



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0743/1  
CTS:lmk:jf

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2005 SENATE BILL 358**

May 3, 2006 – Offered by Senators HANSEN, ROBSON, CARPENTER, PLALE, MILLER,  
WIRCH, LASSA, TAYLOR and ERPENBACH.

1     **AN ACT** *to amend* 100.26 (4m); and *to create* 100.55 of the statutes; **relating**  
2     **to:** prohibiting charging grossly excessive prices for motor vehicle fuel,  
3     extending the time limit for emergency rule procedures, providing an  
4     exemption from emergency rule procedures, granting rule-making authority,  
5     and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

This substitute amendment prohibits charging for motor vehicle fuel a wholesale or retail price that grossly exceeds the price at which motor vehicle fuel is sold by another or that grossly exceeds the average price at which motor vehicle fuel was sold in the 21-day period immediately preceding a sale of the motor vehicle fuel. The substitute amendment requires the Department of Agriculture, Trade and Consumer Protection to promulgate a rule defining “grossly exceeds.” Under the substitute amendment, the attorney general investigates violations of, and enforces, the provisions of the substitute amendment.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 100.26 (4m) of the statutes is amended to read:

2           100.26 (4m) Any person who violates s. 100.18 (10r) or 100.55 is subject to a  
3 civil forfeiture of not less than \$100 nor more than \$10,000 for each violation.

4           **SECTION 2.** 100.55 of the statutes is created to read:

5           **100.55 Grossly excessive prices for motor vehicle fuel prohibited. (1)**

6 No person may charge a wholesale or retail price for motor vehicle fuel that grossly  
7 exceeds the price at which motor vehicle fuel is sold by another or that grossly  
8 exceeds the average price at which motor vehicle fuel was sold in the 21-day period  
9 immediately preceding a sale of the motor vehicle fuel.

10           (2) The department shall promulgate a rule defining “grossly exceeds” for  
11 purposes of sub. (1).

12           (3) The attorney general shall investigate violations of, and enforce, this  
13 section.

14           **SECTION 3. Nonstatutory provisions.**

15           (1) EMERGENCY RULE. Using the procedure under section 227.24 of the statutes,  
16 the department of agriculture, trade and consumer protection shall promulgate the  
17 rule described under section 100.55 (2) of the statutes, as created by this act, for the  
18 period before the permanent rules become effective. Notwithstanding section 227.24  
19 (2) (a) of the statutes, the joint committee for review of administrative rules may  
20 extend the effective period of the emergency rule promulgated under this subsection  
21 by the department of agriculture, trade and consumer protection, for periods  
22 specified by the committee and may grant any number of extensions, except that the  
23 committee may not extend the effective period of the rules beyond April 1, 2008.  
24 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department  
25 of agriculture, trade and consumer protection is not required to provide evidence that

1 promulgating a rule under this subsection as an emergency rule is necessary for the  
2 preservation of the public peace, health, safety, or welfare and is not required to  
3 provide a finding of emergency for the rule promulgated under this subsection.

4 (END)