

April 3, 2003

S 963. PREVENT PRICE GOUGING DURING DISASTERS. TO PROHIBIT SELLERS FROM EXCESSIVELY RAISING PRICES ON THEIR MERCHANDISE DURING DECLARED STATES OF DISASTER. Enacts new GS 75-36 making it unlawful for person to sell or offer to sell during state of disaster or within 30 days of termination thereof within disaster area merchandise used as a direct result of emergency or used to preserve, protect, or sustain life, health, safety, or comfort of persons or property for excessive price. Excessive price means at least 10% higher than customary price unless attributable to additional costs imposed by supplier or attributable to disaster or markup of at least 10% if increase in price is attributable to additional costs imposed by supplier or attributable to disaster. Effective July 1, 2003.

Intro. by Swindell.

Ref. to	GS 75
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April 28, 2003

S 963. PREVENT PRICE GOUGING DURING DISASTERS. Intro. 4/3/03. Senate amendment changes 1st edition by making prohibition against gouging applicable to the sale or services as well as the sale of merchandise.

June 23, 2003

S 963. PREVENT PRICE GOUGING DURING DISASTERS. Intro. 4/3/03. House committee substitute makes the following changes to 2nd edition. Adds provision declaring state's public policy with respect to price gouging during states of disaster. Rewrites prohibition on price gouging to provide that excessive price gouging during state of disaster constitutes a violation of GS 75-1.1 (unfair trade practice), that prohibition applies to retail sale or rental, and offers to sell or rent at retail, of goods or services specified in 2nd edition if vendor does so with the knowledge and intent to charge an unreasonably excessive price. Replaces definition of "excessive price increase" with the following factors to be considered in determining whether a price is unreasonably excessive: (a) whether price is attributable to additional costs imposed by seller's supplier or other costs of providing the good or service during the state of disaster; (b) whether price was below the seller's average price in the 60 days preceding the state of disaster; (c) the price at which the good or service was generally available in the trade area before the state of disaster if the seller did not sell the good or service before the state of disaster. Deletes prohibition with respect to sales within 30 days of termination of state of disaster. Provides that state of disaster ends on the earlier of the following: 45 days or declaration of termination under GS 166A-6 or GS 166A-8. Requires Atty. General to issue press release if investigation indicates that seller has not charged unreasonably excessive price during state of disaster. Adds provision requiring Governor to notify registered agents of trade associations and other designated entities with respect to declaration and termination of state of disaster. Effective upon enactment or July 1, 2003, whichever is later (was, July 1, 2003).

July 9, 2003

S 963. PREVENT PRICE GOUGING DURING DISASTERS. Intro. 4/3/03. House amendment makes the following changes to 3rd edition. Amends GS 75-36.1(b) to require that Attorney General issue a signed statement (was, press release). Deletes GS 75-36.1(c) (requiring that Governor notify business entities upon declaration of a state of emergency). Makes technical and conforming changes.

August 20, 2003

SL 2003-412 (S 963). PREVENT PRICE GOUGING DURING DISASTERS. AN ACT TO PROHIBIT SELLERS FROM CHARGING EXCESSIVE PRICES ON THEIR MERCHANDISE AND SERVICES DURING DECLARED STATES OF DISASTER. Summarized in *Daily Bulletin* 4/3/03, 4/28/03, 6/23/03, and 7/9/03. Enacted August 14, 2003. Effective August 14, 2003.