

HOUSE BILL 798

C2

71r0846

By: **Delegates Miller, Beitzel, Dwyer, Glassman, Impallaria, McComas, McConkey, McDonough, and Smigiel**

Introduced and read first time: February 9, 2007

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Motor Fuel – Definition of Below Cost**

3 FOR the purpose of altering the definition of “below cost” within the context of the sale
4 of motor fuel; and generally relating to the sale of motor fuel.

5 BY repealing and reenacting, without amendments,
6 Article – Business Regulation
7 Section 10–301(a)
8 Annotated Code of Maryland
9 (2004 Replacement Volume and 2006 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Business Regulation
12 Section 10–301(b)
13 Annotated Code of Maryland
14 (2004 Replacement Volume and 2006 Supplement)

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

17 **Article – Business Regulation**

18 10–301.

19 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) "Below cost" means a price that is less than the total of:

2 (1) the most recently published [average] **LOW** reseller rack cost of
3 motor fuel by grade and quality, as calculated by the Oil Price Information Service
4 (OPIS), for the particular terminal from which the motor fuel was delivered to the
5 retail service station dealer, or the actual invoice cost from the supplier of the product,
6 whichever is lower; and

7 (2) the freight charges and all applicable federal, State, and local taxes
8 not included in the invoice cost.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2007.