

May 22, 2006

H 2384. CAP VARIABLE RATE OF THE GASOLINE EXCISE TAX. Filed 5/22/06. *TO STABILIZE THE MOTOR FUEL TAX BY IMPOSING A CAP ON THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUEL TAX RATE AT ITS CURRENT RATE AND PROVIDING RELIEF FOR CONSUMERS BY PROVIDING FOR PRICE GOUGING INVESTIGATIONS BY THE ATTORNEY GENERAL.* Amends GS 105-449.80(a) to cap the variable wholesale component of the state motor fuel excise tax at 12.4 cents per gallon (now, variable wholesale component is the greater of 3 ½ cents per gallon or 7 percent of the average wholesale price of motor fuel during a certain six-month base period). Adds GS 75-38(a)(3) (prohibiting excessive pricing during states of disaster) to allow as part of consideration as to whether a price is unreasonable excessive, whether “the seller was pricing above market prices when no alternative seller was available.” Amends GS 75-38(b) to direct the Attorney General to maintain the confidentiality of all evidence, testimony, documents, statements, and other investigatory results of an investigation under GS 75-38 concerning excessive pricing during states of disaster, including the names of the complainant and the entity that is subject of the investigation, except insofar as the information is disclosed in an enforcement action or proceeding or pursuant to a court order. Adds GS 75-38(d) directing the Office of the Governor to mail (by U.S. mail or electronically) a copy of any declaration of a state of disaster or emergency to any individual who requested notice. Request must be in writing and Governor’s Office must maintain a list of requesting individuals. Revises definition of a disaster under GS 166A-4(1) to include an occurrence or imminent threat to “economic well-being” including that attributable to any natural or man-made “incidental” cause. Appropriates from the General Fund to the Highway Fund and Highway Trust an “appropriate” amount of funds to offset the loss of revenue from capping the motor fuels excise tax. Effective July 1, 2006.

Intro. by Gibson.

GS 75, 105, 166A, APPROP