**South Carolina General Assembly**

122nd Session, 2017-2018

**A29, R48, S359**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Cromer

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Introduced in the Senate on February 7, 2017

Introduced in the House on March 22, 2017

Last Amended on May 2, 2017

Passed by the General Assembly on May 4, 2017

Governor's Action: May 10, 2017, Signed

Summary: Unfair trade practices for motor fuel retailers

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/7/2017 Senate Introduced and read first time ([Senate Journal‑page 3](file:///h%3A%5Csj%5C20170207.docx))

 2/7/2017 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 3](file:///h%3A%5Csj%5C20170207.docx))

 3/9/2017 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** ([Senate Journal‑page 16](file:///h%3A%5Csj%5C20170309.docx))

 3/16/2017 Senate Committee Amendment Adopted ([Senate Journal‑page 27](file:///h%3A%5Csj%5C20170316.docx))

 3/16/2017 Senate Read second time ([Senate Journal‑page 27](file:///h%3A%5Csj%5C20170316.docx))

 3/16/2017 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 27](file:///h%3A%5Csj%5C20170316.docx))

 3/21/2017 Senate Read third time and sent to House ([Senate Journal‑page 15](file:///h%3A%5Csj%5C20170321.docx))

 3/22/2017 House Introduced and read first time ([House Journal‑page 11](file:///h%3A%5Chj%5C20170322.docx))

 3/22/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 11](file:///h%3A%5Chj%5C20170322.docx))

 4/26/2017 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 117](file:///h%3A%5Chj%5C20170426.docx))

 5/2/2017 House Amended ([House Journal‑page 37](file:///h%3A%5Chj%5C20170502.docx))

 5/2/2017 House Read second time ([House Journal‑page 37](file:///h%3A%5Chj%5C20170502.docx))

 5/2/2017 House Roll call Yeas‑97 Nays‑0 ([House Journal‑page 38](file:///h%3A%5Chj%5C20170502.docx))

 5/3/2017 House Read third time and returned to Senate with amendments ([House Journal‑page 11](file:///h%3A%5Chj%5C20170503.docx))

 5/4/2017 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 58](file:///h%3A%5Csj%5C20170504.docx))

 5/4/2017 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 58](file:///h%3A%5Csj%5C20170504.docx))

 5/9/2017 Ratified R 48

 5/10/2017 Signed By Governor

 5/17/2017 Effective date 05/10/17

 5/18/2017 Act No. 29

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=359&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/7/2017](file:///p%3A%5Cpprever%5C2017-18%5C359_20170207.docx)

[3/9/2017](file:///p%3A%5Cpprever%5C2017-18%5C359_20170309.docx)

[3/16/2017](file:///p%3A%5Cpprever%5C2017-18%5C359_20170316.docx)

[4/26/2017](file:///p%3A%5Cpprever%5C2017-18%5C359_20170426.docx)

[5/2/2017](file:///p%3A%5Cpprever%5C2017-18%5C359_20170502.docx)

(A29, R48, S359)

**AN ACT TO AMEND SECTION 39‑5‑325, CODE OF LAWS OF SOUTH CAROLINA 1976, RELATING TO UNFAIR TRADE PRACTICES FOR MOTOR FUEL RETAILERS, SO AS TO REMOVE REFERENCES TO THE DEPARTMENT OF CONSUMER AFFAIRS; AND TO AMEND SECTION 39‑5‑350, RELATING TO EXEMPTIONS FROM MERCHANDISING UNFAIR TRADE PRACTICES, SO AS TO REMOVE THE REFERENCES TO THE DEPARTMENT OF CONSUMER AFFAIRS.**

Be it enacted by the General Assembly of the State of South Carolina:

**Unfair trade practice for selling motor fuel below cost exemption, reference to Department of Consumer Affairs removed**

SECTION 1. Section 39‑5‑325(C) of the 1976 Code, as added by Act 161 of 1993, is amended to read:

 “(C) Any person who is in the retail business of selling motor fuel claiming any exemption from subsection (A) under the exceptions provided in subsection (B) must keep and maintain records substantiating this claim. These records must be made available to the Office of the Attorney General on request made in connection with any investigation of a possible violation of this section by the Attorney General.”

**Unfair trade practice exemptions, reference to Department of Consumer Affairs removed**

SECTION 2. Section 39‑5‑350(B) of the 1976 Code, as amended by Act 161 of 1993, is further amended to read:

 “(B) Any person selling motor fuel at wholesale or retail at a price below the actual cost of acquiring the product, including transportation and taxes, claiming exemption from this article on the basis that such sales of motor fuel by that person are at a price to meet existing competition under subsection (A) shall keep and maintain records substantiating each effort to meet the competition, including the identity and place of business of the competitors whose competition that person is meeting. The records must be made available to the Attorney General on request made in connection with any investigation of a possible violation of this article by the Attorney General.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 9th day of May, 2017.

Approved the 10th day of May, 2017.

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