

Regular Session, 2010

SENATE BILL NO. 162

BY SENATOR ADLEY

CONSUMERS/PROTECTION. Prohibits certain practices regarding the sale of fuel during a declared state of emergency. (8/15/10)

1 AN ACT

2 To enact R.S. 29:732(F)(3), relative to price gouging during a declared state of emergency;
3 to provide for circumstances where the sale of fuel from certain containers is a
4 violation; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 29:732(F)(3) is hereby enacted to read as follows:

7 §732. Price gouging; prohibited

8 * * *

9 F.(1) * * *

10 **(3) The sale or offer for sale of gasoline or diesel fuel to the ultimate**
11 **consumer from a facility other than a service station, convenience store or other**
12 **similar fixed facility shall be deemed to be in violation of this Section where**
13 **such gasoline or diesel fuel is sold from containers having a volume of fifty-five**
14 **gallons or less.**

15 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Linda Nugent.

DIGEST

Present law, during a state of emergency as declared by the governor or the parish president, provides that the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged in the area at or before the time of the state of emergency, unless the price is due to fluctuations in the applicable commodity markets or regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Present law provides that the prohibition is effective for an initial period not to exceed 30 days and can be renewed only by gubernatorial proclamation. Authorizes local governing authorities to adopt appropriate ordinances to implement these provisions.

Present law applies to gasoline or diesel fuel for sale in the emergency area for use in motor vehicles, generators, power tools, or small engines. Further provides that "sale" includes any transaction involving the transfer of gasoline or diesel fuel at the terminal until purchase by the ultimate consumer at a service station, convenience store or other fixed retail facility.

Proposed law retains present law and prohibits the sale or offer for sale of gasoline or diesel fuel to the ultimate consumer from a facility other than a service station, convenience store or other similar fixed facility where such gasoline or diesel fuel is sold from containers having a volume of 55 gallons or less.

Effective August 15, 2010.

(Adds R.S. 29:732(F)(3))