AN ACT Relating to economic acts and practices during a time of disaster; adding a new section to chapter 19.86 RCW; prescribing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 19.86 RCW to read as follows:

(1)(a) During a time of disaster, it is unlawful for a person to sell or offer to sell any consumer food items or goods; goods or services used for emergency cleanup, emergency supplies, medical supplies, home heating oil, building materials, housing, transportation, freight, and storage services; or gasoline or other motor fuels for a price of more than ten percent greater than the price charged by that person for those goods or services immediately prior to the proclamation or declaration of an emergency.

(b) Except as provided in (a) of this subsection, a greater price increase is not unlawful if that person can prove that the increase in price was directly attributable to additional costs imposed on the person by the supplier of the goods, or directly attributable to additional costs for labor or materials used to provide the goods or services, during the time of disaster, and the price is no more than ten percent greater than the total of the cost to the person plus the
markup customarily applied by the person for that good or service in
the usual course of business immediately prior to the onset of the
time of disaster.

(2) A business offering an item for sale at a reduced price
immediately prior to the proclamation or declaration of the emergency
may use the price at which it usually sells the item to calculate the
price pursuant to subsection (1) of this section.

(3) In the case of a violation of this section committed against
a protected consumer, in addition to any civil penalty otherwise
provided by law, the court may impose an additional civil penalty not
to exceed ten thousand dollars for each violation.

(4) For the purposes of this section:

(a) "Building materials" means lumber, construction tools,
    windows, and anything else used in the building or rebuilding of
    property.

(b) "Consumer food item" means any article that is used or
    intended for use for food, drink, confection, or condiment by a
    person or animal.

(c) "Emergency supplies" includes, but is not limited to, water,
    flashlights, radios, batteries, candles, blankets, soaps, diapers,
    temporary shelters, tape, toiletries, plywood, nails, and hammers.

(d) "Gasoline" means any fuel used to power any motor vehicle or
    power tool.

(e) "Goods" means tangible chattels bought for use primarily for
    personal, family, or household purposes, including certificates or
    coupons exchangeable for these goods, and including goods that, at
    the time of the sale or subsequently, are to be so affixed to real
    property as to become a part of the real property, whether or not
    severable therefrom, but does not include any vehicle registered
    under Title 46 RCW.

(f) "Medical supplies" includes, but is not limited to,
    prescription and nonprescription medications, bandages, gauze,
    isopropyl alcohol, and antibacterial products.

(g) "Protected consumer" means an individual who is at least
    sixty years of age, a vulnerable adult as defined in RCW 74.34.020,
    or an individual with a disability.

(h) "State of emergency" means a natural or human-made emergency
    resulting from an earthquake, flood, fire, riot, storm, drought,
    plant or animal infestation, or disease, or other natural or human-
made disaster for which a state of emergency has been declared by the
president of the United States or the governor.

(i) "Time of disaster" means the period of time when a
declaration of a state of emergency by the president of the United
States or the governor is in effect, or thirty days after the
occurrence of the event that constitutes the disaster, whichever is
longer.

(j) "Transportation, freight, and storage services" means any
service that is performed by any company that contracts to move,
store, or transport personal or business property, or that rents
equipment for those purposes, including towing services.

(5) This section does not preempt any local ordinance prohibiting
the same or similar conduct, or imposing a more severe penalty for
the same conduct prohibited by this section.

(6) Any violation of this section shall also constitute a
violation of RCW 19.86.020.

NEW SECTION. Sec. 2. This act is necessary for the immediate
preservation of the public peace, health, or safety, or support of
the state government and its existing public institutions, and takes
effect immediately.

--- END ---