font, shall clearly indicate both prices, and specify which is the cash price and which is the credit card price.
- b. If any sales promotions or conditions exist that may affect the fuel price posted on the Dispensing Pump, descriptions of such sales promotions also must be clearly displayed in the same size and font.
- c. If a Dispensing Station contains more than one type of Dispensing Pump, then the prices shall be displayed on both the Dispensing Station in addition to the Dispensing Pump in such a manner as to enable the public to distinguish

easily which price is applicable to which grade or type of fuel at that Dispensing Station.

- d. All price-marking signs required on Dispensing Pumps must be readable at a distance of 3 feet by a person with corrected 20/20 vision.
- e. All price-marking signs required on Dispensing Stations must be at least 3 inches in height and at least 1½ inches in width, and placed so that the signs are easily visible to the consumer before the consumer drives up to the Dispensing Station.

Rule FS3 Allowable Payment Method Signage.

- a. If separate Dispensing Stations are used for cash and credit card payments, the display shall indicate which type of payment is required. Each accepted payment type must be posted at the Dispensing Station.
- b. If a Dispensing Station or Dispensing Pump limits the amount of a transaction, the Dispensing Station or Dispensing Pump must display a sign that clearly indicates the maximum dollar amount that may be purchased in a single transaction.

Rule FS4 Price Marking on Self-Service and Full-Service Dispensing Stations.

- a. Appropriate signs shall be posted to identify clearly whether a Dispensing Station is Full-Service or Self-Service.
- b. A sign shall be posted at each Dispensing Station in a manner easily visible to the consumer indicating in letters no less than 3 inches in height or less than 1½ inches in width indicating the type of services offered.
- c. In the case of Full-Service, the sign shall also indicate the types of services provided in letters not less than 3 inches in height or less than 1½ inches in width. These services may include, but are not limited to, pumping gas, checking oil and water, and cleaning windows, tail lights, and headlights.

Rule FS5 Advertising.

- a. All advertising must clearly state the cash price, the price for any other accepted payment method if different, and any sales promotions or conditions that may affect the actual fuel price.
- b. Filling Stations must post a sign at each Dispensing Station informing consumers they may call 3-1-1 to report/file a complaint, including but not limited to:
 - i. whenever there is no signage indicating that there is a limit to credit or

- debit card transactions or whenever identification verification by an attendant is required, or
- ii. whenever the Dispensing Station does not issue a receipt.

SECTION II. CASH DISCOUNTS, PAYMENT AT DISPENSING STATIONS, AND RECEIPT REQUIREMENTS

Rule FS6 Discounts for Cash Payment.

The Cash Discount Act of July 27, 1981, (15 USC 1666f) prohibits surcharges on credit, but authorizes discounts from the regular price for those who pay cash. Cash discounts are acceptable as long as the Filling Station complies with all applicable laws, rules, and regulations regarding signs, marking, and advertising.

Rule FS7 Payment at Dispensing Stations.

- a. In the case that a Dispensing Station is equipped with an Electronic Terminal capable of processing a credit card or debit card transaction for the purchase of fuel, but not both, a sign at the Dispensing Station shall clearly indicate which type of payment is accepted.
- b. Appropriate signs shall be posted to clearly identify whether there are any limitations or conditions on the consumer's ability to pay at the Dispensing Station's Electronic Terminal, including, but not limited to, whether the Filling Station has a maximum dollar amount for transactions completed at the Electronic Terminal, as well as whether such maximum applies to credit card, debit card, or both types of card transactions.
- c. If a transaction cannot be completed at the Dispensing Station's Electronic Terminal, the Dispensing Station and the Dispensing Pump shall post in an easily readable, consumer-friendly manner that a transaction may require the consumer to see an attendant, and why such interaction with an attendant is required by the station (i.e., to see identification, for transactions over a certain dollar amount, etc.).

Rule FS8 Receipt Requirements.

- a. A receipt must be issued for all transactions. If a Dispensing Station is equipped with an Electronic Terminal capable of processing a transaction for the purchase of fuel, that Dispensing Station must issue a receipt for each transaction.
- b. Filling Stations must post a sign at each Electronic Terminal informing consumers they may call 3-1-1 to report/file a complaint if they are not issued a receipt.

SECTION III. FILLING STATION REQUIREMENTS

Rule FS9 Dispensing of Fuel.

- a. A Filling Station owner, employee, or agent shall not permit any person to dispense fuel unless an Authorized Attendant is present at the Filling Station.
- b. Filling of portable containers is permitted from Dispensing Stations only if the container is an approved safety can of 5 gallon capacity or less, an approved metal can of 1 gallon or less, or an approved can for marine outboard motor use of 6 gallon capacity or less.

