

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Retail Service Station Act of 1976 to provide the Mayor with the authority to enforce the statute’s prohibition on certain marketing agreements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Retail Service Station Emergency Declaration Resolution of 2014”.

Sec. 2. (a) In 2009, the Council enacted the Retail Service Station Amendment Act of 2009, which prohibits distributors of gasoline from engaging in anticompetitive price discrimination to its purchasers, which can lead to higher retail gas prices.

(b) Last year, the Attorney General filed suit alleging that a group of defendants violated this law by entering into restrictive agreements with retail service stations and then artificially inflating prices, to the detriment of drivers.

(c) On May 4, 2014, the Superior Court dismissed this case on a technicality, concluding that while the Attorney General had authority to sue and enforce Titles I and III of this law, the Attorney General did not have the authority to sue under Title II, as he alleged in his Complaint or under common law.

1           (d) The allegations of anticompetitive behavior and price fixing are serious and cases like  
2 these deserve to be heard and decided on the merits--not on a mere jurisdictional technicality.  
3 This emergency legislation simply clarifies that the Attorney General has the authority to sue to  
4 enforce not only Titles I and III of this law, but also Title II as well.

5           Sec. 3. The Council of the District of Columbia determines that the circumstances  
6 enumerated in section 2 constitute emergency circumstances making it necessary that the Retail  
7 Service Station Emergency Amendment Act of 2014 be adopted after a single reading.

8           Sec. 4. This resolution shall take effect immediately.