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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Title 28 of the District of Columbia Official Code to allow for alternative calculation based on a seasonal pricing model to protect consumers from price gouging; and to make a public health emergency a triggering event for the prohibition against price gouging.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Seasonal Pricing Price Gouging Amendment Act of 2021”.

Sec. 2. Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28-4101 is amended by adding a new subparagraph (2)(C) to read as follows:

“(C) Notwithstanding subsection (2)(A) or (B) otherwise to the contrary:

“(i) For calendar year 2021, the “normal average retail price” means for a rental vehicle as defined in § 50-1505.01(8) as the average price at which a rental vehicle was leased during the same week of the same month in 2019 in the Washington Metropolitan Area; and

“(ii) For calendar year 2022 and thereafter, the “normal average retail price” means for a rental vehicle as defined in § 50-1505.01(8) the price at which a

35 rental vehicle was leased during the same week of the same month of the prior year in the  
36 Washington Metropolitan Area.”

37 (b) Section 28-4103 is amended as follows:

38 (1) Strike the phrase “§ 28-4102(a)” wherever it appears and insert the phrase “§  
39 28-4102(a) or § 28-4102.01” in its place.

40 (2) A new subsection (c) is added to read as follows:

41 “(c) When the Office of the Attorney General brings a civil action for any violation of §  
42 28-4102(a) or § 28-4102.01 under the authority granted in § 28-3909, the maximum penalty  
43 authorized by § 28-3909 shall be assessed for each such violation.”.

44 Sec. 3. Fiscal impact statement.

45 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
46 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
47 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

48 Sec. 4. Effective date.

49 This act shall take effect following approval by the Mayor (or in the event of veto by the  
50 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
51 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
52 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of  
53 Columbia Register.