

ENROLLED SENATE
BILL NO. 69

By: Fisher, Brown and Capps of
the Senate

and

Tyler, Glover, Case,
Greenwood and Coleman of
the House

An Act relating to consumer protection; creating Emergency Price Stabilization Act; providing short title; defining terms; providing for circumstances and period of applicability; stating period of limitations; prohibiting certain actions by persons during period of emergency in emergency area and providing exceptions; making violations of act violations of Oklahoma Consumer Protection Act; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 776.1 of Title 15, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Emergency Price Stabilization Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 776.2 of Title 15, unless there is created a duplication in numbering, reads as follows:

As used in the Emergency Price Stabilization Act:

1. "Dwelling unit" means any structure or part of a structure which is used as a home, residence, or sleeping place by one or more persons and includes, but is not limited to, lodging establishments, hotels, motels, boarding houses, inns, single-family residences, duplexes, and apartments;

2. "Emergency" means any occasion or instance including, but not limited to, any natural disaster such as a tornado, storm, high water, earthquake, landslide, mudslide, snowstorm, or drought, and regardless of cause, any fire, flood, or explosion, determined by the Governor of this state or by the President of the United States to require extraordinary measures to save lives, to protect property, or to promote public health and safety, or to lessen or avert the threat of a catastrophe. "Emergency" includes a civil

defense or disaster emergency as defined by the Oklahoma Civil Defense and Emergency Resources Management Act of 1967 and any emergency or major disaster as defined by any federal disaster relief act;

3. "Emergency area" means the county or counties affected by an emergency, any county or part of a county specifically identified in a declaration of emergency issued by the Governor of this state or by the President of the United States, and all counties contiguous with the affected county;

4. "Goods" means all things which are movable at the time of sale, rental, or lease other than the money with which the price is to be paid and includes any services which are incidental to the sale of the goods; and

5. "Services" means any duty or labor to be rendered by one person to another and includes any goods which are incidental to the performance of the service. "Services" also includes, but is not limited to:

- a. the sale of utilities including, but not limited to, electricity, natural gas, telecommunications, and cable television,
- b. the sale, rental, or lease of transportation, freight, carriage, moving, and storage, and
- c. the rental or lease of vehicles, trailers, and other equipment.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 776.3 of Title 15, unless there is created a duplication in numbering, reads as follows:

An action to enforce the provisions of this act may be filed at any time within one (1) year following the expiration or termination of a declaration of emergency or any modifications or extensions thereof.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 776.4 of Title 15, unless there is created a duplication in numbering, reads as follows:

A. No person for the duration of a declaration of emergency by the Governor of this state or by the President of the United States and for thirty (30) days thereafter shall sell, rent, or lease, or offer to sell, rent, or lease, for delivery in the emergency area, any goods, services, dwelling units, or storage space in the emergency area at a rate or price which is more than ten percent (10%) above the rate or price charged by the person for the same or similar goods, services, dwelling units, or storage spaces immediately prior to the declaration of emergency unless the increase in the rate or price is attributable only to factors unrelated to the emergency and does not include any increase in profit to the seller or owner.

B. Upon the expiration of the period described in subsection A of this section and for one hundred eighty (180) days thereafter, no person shall, within the emergency area, rent or lease or offer to rent or lease any dwelling unit or storage space or sell or offer to sell goods for use within the emergency area to repair, restore, remodel, or construct any dwelling unit for a price of more than ten percent (10%) above the price charged by that person for the dwelling unit, storage space, or goods immediately prior to the declaration of emergency unless the increase in the price is attributable to factors unrelated to the emergency and does not include any increase in profit to the seller or owner.

C. A rate or price increase approved by the appropriate governmental agency is not a violation of this act.

D. This section shall not apply to growers, producers, or processors of raw or processed food products, except for retail sales of such products to a consumer.

E. This section shall not apply to sales, rentals, or leases of goods from a catalog when the catalog is made available in the normal course of business both prior to and after the declaration of emergency to all persons regardless of location in the emergency area.

F. This section shall not apply to advertised rates and prices which are subject to a published expiration date within or immediately prior to the declaration of emergency.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 776.5 of Title 15, unless there is created a duplication in numbering, reads as follows:

Any violation of the provisions of this act is a violation of the Oklahoma Consumer Protection Act.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 11th day of May, 1999.

President of the Senate

Passed the House of Representatives the 11th day of May, 1999.

Speaker of the House of Representatives