

Senate Bill 237

By: Senators Mullis of the 53rd, Cowser of the 46th, Hamrick of the 30th, Murphy of the 27th, Hooks of the 14th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 10-1-393.4 of the Official Code of Georgia Annotated, relating to
2 prohibited pricing practices during a state of emergency, so as to specify the price at which
3 a retailer of gasoline or diesel products may sell its goods during a state of emergency; to
4 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 10-1-393.4 of the Official Code of Georgia Annotated, relating to prohibited
9 pricing practices during a state of emergency, is amended to read as follows:

10 "10-1-393.4.

11 (a) It shall be an unlawful, unfair, and deceptive trade practice for any person, firm, or
12 corporation doing business in any area in which a state of emergency, as such term is
13 defined in Code Section 38-3-3, has been declared, for ~~as~~ so long as such state of
14 emergency exists, to sell or offer for sale at retail any goods or services necessary to
15 preserve, protect, or sustain the life, health, or safety of persons or their property at a price
16 higher than the price at which such goods were sold or offered for sale immediately prior
17 to the declaration of a state of emergency; provided, however, that such price may be
18 increased only in an amount which accurately reflects an increase in cost of the goods or
19 services to the person selling the goods or services or an increase in the cost of transporting
20 the goods or services into the area.

21 (b) Notwithstanding the provisions of subsection (a) of this Code section, a retailer or
22 installer of lumber, plywood, and other lumber products may increase the price of such
23 products as may be necessary to replenish his or her existing daily stock at current market
24 rates, maintaining the same markup percentage he or she applied prior to the state of
25 emergency.

26 (c) The provisions of subsection (a) of this Code section shall not apply to gasoline or
27 diesel products unless the Governor specifically includes such products in the declaration
28 of the state of emergency. If such products are included in the declaration of the state of
29 emergency, a retailer of gasoline or diesel products may increase the price of such products
30 as may be necessary to replenish his or her existing daily stock at current market rates,
31 maintaining the same markup percentage he or she applied prior to the state of emergency."

32 **SECTION 2.**

33 This Act shall become effective upon its approval by the Governor or upon its becoming law
34 without such approval.

35 **SECTION 3.**

36 All laws and parts of laws in conflict with this Act are repealed.