~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 2, 2017

**S. 359**

Introduced by Senator Cromer

S. Printed 5/2/17--H.

Read the first time March 22, 2017.

**A** **BILL**

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.

Amend Title To Conform

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

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 ~~Department of Consumer Affairs and the Attorney General’s~~ Office of the Attorney General on request made in connection with any investigation of a possible violation of this section by ~~the department or~~ the Attorney General.”

SECTION 2. Section 39-5-350(B) of the 1976 Code is 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) of this section 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 ~~Department of Consumer Affairs and the~~ Attorney General on request made in connection with any investigation of a possible violation of this article by ~~the department or~~ the Attorney General.

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

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