

SENATE No. 92

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin B. Downing

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting consumers during a state of emergency..

PETITION OF:

NAME:

Benjamin B. Downing

DISTRICT/ADDRESS:

Berkshire, Hampshire, Franklin and Hampden

SENATE No. 92

By Mr. Downing, a petition (accompanied by bill, Senate, No. 92) of Benjamin B. Downing for legislation to protect consumers during a state of emergency. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 96 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act protecting consumers during a state of emergency..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 93 of the General Laws, as appearing in the 2010 Official Edition,
2 is hereby amended by inserting after section 14S the following section:-

3 Section 14T. Unconscionable Prices in a State of Emergency

4 (a) As used in the section the following words shall have the following meanings:

5 "Commodity", goods, services, materials, merchandise, supplies, equipment, resources,
6 or other articles of commerce, including, but not limited to: food, water, ice, chemicals,
7 petroleum products, and lumber essential for consumption or use as a direct result of a declared
8 state of emergency.

9 "Dwelling unit", shall include a single and multi-family home, apartment or
10 condominium unit, motel or hotel unit or other temporary lodging.

11 "Unconscionable price", an amount charged which represents a gross disparity between
12 the price of the commodity or rental or lease of a dwelling unit or self-storage facility that is the
13 subject of an offer or transaction, and the average price at which that commodity, dwelling unit,
14 or self-storage facility was rented, leased, sold, or offered for rent or sale in the usual course of
15 business during the 30 days immediately preceding a declaration of a state of emergency or

16 grossly exceeds the average price at which the same or similar commodity, dwelling unit or self-
17 storage facility was readily obtainable in the trade area during the 30 days immediately preceding
18 a declaration of a state of emergency. Such price shall not include a price during that period set
19 as a result of a bona fide manufacturer's or suppliers limited discount or rebate; provided
20 however that the increase in the amount charged is not the result of regional, national, or
21 international market trends, or is attributable to additional costs in connection with the disaster,
22 including replacement costs imposed by the vendor's source.

23 (b) Notwithstanding the provisions of section 9H of chapter 23, whenever the Governor
24 shall determine that an emergency exists in respect to food or fuel or any other common
25 necessity of life, including the providing of shelter, it shall be a violation of this section for a
26 person or his agent or employee to rent or sell or offer to rent or sell a commodity or dwelling
27 unit at an unconscionable price within the area for which the state of emergency is declared. This
28 prohibition remains in effect until the declaration expires or is terminated.

29 Upon a declaration of a state of disaster by the President, in which the disaster area
30 includes all or a portion of the commonwealth, it shall be a violation of this section for a person
31 or his agent or employee in this state to rent or sell or offer to rent or sell a commodity or
32 dwelling unit at an unconscionable price within the area for which the state of disaster is
33 declared. This prohibition remains in effect until ten days after the declaration expires or is
34 terminated.

35 (c) A price increase approved by an appropriate government agency is not a violation of
36 this section.

37 (d) A violation of this section shall be punished by a fine of not more than \$5,000.