

SENATE BILL 1805

By Herron

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 1 and Title 47, Chapter 18, Part 51, relative to price-gouging.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is amended by adding the following as a new section:

§ 39-17-115.

(a) As used in this section, unless the context otherwise requires:

(1) "Gasoline" means any fuel used to power any motor vehicle or power tool;

and

(2) "State of emergency" means a natural or man-made disaster or emergency resulting from terrorist attack, war, strike, civil disturbance, tornado, earthquake, fire, flood, or any other natural disaster declared by the president of the United States or by the governor pursuant to title 58, chapter 2, part 1.

(b) Upon the proclamation of a state of emergency and continuing until the state of emergency is terminated, it is unlawful, in any county or municipality covered by the state of emergency, for any person to charge any other person a price for any gasoline that is grossly in excess of the price generally charged for the same in the usual course of business immediately prior to the events giving rise to the state of emergency. An otherwise grossly excessive price increase shall not be unlawful if the person charging such higher price establishes by prima facie evidence that the increase was directly attributable to additional costs imposed on it by the supplier of the gasoline, or was directly attributable to additional costs for labor or materials used to provide the gasoline.

(c) Violation of this section is a Class A misdemeanor.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.