

HB178 INTRODUCED



1 7GLAV2-1
2 By Representative Kiel
3 RFD: State Government
4 First Read: 22-Mar-23
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SYNOPSIS:

Under existing law, a person is prohibited from imposing unconscionable prices for the sale or rental of a commodity or rental facility during a state of emergency established by proclamation of the Governor or by joint resolution of the Legislature.

This bill would authorize the Governor or the Legislature to specify within the proclamation or joint resolution the affected areas and time periods to which the prohibition against unconscionable pricing would apply.

A BILL
TO BE ENTITLED
AN ACT

Related to the Alabama Unconscionable Pricing Act; to amend Sections 8-31-3 and 8-31-4, Code of Alabama 1975 to authorize the Governor or the Legislature to specify the affected areas and time periods to which the prohibition against imposition of unconscionable pricing would apply.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 8-31-3 and 8-31-4, Code of Alabama 1975, are amended to read as follows:



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29 "§8-31-3

30 It is unlawful and a violation of Section 8-19-5, for
31 any person to impose unconscionable prices for the sale or
32 rental of any commodity or rental facility during the period
33 of a declared state of emergency for any time periods and in
34 any affected areas specified in a proclamation by the Governor
35 or a joint resolution of the Legislature issued pursuant to
36 Section 31-9-8(a)."

37 "§8-31-4

38 It is prima facie evidence that a price is
39 unconscionable if any person, during a state of emergency
40 declared pursuant to the powers granted to the Governor in
41 Section 31-9-8, charges a price that exceeds, by an amount
42 equal to or in excess of ~~twenty-five~~²⁵ percent the average
43 price at which the same or similar commodity or rental
44 facility was obtainable in the affected area during the last
45 30 days immediately prior to the declared state of emergency
46 and the increase in the price charged is not attributable to
47 reasonable costs incurred in connection with the rental or
48 sale of the commodity. For purposes of this section, the term
49 "affected area" means any area specified as an affected area
50 in a proclamation by the Governor or a joint resolution by the
51 Legislature issued pursuant to Section 31-9-8(a)."

52 Section 2. This act shall become effective on the
53 first day of the third month following its passage and
54 approval by the Governor, or its otherwise becoming law.