

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1286

BY: COX

AS INTRODUCED

AN ACT RELATING TO OIL AND GAS; ENACTING THE  
PETROLEUM PRODUCTS PRICE OVERCHARGE ACT; PROVIDING  
SHORT TITLE; PROVIDING LEGISLATIVE INTENT; DEFINING  
TERMS; PROHIBITING CERTAIN OVERCHARGES FOR  
PETROLEUM PRODUCTS; PROVIDING CERTAIN DEFENSES;  
PROVIDING FOR PROSECUTIONS; PROVIDING FINES;  
PROVIDING FOR PRIVATE CIVIL ACTIONS AND EXEMPLARY  
DAMAGES; PROVIDING FOR CODIFICATION; AND PROVIDING  
AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 700 of Title 52, unless there is  
created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Petroleum  
Products Price Overcharge Act".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 701 of Title 52, unless there is  
created a duplication in numbering, reads as follows:

The Legislature recognizes that the prices of petroleum products  
often fluctuate drastically due to political situations that  
threaten to drastically curtail foreign supplies of crude oil and  
the reactions to those threats by financial markets. Large price

swings at retail outlets are warranted in some instances and not in others depending on what the costs are in replacing fuel at the gasoline pumps. It is the intent of the Legislature to provide redress to consumers against producers, refiners and station owners who pass on artificially inflated gasoline prices to consumers.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 702 of Title 52, unless there is created a duplication in numbering, reads as follows:

As used in the Petroleum Products Price Overcharge Act:

1. "Standard petroleum product" refers to and includes gasoline, fuel oil, distillates, greases, and lubricating oils; and
2. "Reasonable price" shall be the "mark-up" taken on standard petroleum products for the region in which the products are sold taking into account replacement costs for such products.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 703 of Title 52, unless there is created a duplication in numbering, reads as follows:

A. Any person, firm, company, association, or corporation, either domestic or foreign, doing business in the State of Oklahoma and engaged in the selling of any standard petroleum product that shall demand or collect from any person or customer a higher than reasonable price for any standard petroleum product shall have violated the provisions of the Petroleum Products Price Overcharge Act.

B. In the trial of an action under the provisions of the Petroleum Products Price Overcharge Act, in the determination of the justification of the price demanded or collected by a person, firm, company, association, or corporation charged with a violation of the Petroleum Products Price Overcharge Act, transportation, quantity of sales, emergencies, cost of doing business, replacement costs or similar differences under the respective conditions may be offered as a matter of defense or justification for the differences in price

demanded or collected. When such information is offered the burden of proof shall be upon such person, firm, company, association or corporation or agents or officers on trial to prove that the differences in the price demanded or collected was justified.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 704 of Title 52, unless there is created a duplication in numbering, reads as follows:

A. If a complaint is made to the Attorney General that any person, firm, company, association, or corporation is guilty of petroleum products overcharges, the Attorney General shall investigate such complaint, and for that purpose the Attorney General shall subpoena witnesses, administer oaths, take testimony, and require the production of books or other documents, and if, in the opinion of the Attorney General, sufficient grounds exist therefor, the Attorney General shall prosecute an action in the name of the state in the proper court to annul the charter or revoke the permit or license of such person, firm, company, association, or corporation, as the case may be, and to permanently enjoin such person, firm, company, association, or corporation from doing business in this state. If in such action the court finds that such person, firm, company, association, or corporation is guilty of overcharges under the Petroleum Products Price Overcharge Act, such court may revoke the permit or license of such person, firm, company, association, or corporation and may permanently enjoin it or them from transaction business in this state.

B. Any person, firm, company, association, or corporation violating any of the provisions of the Petroleum Products Price Overcharge Act shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of up to Five Hundred Dollars (\$500.00) or imprisonment in the county jail up to one (1) year or both.

C. In addition to the penalties above prescribed, any customer of such person, firm, company, association, or corporation may bring

a civil action in any county in which such offending person, firm, company, association, or corporation may be doing business and recover therein not only actual damages for violation of this part but also exemplary damages for such reasonable sum as the jury may deem proper punishment for unreasonable price charges.

SECTION 6. This act shall become effective September 1, 1991.

43-1-5031

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