

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

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 prohibit certain pricing
3 practices during an abnormal market disruption significantly affecting the production,
4 distribution, supply, sale, or availability of oil, gasoline, or other petroleum products; to
5 define terms; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 style="text-align:center">**SECTION 1.**

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

11 "10-1-393.4.

12 (a) As used in this Code section, the term:

13 (1) 'Abnormal market disruption' means a condition declared by the Governor when, in
14 his or her judgment, there is a significant disruption to the production, distribution,
15 supply, sale, or availability of oil, gasoline, or other petroleum products that:

16 (A) Is caused by an event such as a natural or manmade emergency or disaster, whether
17 within the State of Georgia or external to the State of Georgia; and

18 (B) Causes ordinary competitive market forces to cease to function normally.

19 An abnormal market disruption may be declared state wide or regionally and shall
20 continue until the Governor finds that the disruption has passed or the emergency or
21 disaster conditions no longer exist and by appropriate action terminates the declared
22 abnormal market disruption.

23 (2) 'State of emergency' shall have the same meaning provided in Code Section 38-3-3.

24 (b)(1) It shall be an unlawful, unfair, and deceptive trade practice for any person, firm,
25 or corporation doing business in any area in which a state of emergency, as such term is

26 ~~defined in Code Section 38-3-3~~, has been declared, for as long as such state of emergency
 27 exists, to sell or offer for sale at retail any goods or services necessary to preserve,
 28 protect, or sustain the life, health, or safety of persons or their property at a price higher
 29 than the price at which such goods were sold or offered for sale immediately prior to the
 30 declaration of a state of emergency; provided, however, that such price may be increased
 31 only in an amount which accurately reflects an increase in cost of the goods or services
 32 to the person selling the goods or services or an increase in the cost of transporting the
 33 goods or services into the area.

34 (2) It shall be an unlawful, unfair, and deceptive trade practice for any person, firm, or
 35 corporation doing business in any area of this state in which an abnormal market
 36 disruption has been declared, for as long as such abnormal market disruption exists, to
 37 sell or offer for sale at retail any oil, gasoline, or other petroleum products at a price
 38 higher than the price at which such goods were sold or offered for sale immediately prior
 39 to the declaration of an abnormal market disruption; provided, however, that such price
 40 may be increased only in an amount which accurately reflects an increase in cost of such
 41 goods to the person selling the goods or an increase in the cost of transporting the goods
 42 into the area.

43 ~~(b)~~(c) Notwithstanding the provisions of subsection ~~(a)~~(b) of this Code section, a retailer
 44 or installer of lumber, plywood, and other lumber products may increase the price of such
 45 products as may be necessary to replenish his or her existing daily stock at current market
 46 rates, maintaining the same markup percentage he or she applied prior to the state of
 47 emergency."

48 **SECTION 2.**

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