

February 3, 2009

**S 49. BROADEN PRICE GOUGING PROTECTIONS.** Filed 2/3/09. *TO INCREASE THE FINE FOR PRICE GOUGING AND TO EXPAND PRICE GOUGING PROTECTIONS TO SITUATIONS IN WHICH A DISASTER DECLARATION HAS NOT BEEN DECLARED.*

Amends GS 75-38 as the title indicates. Deletes language referencing the following terms: (1) triggering event, (2) state of disaster or emergency, and (3) abnormal market disruption. Provides that the provisions of the section apply at all times regardless of whether a state of emergency or disaster has been declared. Provides that among the criteria to be considered in determining if a price is unreasonably excessive is whether the price charged by the seller exceeds the seller's average price in the preceding 60 day (was, in the preceding 60 days before the triggering event).

Under current law (GS 75-15.2), a civil penalty of up to \$5,000 may be imposed against a defendant who violates GS 75-1.1 (Methods of competition, acts and practices regulated; legislative policy). Amends GS 75-15.2 (civil penalty) to add a new subsection (b) providing that in any lawsuit where the penalty under existing law under GS 75-15.2 would apply, the penalty is increased to \$10,000 if the defendant is found to have violated GS 75-38 and it is the defendant's first violation of GS 75-38. Provides that the increased civil penalty applies in lieu of the penalty under reorganized GS 75-15.2(a). Directs that the proceeds of penalties collected be remitted to the Civil Penalty and Forfeiture Fund in accordance with GS 115C-457.2.

Effective October 1, 2009.

**Intro. by Goss.**

GS 75