

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 272 By Senator Heitmeier

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

EMERGENCY PREPAREDNESS. Prohibits certain practices regarding fuel during a declared state of emergency. (8/15/09)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Clarifies that prohibited sales not include price increases due to fluctuations in applicable commodity markets or fluctuations in applicable regional or national market trends.
2. Changes the definition of "sale" to include sales at service stations, convenience stores, or other fixed retail facilities and includes the transfer of diesel fuel.
3. Provides for criminal penalties for price gouging unless increase is due to fluctuations in applicable commodity markets or fluctuations in applicable regional or national market trends.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Present law authorizes the chief law enforcement officer of a political subdivision to promulgate orders to protect life and property within the territorial limits of the municipality or parish during a state of a declared emergency. Authorizes the promulgation of orders prohibiting the sale or offer for sale of goods or services within the designated emergency area for value exceeding the prices ordinarily charged for comparable goods and services in the same market area at, or immediately before, the time of the state of emergency.

Proposed law retains these provisions but provides for price increases if the price of the seller is attributable to fluctuation in the applicable commodity markets, applicable regional or national market trends and retains provision that the price increase may include reasonable expenses and a charge for any attendant business risk in addition to the cost of the goods and services which necessarily are incurred.

Present law prohibits price gouging during gubernatorially declared state of emergency or catastrophe.

Proposed law provides that prohibited price gouging applies to gasoline of any grade or formula sold or offered for sale within the designated emergency area for ultimate use in the operation of motor vehicles, generators, power tools, or small engines. Provides that the term "sale" includes any transaction involving the transfer of title of gasoline at the terminal until purchase by the ultimate consumer at a service station, convenience store, or other fixed retail facility. Provides that proposed law not be construed so as to create a private cause of action in favor of any person damaged by a violation of this Section.

Proposed law provides that the unfair sales provisions regarding motor fuel do not apply when gasoline of any grade or formula is sold or offered for sale at retail or wholesale for ultimate use in the operation of motor vehicles, generators, power tools, or small engines during a time period and in the specific geographic area in which a gubernatorially declared disaster applies.

Effective August 15, 2009.

(Amends R.S. 14:329.6(A)(9); adds R.S. 29:732(E) and (F) and R.S. 51:422.1(C)(5))

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