

Regular Session, 2010

SENATE BILL NO. 162

BY SENATOR ADLEY

CONSUMERS/PROTECTION. Specifies that the price gouging law also applies to sales of fuel to ultimate consumers from any facility other than a fixed facility, including sales in which fuel is sold from any container irrespective of type, form, or volume. (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 specify additional actions which would result in a violation; and to provide for
4 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 provisions of this Section shall also apply to the sale, or offer for**
11 **sale, of gasoline or diesel fuel to the ultimate consumer from any facility other**
12 **than a service station, convenience store, or other similar fixed facility,**
13 **including sales in which such gasoline or diesel fuel is sold by any person from**
14 **any container irrespective of type, form, or volume.**

15 * * *

The original instrument was prepared by Linda Nugent. The following digest, which does not constitute a part of the legislative instrument, was prepared by Riley Boudreaux.

DIGEST

Adley (SB 162)

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 specifies that it also applies to the sale, or offer for sale, of gasoline or diesel fuel to the ultimate consumer from any facility other than a service station, convenience store, or other similar fixed facility, including sales in which such gasoline or diesel fuel is sold by any person from any container irrespective of type, form, or volume.

Effective August 15, 2010.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill.

1. Changes the proposed law ~~from~~ a prohibition on sales at other than a fixed facility from containers having a volume of 55 gallons are less to a specification that the present law also applies to sales to ultimate consumers from any facility other than a fixed facility, including sales in which fuel is sold from any container irrespective of type, form, or volume.