

1996 Alabama Laws Act 96-171 (H.B. 159)

ALABAMA 1996 SESSION LAW SERVICE

1996 REGULAR SESSION

Additions and deletions are not identified in this document.

Act 96-171

H.B. No. 159

EMERGENCIES AND NATURAL DISASTERS—UNCONSCIONABLE PRICING

Enrolled, An Act, To prevent unconscionable pricing during periods in which the state or any part thereof is under a declared state of emergency, due to a natural disaster; to define unconscionable pricing; and to make it unlawful and an unfair trade practice for any person or his or her employee to rent, sell, or offer to rent or sell in this state during a declared state of emergency a commodity at an unconscionable price.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the “Alabama Unconscionable Pricing Act.”

Section 2. As used in this act, the following words and phrases have the following meanings unless a different meaning is required by the context:

(1) **COMMODITY.** Any goods, services, materials, merchandise, supplies, equipment, resources, or other articles of commerce, and includes, without limitation, food, water, ice, chemicals, petroleum products, and lumber necessary for consumption or use as a direct result of the emergency.

(2) **PERSON.** Shall include, but not be limited to, natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity.

(3) **RENTAL FACILITY.** Shall include, but not be limited to, any hotel, motel, boarding house, dwelling house, and self storage facility offered for rent or lease.

Section 3. It is unlawful and a violation of Section 8-19-5, Code of Alabama 1975, for any person to impose unconscionable prices for the sale or rental of any commodity or rental facility during the period of a declared state of emergency.

Section 4. It is prima facie evidence that a price is unconscionable if any person, during a state of emergency declared due to natural causes pursuant to the powers granted to the Governor in Section 31-9-8, Code of Alabama 1975, charges a price that exceeds, by an amount equal to or in excess of twenty-five percent the average price at which the same or similar commodity or rental facility was obtainable in the affected emergency area during the last 30 days immediately prior to the declared state of emergency; and the increase in the price charged is not attributable to reasonable costs incurred in connection with the rental or sale of the commodity.

Section 5. (a) Upon an entry of judgement or decree for a violation of this act, the court shall impose a civil penalty not to exceed one thousand dollars (\$1,000) per violation with an aggregate total not to exceed twenty-five thousand dollars (\$25,000) for any 24-hour period.

(b) All penalties collected under this act shall be remitted by the circuit court to the State Treasurer and shall be credited to the account of either the office of the Attorney General or the office of the district attorney whichever initiated the action resulting in the imposition of such penalties.

(c) Upon a showing to the court by the office of the Attorney General or the office of the district attorney that a person has engaged in continuous and willful violations of this act, the court may suspend or revoke any license or certificate

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authorizing that person to engage in business in this state or the court may enjoin any person from engaging in business in this state.

Section 6. Nothing in this act creates a private cause of action in favor of any person damaged by a violation of this act.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 12, 1996.

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