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HOUSE BILL NO. 112

Offered January 10, 1996

A BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 17.8, consisting of sections numbered 59.1-207.45, 59.1-207.46, and 59.1-207.47, relating to the Virginia Post-Disaster Anti-Price Gouging Act; penalty.

Patrons—Tata, McDonnell, Purkey and Wagner; Senators: Earley, Schrock and Stolle

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 17.8, consisting of sections numbered 59.1-207.45, 59.1-207.46, and 59.1-207.47, as follows:

CHAPTER 17.8.

VIRGINIA POST-DISASTER ANTI-PRICE GOUGING ACT.

§ 59.1-207.45. Definitions.

As used in this chapter:

"Average retail price" means the average price at which similar merchandise, services, or shelter were being sold or rented in the emergency area during the thirty days immediately preceding the declaration of an emergency.

"Consumer goods" means any article, product, merchandise, or commodity of any kind which is customarily produced or distributed for sale or rent for consumption or use by individuals, including, but not limited to, human or animal food, water, ice, clothing, lumber, hardware, chainsaws, generators, home improvement materials, medical supplies, flashlights, batteries, radios, candles, blankets, and diapers.

"Emergency" means any occurrence, or threat thereof, whether accidental, natural, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage or loss of property.

"Fuel" means something consumed to produce energy, including, but not limited to, home heating oil, kerosene, propane, natural gas, diesel fuel, methanol, and gasoline.

"Repair or reconstruction services" means services for repairs to residential or commercial property of any type which is damaged as a result of a disaster.

"Shelter" means any structure or part of a structure that is used as a dwelling, including, but not limited to, hotels, motels, boarding houses, apartments, duplexes, and single-family residences.

§ 59.1-207.46. Prohibited conduct.

Upon declaration of an emergency and for a period of thirty days from the date such declaration is terminated, it shall be unlawful for any person, contractor, landlord, business, or other entity to sell or rent, or offer to sell or rent, any consumer goods, repair or reconstruction services, fuel, or shelter for more than the average retail price, unless such person, contractor, landlord, business, or other entity can prove that the excess is directly attributable to additional costs imposed by the supplier or resulting from the labor or materials used to provide the service. In such instances, only the actual cost increase can be added to the average retail price.

§ 59.1-207.47. Penalty for violation.

Any person who violates any provision of this chapter shall be guilty of a Class 1 misdemeanor. Each day of violation shall constitute a separate violation.

INTRODUCED

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