
By: **Senator Forehand**

Introduced and read first time: February 3, 2006

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law - Consumer Protection - Gasoline Pricing**

3 FOR the purpose of prohibiting the sale of gasoline at an unconscionably excessive
4 price; requiring certain circumstances to be taken into account in determining
5 whether gasoline has been sold at an unconscionably excessive price; requiring
6 certain circumstances to be considered as mitigating factors in determining
7 whether gasoline has been sold at an unconscionably excessive price; providing
8 that a violation of this Act is an unfair or deceptive trade practice under the
9 Maryland Consumer Protection Act and is subject to certain enforcement and
10 penalty provisions; and generally relating to gasoline pricing.

11 BY adding to

12 Article - Commercial Law

13 Section 14-3501 through 14-3503, inclusive, to be under the new subtitle

14 "Subtitle 35. Gasoline Pricing"

15 Annotated Code of Maryland

16 (2005 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Commercial Law**

20 **SUBTITLE 35. GASOLINE PRICING.**

21 14-3501.

22 A PERSON MAY NOT SELL GASOLINE AT A PRICE THAT IS UNCONSCIONABLY
23 EXCESSIVE.

24 14-3502.

25 (A) IN DETERMINING WHETHER A PERSON HAS VIOLATED § 14-3501 OF THIS
26 SUBTITLE, THE FOLLOWING CIRCUMSTANCES SHALL BE TAKEN INTO ACCOUNT:

1 (1) WHETHER THE AMOUNT CHARGED REPRESENTS A GROSS DISPARITY
2 BETWEEN THE PRICE OF THE GASOLINE SOLD AND THE PRICE AT WHICH IT WAS
3 OFFERED FOR SALE IN THE MONTHS PRIOR TO THE SALE IN QUESTION; AND

4 (2) WHETHER THE AMOUNT CHARGED GROSSLY EXCEEDS THE PRICE AT
5 WHICH GASOLINE WAS READILY OBTAINABLE FROM OTHER SELLERS AT THE TIME
6 OF THE SALE IN QUESTION.

7 (B) IN DETERMINING WHETHER A PERSON HAS VIOLATED § 14-3501 OF THIS
8 SUBTITLE, THE FOLLOWING CIRCUMSTANCES SHALL BE CONSIDERED AS
9 MITIGATING FACTORS:

10 (1) THE PRICE THAT WOULD REASONABLY EQUATE SUPPLY AND
11 DEMAND FOR GASOLINE IN A COMPETITIVE AND FREELY FUNCTIONING MARKET;
12 AND

13 (2) WHETHER THE PRICE AT WHICH THE GASOLINE WAS SOLD
14 REASONABLY REFLECTS ADDITIONAL COSTS INCURRED BY THE SELLER THAT WERE
15 NOT WITHIN CONTROL OF THE SELLER.

16 14-3503.

17 (A) A VIOLATION OF THIS SUBTITLE:

18 (1) IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE
19 MEANING OF TITLE 13 OF THIS ARTICLE; AND

20 (2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS
21 CONTAINED IN TITLE 13 OF THIS ARTICLE.

22 (B) IN ADDITION TO BEING SUBJECT TO THE ENFORCEMENT AND PENALTY
23 PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE, A PERSON THAT VIOLATES
24 THIS SUBTITLE IS SUBJECT TO ANY OTHER CIVIL OR CRIMINAL ACTION PROVIDED BY
25 LAW.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2006.