



General Assembly

Amendment

January Session, 2011

LCO No. 6072

SB0108906072SD0

Offered by:

SEN. LOONEY, 11th Dist.

SEN. DOYLE, 9th Dist.

SEN. WITKOS, 8th Dist.

To: Subst. Senate Bill No. 1089

File No. 210

Cal. No. 155

"AN ACT PROHIBITING PRICE GOUGING DURING SEVERE WEATHER EVENTS AND MAKING MINOR AND TECHNICAL REVISIONS TO THE UNIFORM ADMINISTRATIVE PROCEDURE ACT AND DEPARTMENT OF CONSUMER PROTECTION STATUTES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) For purposes of this
4 section, "consumer goods and services" means goods and services that
5 are vital and necessary for the health, safety or welfare of consumers
6 and are used, bought or rendered primarily for personal, family or
7 household purposes, including, but not limited to, snow removal and
8 flood abatement services.

9 (b) In the event that adverse weather conditions create an unusually
10 high demand for consumer goods and services, the Governor may
11 proclaim that a severe weather event emergency exists. Upon the

12 declaration of such emergency, the Governor shall post notice of such
13 declaration on the home page of the Internet web site of the office of
14 the Governor. Upon determining that such severe weather event
15 emergency has ended, the Governor shall post the end date of such
16 emergency on such web site.

17 (c) During such severe weather event emergency, no person within
18 the chain of distribution of consumer goods and services shall sell or
19 offer to sell consumer goods or services for an amount which
20 represents an unconscionably excessive price.

21 (d) (1) A determination that a violation of subsection (c) of this
22 section has occurred shall be based, among other factors, on the
23 following: (A) That the amount of the excess in price is unconscionably
24 extreme, (B) that there was an exercise of unfair leverage or
25 unconscionable means, or (C) a combination of both factors in
26 subparagraphs (A) and (B) of this subdivision.

27 (2) Evidence that: (A) The amount charged represents a gross
28 disparity between the price of the goods or services which were the
29 subject of the transaction and their value measured by the average
30 price at which such consumer goods or services were sold or offered
31 for sale by the defendant in the usual course of business during the
32 thirty-day period prior to a severe weather event proclamation made
33 by the Governor pursuant to subsection (b) of this section, or (B) the
34 amount charged grossly exceeded the price at which the same or
35 similar goods or services were readily obtainable by other consumers
36 in the trade area shall constitute prima facie evidence that the amount
37 is unconscionably excessive. A defendant may rebut a prima facie case
38 with evidence that additional costs not within the control of the
39 defendant were imposed on the defendant for such goods or services.

40 (e) A seller of an energy resource, as defined in subsection (a) of
41 section 42-234 of the general statutes, shall be exempt from the
42 provisions of this section.

43 (f) A violation of subsection (c) of this section shall constitute an

44 unfair trade or deceptive practice under subsection (a) of section 42-
45 110b of the general statutes.

46 (g) Each violation and each day on which the violation occurs or
47 continues shall be a separate offense.

48 (h) The provisions of this section shall not be construed to limit the
49 ability of the Commissioner of Consumer Protection or the court from
50 finding certain acts or practices unfair or deceptive pursuant to chapter
51 735a of the general statutes in the absence of a severe weather event
52 emergency proclamation made by the Governor pursuant to
53 subsection (b) of this section."

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | New section |