

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representative Hutchinson and Goodwin**

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For An Act To Be Entitled

8 "AN ACT TO MAKE IT UNLAWFUL TO SELL CONSUMER GOODS AT AN
9 UNCONSCIONABLY EXCESSIVE PRICE DURING A STATE OF
10 EMERGENCY; AND FOR OTHER PURPOSES."

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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. For the purposes of this act:

15 (1) "Consumer goods and services" means those used or bought primarily
16 for personal, family, or household purposes.

17 (2) "State of emergency" means the proclaimed existence by the Governor
18 of conditions existing within the territorial limits of the State, a county or
19 municipality which jeopardize the public peace, health, and safety of the
20 citizens of Arkansas that call for immediate actions; i.e., air or water
21 pollution, fire, flood, storm, epidemic, earthquake, resource shortages,
22 failure or shortage of electric power or other source of energy, strike, civil
23 disorder, war, or other natural or man-made conditions.

24 (3) "Unconscionably excessive price" means:

25 (A) the amount charged represents a gross disparity between the
26 price of the goods or services which were the subject of the transaction and
27 their value measured by the price at which such consumer goods or services
28 were sold or offered for sale by the person in the usual course of business
29 immediately prior to the onset of the abnormal disruption of the market; or

30 (B) the amount charged grossly exceeded the price at which the
31 same or similar goods or services were readily obtainable by other consumers
32 in the trade area; and

33 (C) the amount charged by the person was not attributable to
34 additional costs imposed by suppliers.

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1 SECTION 2. Whenever a state of emergency is declared to exist in this
2 State, it shall be unlawful for any person within the designated emergency
3 area to sell or offer to sell any consumer goods or services for an
4 unconscionably excessive price.

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6 SECTION 3. Selling or offering to sell consumer goods for an
7 unconscionably excessive price during a state of emergency within the
8 designated emergency area is a Class A misdemeanor.

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10 SECTION 4. All provisions of this act of a general and permanent nature
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
12 Revision Commission shall incorporate the same in the Code.

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14 SECTION 5. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

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20 SECTION 6. All laws and parts of laws in conflict with this act are
21 hereby repealed.

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