Rule FS10 Authorized Attendant Requirements.

- a. All Self-Service dispensing equipment shall be under the supervision and control of an Authorized Attendant at all times the station is open to the public.
- b. The Authorized Attendant shall turn off the Dispensing Station serving any person who refuses to follow:
 - i. the requirements as set forth in these regulations;
 - ii. the instructions posted for operation of the Self-Service Dispensing Station; or
 - iii. who appears unable to dispense fuel safely.

Rule FS11 Assistance.

- a. At Self-Service Stations and Split-Island Stations, the Authorized Attendant shall, upon request and without additional charge, assist any person who:
 - i. Displays registration plates issued to a person with disabilities pursuant to Section 3-616 of the Illinois Vehicle Code;
 - ii. Displays registration plates issued to a disabled veteran pursuant to Section 3-609 or 3-609.01 of the Illinois Vehicle Code;
 - iii. Displays a special decal or device issued pursuant to Section 11-1301.2 of the Illinois Vehicle Code;
 - iv. Is over the age of 70; or
 - v. Is unable to safely dispense motor fuel by him- or herself.
- b. The Authorized Attendant shall at all times be able to communicate with persons in the dispensing area using, at a minimum, a two-way voice communication system in which either the customer or Authorized Attendant can initiate communication.
- c. By January 1, 2014, each Filling Station must provide and display at least one ADA compliant Dispensing Station.

- d. Each Dispensing Station shall post signs indicating the availability of assistance and that are easily visible to the consumer from all directional approaches. All such signs must meet the requirements of sections 4.30.2 and 4.30.5 of the Americans with Disabilities Act. In addition, such signs shall display the following information:
 - i. The international symbol of accessibility;
 - ii. The direct dial phone number of the Authorized Attendant on duty;
 - iii. Any instructional information for contacting the Authorized Attendant on duty.

For guidance, a sample of an assistance-available sign is attached at the end of these rules and regulations.

Rule FS12 Emergency Operations.

- a. It shall be the responsibility of the Filling Station owner or manager to instruct all Authorized Attendants and employees in the use of the emergency shutoff controls, fire extinguishing equipment, and all dispensing equipment.
- b. All Authorized Attendants shall have full knowledge of the operation of emergency shutoff controls.
- c. Every Filling Station shall have proper fire extinguishers as required by Chapters 15-16 of the MCC.

Rule FS13 Public Restrooms.

- a. Unless exempt pursuant to 4-108-081, the owner or operator of any Filling Station shall provide at least one clean and functional Public Restroom on the premises. The Public Restroom must remain open to customers during all hours that the Filling Station is open.

SECTION IV. INSPECTIONS, FEES, AND PENALTIES

Rule FS14 Compliance During Inspections.

While performing tests or inspections, an authorized agent of the Department may require that any equipment, including Dispensing Pumps and Dispensing Stations, be turned off. Failure to comply with a request from an authorized agent of the Department to do so shall subject a Filling Station to a doubling of the fines chargeable for violation of this rule.

Rule FS15 Sealing and Fees.

- a. Each Dispensing Pump must be inspected and sealed by the Department.
- b. The fee for inspecting and sealing any automatic pump used for measuring gasoline, oils, etc., shall be for each Dispensing Pump, pursuant to the Retailers' Rules and Regulations.

Rule FS16 Violation – Penalty.

Any person violating any of the provisions of this section shall be fined not less than \$100.00 nor more than \$300.00 for the first offense and not less than \$300.00 nor more than \$500.00 for the second and each subsequent offense in any 180-day period. Each violation of this section shall be considered a separate and distinct offense and shall be regarded as being committed on each day on which the conduct or condition exists.

SAMPLE



ASSISTANCE FOR DRIVERS WITH DISABILITIES

REFUELING SERVICE FOR DRIVERS WITH DISABILITIES IS AVAILABLE:

MONDAY THROUGH FRIDAY: 10:00AM TO 4:00PM

SATURDAY AND SUNDAY: 12:00PM TO 8:00PM

FOR REFUELING ASSISTANCE, PLEASE CALL (773) 555-5555 AND PROVIDE THE ATTENDANT THE FOLLOWING INFORMATION:

- **TYPE OF VEHICLE**
- **NUMBER OF GAS PUMP WHERE YOUR VEHICLE IS LOCATED**

PLEASE CALL 311 WITH ANY COMPLIMENTS OR COMPLAINTS REGARDING THIS SERVICE.