Office of the Attorney General
SUMMARY FOR HEAP VENDOR TRAINING

"Established delivery area" means the geographic area bounded by a retail dealer's delivery routes used to service established customers

"Market price of heating oil" means the highest price per gallon of heating oil a dealer customarily charges his buyers in an established delivery area

“Established Customer” means any consumers whose two previous purchases were from any oil dealer serving that customer’s area

"Unscheduled delivery" means a delivery which causes the dealer to dispatch a truck along a delivery route he would not have otherwise taken during the day's regular working hours

You cannot refuse a delivery if:
The customer owes you money
They have a guaranteed payment for the delivery (cash, LIHEAP, etc.)
You regularly serve that area; and
They request at least 20 gallons

You can:
Charge an emergency delivery fee if you tell the customer in advance
Charge a delivery surcharge in certain circumstances
Require the customer to pay in the office rather than COD

Unscheduled (Emergency) Deliveries
You are delivering on a day not normally scheduled for that area
There is no cap on an emergency delivery fee, but you must tell the customer of the fee in advance
You can also impose a minimum delivery requirement
Remember, if this is an established customer, you cannot treat them differently. If you do not charge established customers a delivery surcharge, minimum delivery requirement, or different price; treat this customer the same

Delivery Surcharges are only allowed if:
- They order less than 50% of their tank’s capacity or 100 gallons, whichever is less
- The surcharge cannot be more than $20.00
- You inform the customer of this charge in advance of delivery

Prepaid Contracts
- You must first obtain financial protection to ensure you can deliver the product at the guaranteed price, which include contracts with suppliers with specific language, surety bonds equal to at least 50% paid by prepaid customers, or a letter of credit equal to 100% paid by those customers (10 M.R.S. § 1110)
- Dealers who offer prepaid contracts must register with the Department of Professional and Financial Regulation by June 30