

April 10, 2003

H 1203. NO MOTOR FUEL SALES LIMITS (=S 787). *TO PROHIBIT LIMITING THE QUANTITY OF MOTOR FUEL SOLD OR OFFERED FOR SALE UNDER THE MOTOR FUEL MARKETING ACT.* Identical to S 787, introduced 4/3/03.

Intro. by Gibson.

Ref. to Agriculture	GS 75
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April 29, 2003

H 1203. AMEND MOTOR FUEL MARKETING ACT (NEW). Intro. 4/10/03. House committee substitute makes the following changes to 1st edition. Expands bill to make clarifying and other changes to the Motor Fuel Marketing Act, in GS Ch. 75, Article 3. Amends definition of cost as that term applies in the in the Act to provide that it is the total of the most recently published average reseller rack cost of fuel by grade and quality, the freight charges on the fuel, and all state and federal excise taxes. Deletes definitions of "Prompt Payment Discounts" and "New Retail Outlet". Makes clarifying changes to GS 75-82 relating to the exceptions to the prohibition against selling fuel below cost, and adds provision that a violation of the prohibition is an unfair method of competition under GS 75-1.1. Amends GS 75-84 to increase maximum penalty for establishing a price below cost from \$1,000 to \$10,000. Amends GS 75-85 to provide that the Comm'r of Agriculture, rather than the Attorney General, shall investigate allegations of violations of the Act, and makes conforming changes to other statutes. Retains provision in original bill prohibiting limiting the quantity of fuel sold or offered for sale from a fuel pump to any one particular customer. Also provides that fuel must be dispensed into a container approved by the fire prevention code, the state building code, or by the Dep't of Transportation. Violation of either provision is subject to civil penalty of not more than \$5,000. Also allows for temporary or permanent injunctions. Act is effective Oct. 1, 2003, and applies to sales of fuel or offers of sale on or after that date.

July 13, 2004

H 1203. AMEND/STUDY MOTOR FUEL MARKETING ACT (NEW). Intro. 4/10/03. Senate committee substitute makes the following changes to 2nd edition. Deletes amendments to GS 75-81 through GS 75-87. Sec. 1 amends GS 75-88(b) to clarify that subsection is applicable only to entities that are selling motor fuel below cost. Enacts new Sec. 2 creating 10-member Legis. Study Comm. on the Motor Fuels Marketing Act, Comm. to review GS Ch. 75, Art. 3, including whether the current definition of "cost" provides an adequate standard for cases prosecuted under the Motor Fuels Marketing Act or whether an external benchmark should be adopted, whether requirement of an intent to injure competition is consistent with state and federal law regarding predatory pricing, the economic effect of the Act, and any fire, public safety, and environmental issues raised by limiting fuel purchases. Requires that Comm. report recommendations to the 2005 General Assembly upon convening. Sec. 1 effective Oct. 1, 2004 (was, Oct. 1, 2003).