



**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2005 SENATE BILL 215**

November 30, 2005 - Offered by Senator GROTHMAN.

1     **AN ACT** *to renumber* 100.30 (3); *to amend* 100.30 (2) (am) 1m. (intro.), 100.30  
2           (2) (am) 1m. a., 100.30 (2) (am) 1m. b., 100.30 (2) (am) 1m. c., 100.30 (2) (c) 1g.  
3           and 100.30 (2) (c) 1r.; and *to create* 100.30 (3) (b) of the statutes; **relating to:**  
4           regulating the minimum price of motor vehicle fuel.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5           **SECTION 1.** 100.30 (2) (am) 1m. (intro.) of the statutes is amended to read:  
6           100.30 (2) (am) 1m. (intro.) With respect to the sale of motor vehicle fuel, “cost  
7           to retailer” means not less than 3 cents per gallon plus the following:

8           **SECTION 2.** 100.30 (2) (am) 1m. a. of the statutes is amended to read:  
9           100.30 (2) (am) 1m. a. In the case of the retail sale of motor vehicle fuel by a  
10          refiner at a retail station owned or operated either directly or indirectly by the  
11          refiner, the refiner’s lowest selling price to other retailers or to wholesalers of motor

1 vehicle fuel on the date of the refiner's retail sale, less all trade discounts except  
2 customary discounts for cash, plus any excise, sales, or use taxes imposed on the  
3 motor vehicle fuel or on its sale and any cost incurred for transportation and any  
4 other charges not otherwise included in the invoice cost of the motor vehicle fuel, plus  
5 a markup of ~~9.18%~~ 5 percent of that amount to cover a proportionate part of the cost  
6 of doing business; or the average posted terminal price at the terminal located closest  
7 to the retail station plus a markup of ~~9.18%~~ 5 percent of the average posted terminal  
8 price to cover a proportionate part of the cost of doing business; whichever is greater.

9 **SECTION 3.** 100.30 (2) (am) 1m. b. of the statutes is amended to read:

10 100.30 (2) (am) 1m. b. In the case of the retail sale of motor vehicle fuel by a  
11 wholesaler of motor vehicle fuel, who is not a refiner, at a retail station owned or  
12 operated either directly or indirectly by the wholesaler of motor vehicle fuel, the  
13 invoice cost of the motor vehicle fuel to the wholesaler of motor vehicle fuel within  
14 10 days prior to the date of sale, or the replacement cost of the motor vehicle fuel,  
15 whichever is lower, less all trade discounts except customary discounts for cash, plus  
16 any excise, sales, or use taxes imposed on the motor vehicle fuel or on its sale, and  
17 any cost incurred for transportation and any other charges not otherwise included  
18 in the invoice cost or replacement cost of the motor vehicle fuel, plus a markup of  
19 ~~9.18%~~ 5 percent of that amount to cover a proportionate part of the cost of doing  
20 business; or the average posted terminal price at the terminal located closest to the  
21 retail station plus a markup of ~~9.18%~~ 5 percent of the average posted terminal price  
22 to cover a proportionate part of the cost of doing business; whichever is greater.

23 **SECTION 4.** 100.30 (2) (am) 1m. c. of the statutes is amended to read:

24 100.30 (2) (am) 1m. c. In the case of the retail sale of motor vehicle fuel by a  
25 person other than a refiner or a wholesaler of motor vehicle fuel at a retail station,

1 the invoice cost of the motor vehicle fuel to the retailer within 10 days prior to the  
2 date of sale, or the replacement cost of the motor vehicle fuel, whichever is lower, less  
3 all trade discounts except customary discounts for cash, plus any excise, sales, or use  
4 taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for  
5 transportation and any other charges not otherwise included in the invoice cost or  
6 the replacement cost of the motor vehicle fuel, plus a markup of ~~6%~~ 5 percent of that  
7 amount to cover a proportionate part of the cost of doing business; or the average  
8 posted terminal price at the terminal located closest to the retailer plus a markup  
9 of ~~9.18%~~ 5 percent of the average posted terminal price to cover a proportionate part  
10 of the cost of doing business; whichever is greater.

11 **SECTION 5.** 100.30 (2) (c) 1g. of the statutes is amended to read:

12 100.30 (2) (c) 1g. With respect to the wholesale sale of motor vehicle fuel by a  
13 refiner, “cost to wholesaler” means the refiner’s lowest selling price to other retailers  
14 or to wholesalers of motor vehicle fuel on the date of the refiner’s wholesale sale, less  
15 all trade discounts except customary discounts for cash, plus any excise, sales or use  
16 taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for  
17 transportation and any other charges not otherwise included in the invoice cost of  
18 the motor vehicle fuel, ~~to which shall be added a markup to cover a proportionate part~~  
19 ~~of the cost of doing business, which markup, in the absence of proof of a lesser cost,~~  
20 ~~shall be 3% of the cost to the wholesaler as set forth in this subdivision.~~

21 **SECTION 6.** 100.30 (2) (c) 1r. of the statutes is amended to read:

22 100.30 (2) (c) 1r. With respect to the wholesale sale of motor vehicle fuel by a  
23 person other than a refiner, “cost to wholesaler” means the invoice cost of the motor  
24 vehicle fuel to the wholesaler of motor vehicle fuel within 10 days prior to the date  
25 of the sale or the replacement cost of the motor vehicle fuel, whichever is lower, less

1 all trade discounts except customary discounts for cash, plus any excise, sales or use  
2 taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for  
3 transportation and any other charges not otherwise included in the invoice cost or  
4 the replacement cost of the motor vehicle fuel ~~to which shall be added a markup to~~  
5 ~~cover a proportionate part of the cost of doing business, which markup, in the absence~~  
6 ~~of proof of a lesser cost, shall be 3% of the cost to the wholesaler as set forth in this~~  
7 ~~subdivision.~~

8 **SECTION 7.** 100.30 (3) of the statutes is renumbered 100.30 (3) (a).

9 **SECTION 8.** 100.30 (3) (b) of the statutes is created to read:

10 100.30 **(3)** (b) Notwithstanding par. (a) and sub. (2) (b), a retailer, wholesaler,  
11 or refiner may apply a discount to the cost to retailer of not more than 2 percent to  
12 a retail sale of motor vehicle fuel if the purchaser pays in cash.

13 (END)