

By: Representative Fleming

To: Judiciary B;  
Conservation and Water  
Resources

HOUSE BILL NO. 572

1 AN ACT TO AMEND SECTION 75-24-25, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT PREDATORY PRICING AND PRICE GOUGING ON GASOLINE; AND  
3 FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 75-24-25, Mississippi Code of 1972, is  
6 amended as follows:

7 75-24-25. (1) For the purposes of this section, the  
8 following terms shall have the meanings herein ascribed:

9 (a) "Person" means a natural person, corporation,  
10 trust, partnership, incorporated or unincorporated association, or  
11 any other legal entity.

12 (b) "State of emergency" means the duly proclaimed  
13 existence of conditions of disaster or extreme peril to the safety  
14 of persons or property within the state caused by air or water  
15 pollution, fire, flood, storm, epidemic, earthquake, hurricane,  
16 resource shortages or other natural or man-made conditions other  
17 than conditions causing a "state of war emergency," which  
18 conditions by reasons of their magnitude are or are likely to be  
19 beyond the control of the services, personnel, equipment and  
20 facilities of any single county and/or municipality and require  
21 combined forces of the state to combat.

22 (c) "Local emergency" means the duly proclaimed  
23 existence of conditions of disaster or extreme peril to the safety  
24 of persons and property within the territorial limits of a county  
25 and/or municipality caused by such conditions as air or water  
26 pollution, fire, flood, storm, epidemic, earthquake, hurricane,  
27 resource shortages or other natural or man-made conditions, which

28 conditions are or are likely to be beyond the control of the  
29 services, personnel, equipment and facilities of the political  
30 subdivision and require the combined forces of other subdivisions  
31 or of the state to combat.

32 (d) "Value received" means the consideration or payment  
33 given for the purchase of goods and services.

34 (2) (a) Whenever, under the Mississippi Emergency  
35 Management Law, Sections 33-15-1 through 33-15-49, a state of  
36 emergency or a local emergency is declared to exist in this state,  
37 then the value received for all goods and services sold within the  
38 designated emergency area shall not exceed the prices ordinarily  
39 charged for comparable goods or services in the same market area  
40 at or immediately before the declaration of a state of emergency  
41 or local emergency. However, the value received may include: any  
42 expenses, the cost of the goods and services which are necessarily  
43 incurred in procuring such goods and services during a state of  
44 emergency or local emergency. The prices ordinarily charged for  
45 comparable goods or services in the same market area do not  
46 include temporarily discounted goods or services. The same market  
47 area does not necessarily mean a single provider of goods or  
48 services.

49 (b) It shall be unlawful to sell gasoline below  
50 wholesale price or above the price ordinarily charged for gasoline  
51 in the market area at or immediately before the declaration of  
52 state or local emergency as described in paragraph (a) of this  
53 section.

54 (3) Any person who knowingly and willfully violates  
55 subsection (2) of this section, when the value unlawfully received  
56 is Two Hundred Fifty Dollars (\$250.00) or more, shall be guilty of  
57 a felony and upon conviction shall be punished by confinement for  
58 a term of not less than one (1) year nor more than five (5) years  
59 or a fine of not more than Five Thousand Dollars (\$5,000.00), or  
60 both.

61           (4) Any person who knowingly and willfully violates  
62 subsection (2) of this section, when the value unlawfully received  
63 is less than Two Hundred Fifty Dollars (\$250.00), shall be guilty  
64 of a misdemeanor and upon conviction shall be fined not more than  
65 One Thousand Dollars (\$1,000.00) or by imprisonment in the county  
66 jail for a term not to exceed six (6) months, or both.

67           (5) In addition to the criminal penalties prescribed in  
68 subsections (3) and (4), any knowing and willful violation of  
69 subsection (2) of this section shall be considered an unfair or  
70 deceptive trade practice subject to and governed by all the  
71 procedures and remedies available under the provisions of this  
72 chapter for enforcement of prohibited acts and practices contained  
73 therein.

74           **SECTION 2.** This act shall take effect and be in force from  
75 and after its passage.