



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Trade and Consumer Protection

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GUIDANCE DOCUMENT

Sale of Race Gasoline and Kerosene by the Half-Gallon

This guidance document is based on Wis. Stat. ch. 100 and chapter(s) Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

See attached.

June 23, 2022

Lara Sutherlin - Administrator, Division of Trade and Consumer Protection

DATE

Contributors:



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

GUIDANCE DOCUMENT

Date: June 23, 2022

Re: Sale of Race Gasoline and Kerosene by the Half-Gallon Unit Price

Analysis:

Wisconsin Statute § 100.18(6)(a)1. requires all advertising that shows or in any manner relates to the price at which motor fuel is offered for sale at retail facilities selling more than 15,000 gallons annually be by the single gallon unit price, including applicable taxes. Due to current record fuel prices, many facilities that sell race gasoline and kerosene are unable to program the single gallon unit price into fuel dispensers because the dispensers do not go above \$9.99 per gallon. There is no immediate fix for this problem. As a result, retailers of race gasoline and kerosene have requested DATCP approval to sell those products utilizing half-gallon unit pricing.

Wisconsin Statute § [100.18\(6\)\(a\)1.](#) currently allows a person who sells less than 15,000 gallons of motor fuel in this state per year to show the half-gallon unit price instead of the single gallon price. That section of the statute was added in 2017 to accommodate retailers with older dispensing equipment that does not have the capability to display the single gallon unit price, such as marinas and facilities supplying recreational vehicles. Given current circumstances, DATCP has concluded that if all of the below-listed conditions are met, then a seller who sells more than 15,000 gallons of motor fuel per year should temporarily be permitted to display the half-gallon unit price of racing gasoline and kerosene.

Statute Sections:

Wis. Stat. ch. § 100.18(6)(a)1.

Conditions of Temporary Suspension of Enforcement:

A seller who sells race gasoline or kerosene in this state may show the half-gallon unit price if all of the following conditions are met:

- The displayed price includes all applicable taxes in one amount.
- The facility's dispensing equipment does not have the capability of displaying the full-gallon price and all applicable taxes.
- All advertising of race gasoline or kerosene, including price signage, display the half-gallon unit price.
- The retailer must take all appropriate steps to ensure that consumers are charged correctly when utilizing half-gallon unit pricing.
- This temporary and conditional enforcement suspension of Wis. Stat. ch. § 100.18(6)(a)1. will expire on December 31, 2022.
- The Department may rescind this guidance document at any time prior to December 31, 2022, after providing industry at least 30 days' advance notice.

For questions, please contact the department at (608) 224-4942 or email datcpwmcompliance@wi.gov.

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