
SENATE BILL 6699

State of Washington

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By Senators Darneille, Walsh, Lovelett, Wellman, Hunt, Van De Wege, King, Das, Keiser, Wilson, C., Dhingra, O'Ban, Saldaña, Kuderer, and Mullet

1 AN ACT Relating to economic acts and practices during a time of
2 disaster; adding a new section to chapter 19.86 RCW; prescribing
3 penalties; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.86
6 RCW to read as follows:

7 (1)(a) During a time of disaster, it is unlawful for a person to
8 sell or offer to sell any consumer food items or goods; goods or
9 services used for emergency cleanup, emergency supplies, medical
10 supplies, home heating oil, building materials, housing,
11 transportation, freight, and storage services; or gasoline or other
12 motor fuels for a price of more than ten percent greater than the
13 price charged by that person for those goods or services immediately
14 prior to the proclamation or declaration of an emergency.

15 (b) Except as provided in (a) of this subsection, a greater price
16 increase is not unlawful if that person can prove that the increase
17 in price was directly attributable to additional costs imposed on the
18 person by the supplier of the goods, or directly attributable to
19 additional costs for labor or materials used to provide the goods or
20 services, during the time of disaster, and the price is no more than
21 ten percent greater than the total of the cost to the person plus the

1 markup customarily applied by the person for that good or service in
2 the usual course of business immediately prior to the onset of the
3 time of disaster.

4 (2) A business offering an item for sale at a reduced price
5 immediately prior to the proclamation or declaration of the emergency
6 may use the price at which it usually sells the item to calculate the
7 price pursuant to subsection (1) of this section.

8 (3) In the case of a violation of this section committed against
9 a protected consumer, in addition to any civil penalty otherwise
10 provided by law, the court may impose an additional civil penalty not
11 to exceed ten thousand dollars for each violation.

12 (4) For the purposes of this section:

13 (a) "Building materials" means lumber, construction tools,
14 windows, and anything else used in the building or rebuilding of
15 property.

16 (b) "Consumer food item" means any article that is used or
17 intended for use for food, drink, confection, or condiment by a
18 person or animal.

19 (c) "Emergency supplies" includes, but is not limited to, water,
20 flashlights, radios, batteries, candles, blankets, soaps, diapers,
21 temporary shelters, tape, toiletries, plywood, nails, and hammers.

22 (d) "Gasoline" means any fuel used to power any motor vehicle or
23 power tool.

24 (e) "Goods" means tangible chattels bought for use primarily for
25 personal, family, or household purposes, including certificates or
26 coupons exchangeable for these goods, and including goods that, at
27 the time of the sale or subsequently, are to be so affixed to real
28 property as to become a part of the real property, whether or not
29 severable therefrom, but does not include any vehicle registered
30 under Title 46 RCW.

31 (f) "Medical supplies" includes, but is not limited to,
32 prescription and nonprescription medications, bandages, gauze,
33 isopropyl alcohol, and antibacterial products.

34 (g) "Protected consumer" means an individual who is at least
35 sixty years of age, a vulnerable adult as defined in RCW 74.34.020,
36 or an individual with a disability.

37 (h) "State of emergency" means a natural or human-made emergency
38 resulting from an earthquake, flood, fire, riot, storm, drought,
39 plant or animal infestation, or disease, or other natural or human-

1 made disaster for which a state of emergency has been declared by the
2 president of the United States or the governor.

3 (i) "Time of disaster" means the period of time when a
4 declaration of a state of emergency by the president of the United
5 States or the governor is in effect, or thirty days after the
6 occurrence of the event that constitutes the disaster, whichever is
7 longer.

8 (j) "Transportation, freight, and storage services" means any
9 service that is performed by any company that contracts to move,
10 store, or transport personal or business property, or that rents
11 equipment for those purposes, including towing services.

12 (5) This section does not preempt any local ordinance prohibiting
13 the same or similar conduct, or imposing a more severe penalty for
14 the same conduct prohibited by this section.

15 (6) Any violation of this section shall also constitute a
16 violation of RCW 19.86.020.

17 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of
19 the state government and its existing public institutions, and takes
20 effect immediately.

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