
By Mr. Jenness of Quiney, petition of William W. Jenness for defining further the fair competitive practice in the retail sale of gasoline. Mercantile Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Eight.

AN ACT FURTHER DEFINING THE FAIR COMPETITIVE PRACTICE IN THE RETAIL SALE OF GASOLINE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 94 of the General Laws is hereby amended by strik-
2 ing out sections 295P and 295Q, inserted by chapter 515 of the
3 acts of 1950, and inserting in place thereof the following: —

4 *Section 295P.* No retail dealer shall offer to sell motor fuel
5 to destroy substantially or lessen competition, advertise, offer
6 to sell at retail motor fuel at less than the average cost established
7 by the survey taken under section two hundred and ninety-five Q.
8 For a minimum period of ninety days, no retail dealer shall post a
9 price less than said average cost.

10 *Section 295Q.* Where the retail dealers or any part thereof in
11 any county have caused to be made by an independent agency
12 a cost survey of doing retail business in any such area in accord-
13 ance with generally accepted methods of accounting in which
14 survey all retail dealers in said area have been given an oppor-
15 tunity to furnish to the surveyor information from their books
16 and records with respect to their cost of doing business and the
17 said retail dealers have thereafter been given an opportunity to
18 adopt or reject said survey by written approval, such cost survey
19 shall be deemed competent evidence in proving the cost to any
20 such retailer.

21 The term "cost to the retail dealer" shall mean the invoice
22 cost of the motor fuel purchased by him for resale within thirty
23 days prior to the date of sale, or the replacement cost of such

24 motor fuel within thirty days prior to the date of sale in the
25 quantity last purchased, whichever is lower, less all trade dis-
26 counts, except customer discounts for cash, to which shall be
27 added (1) freight charges not otherwise included in the cost of
28 the merchandise; (2) cartage to the retail outlet, if performed or
29 paid for by the retail dealer, which cartage cost shall be at the
30 rate approved by the department of public utilities under chapter
31 one hundred and fifty-nine B unless said retail dealer claims
32 and proves a lower cartage cost; and (3) a markup to cover the
33 cost of selling said motor fuel at retail, which markup must
34 include without limitation the following items of expense:
35 (a) labor (including salaries of executives and officers), which
36 labor shall be computed at not less than the minimum rate per
37 hour permitted under the laws of the commonwealth or the
38 United States; (b) rent paid by the retail dealer; (c) a return
39 on the present market value of said premises and in the absence
40 of proof of the present market value, the current assessed valua-
41 tion of said property shall be evidence of present market value.
42 Such return shall take into consideration all payments required
43 under any mortgage on said property, including both interest
44 and payment of principal, plus a return on the equity value of
45 said premises over and above the amount of any mortgages.
46 Said return shall in no event be less than what a sum equal to
47 the fair cash value of said premises would yield as interest if
48 invested in the savings banks of the commonwealth; (d) depre-
49 ciation on any buildings, equipment or other property subject
50 to depreciation under the income tax laws of this commonwealth;
51 (e) all maintenance and repair costs of said retail dealer on any
52 buildings or equipment on said premises; (f) credit losses in-
53 curred by said retail dealer in the sale of gasoline at retail;
54 (g) all types of licenses, taxes, insurance and advertising ex-
55 pense incurred by said retail dealer; (h) all utility charges,
56 such as water, gas, telephone and electricity; and (i) all other
57 costs incurred by said retail dealer.

REDEFINITION OF COST TO RETAIL DEALER.

59 If the retail sale of motor fuel is conducted in conjunction
60 with the sale of other merchandise either at wholesale or retail
61 or in the parking of motor vehicles, or the performance of

62 services on the same premises, that part of such premises re-
63 quired or devoted to the operation of such other business and
64 the cost of operating such other business shall be separated from
65 the part of the premises and cost of selling such motor fuel at
66 retail for the purpose of determining the cost to the retail dealer
67 of the retail sale of motor fuel as herein defined. If such other
68 business is so conducted in conjunction with the retail sale of
69 motor fuel as not to permit a separate allocation of the premises,
70 or separate cost of operating such other business from the
71 premises used for the retail sale of motor fuel or the cost of
72 selling such motor fuel at retail, then a separate allocation of the
73 joint overall cost of such combined business shall be made as
74 to the cost of selling such motor fuel in accordance with generally
75 accepted methods of accounting.

The first part of the document is a letter from the Secretary of the Board of Education to the Board of Directors of the University of the State of New York. The letter is dated October 10, 1900, and is addressed to the Board of Directors of the University of the State of New York, Albany. The letter is signed by the Secretary of the Board of Education, John W. Alderson.

The letter discusses the proposed changes to the University of the State of New York, and the Board of Education's views on these changes. The Board of Education is in favor of the proposed changes, and believes that they will result in a more efficient and economical university system.

The letter also discusses the proposed changes to the University of the State of New York, and the Board of Education's views on these changes. The Board of Education is in favor of the proposed changes, and believes that they will result in a more efficient and economical university system.

The second part of the document is a report from the Board of Education to the Board of Directors of the University of the State of New York. The report is dated October 10, 1900, and is addressed to the Board of Directors of the University of the State of New York, Albany. The report is signed by the Secretary of the Board of Education, John W. Alderson.

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