



Senate Bill No. 320

Public Act No. 13-175

AN ACT PROHIBITING PRICE GOUGING DURING SEVERE WEATHER EVENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective from passage*) (a) For purposes of this section, "consumer goods and services" means goods and services that are vital and necessary for the health, safety or welfare of consumers and are used, bought or rendered primarily for personal, family or household purposes, including, but not limited to, the provision of lodging, snow removal, flood abatement and post-storm cleanup or repair services.

(b) In the event that adverse weather conditions create an unusually high demand for consumer goods and services, the Governor may proclaim that a severe weather event emergency exists. Upon the proclamation of such emergency, the Governor shall post notice of such proclamation on the home page of the Internet web site of the office of the Governor. Upon determining that such severe weather event emergency has ended, the Governor shall post the end date of such emergency on such web site.

(c) During such severe weather event emergency, no person within the chain of distribution of consumer goods and services shall sell or

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offer to sell consumer goods or services for a price that is unconscionably excessive.

(d) (1) A determination that a violation of subsection (c) of this section has occurred shall be based, among other factors, on the following: (A) That the price for which consumer goods and services were sold or offered to be sold was unconscionably excessive, (B) that there was an exercise of unfair leverage or unconscionable means, or (C) a combination of both factors in subparagraphs (A) and (B) of this subdivision. (2) Evidence that: (A) The price for which consumer goods and services were sold or offered to be sold represents a gross disparity between the price of the goods or services that were the subject of the transaction and their value measured by the average price at which such consumer goods or services were sold or offered to be sold by the defendant in the usual course of business during the thirty-day period prior to a severe weather event proclamation made by the Governor pursuant to subsection (b) of this section, or (B) the price for which consumer goods and services were sold or offered to be sold grossly exceeded the price at which the same or similar goods or services were readily obtainable by other consumers in the trade area shall constitute prima facie evidence that the price is unconscionably excessive. A defendant may rebut a prima facie case with evidence that additional costs not within the control of the defendant were imposed on the defendant for such goods or services.

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

(f) A violation of subsection (c) of this section shall constitute an unfair trade or deceptive practice under subsection (a) of section 42-110b of the general statutes.

(g) Each violation and each day on which the violation occurs or

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continues shall be a separate offense.

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

Approved June 21, 2013