



Sen. Suzy Glowiak Hilton

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LRB104 10202 SPS 24697 a

1 AMENDMENT TO SENATE BILL 1932

2 AMENDMENT NO. _____. Amend Senate Bill 1932 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by adding Section 2HHHH as follows:

6 (815 ILCS 505/2HHHH new)

7 Sec. 2HHHH. Price gouging during a disaster.

8 (a) As used in this Section:

9 "Building materials" means lumber, construction tools,
10 windows, and anything else used in the building or rebuilding
11 of property.

12 "Consumer food item or good" means any article that is
13 used or intended for use as food, drink, confection, or
14 condiment by a person or animal.

15 "Emergency supplies" includes, but is not limited to,
16 water, flashlights, radios, batteries, candles, blankets,

1 soaps, diapers, temporary shelters, tape, toiletries, plywood,
2 nails, and hammers.

3 "Goods" means tangible chattels bought for use primarily
4 for personal, family, or household purposes.

5 "Medical supplies" includes, but is not limited to,
6 prescription and nonprescription medications, bandages, gauze,
7 isopropyl alcohol, masks, and antibacterial products.

8 "Repair or reconstruction services" means services
9 performed by any person for repairs to residential or
10 commercial property, of any type, that is damaged as a result
11 of a disaster.

12 "Transportation, freight, or storage services" means
13 services performed by any company that contracts to move,
14 store, or transport personal or business property or that
15 rents equipment for those purposes, including towing services.

16 (b) It is an unlawful practice within the meaning of this
17 Act, for a period of 45 days after a disaster is declared by
18 the President of the United States or the Governor or during
19 the continuation period of the disaster if the period is
20 extended by the President of the United States or the
21 Governor, for any person to sell or offer to sell to a
22 consumer, for an unconscionably high price, in the designated
23 disaster area any consumer food items or goods; goods or
24 services used for emergency cleanup or response; emergency
25 supplies; medical supplies; cleaning supplies; building
26 materials; housing; lodging; transportation, freight, or

1 storage services; repair or reconstruction services; or any
2 other necessity.

3 (c) For the purposes of this Section, a price is
4 unconscionably high if:

5 (1) the amount charged represents a gross disparity
6 between the price of the good or service; and

7 (A) the price at which the same good or service was
8 sold or offered for sale by the person in the usual
9 course of business immediately before the disaster
10 declaration; or

11 (B) if the person did not sell or offer for sale
12 the goods or services immediately before the disaster
13 declaration, the price at which similar goods or
14 services were offered for sale or sold by a similarly
15 situated person in the usual course of business
16 immediately before the disaster declaration; and

17 (2) the disparity is not directly attributable to
18 increased prices charged by suppliers, additional costs
19 for labor or materials to provide the good or service, or
20 other increased costs not within the control of the
21 person.

22 (d) For purposes of this Section, a price is not
23 unconscionably high if:

24 (1) the increase in price is directly attributable to
25 additional costs imposed on the person by the supplier of
26 the goods or directly attributable to additional costs for

1 labor or materials used to provide the services during the
2 declared disaster; or

3 (2) if a good or service was offered at a reduced price
4 by the person before the declared disaster, the price is
5 the same as the price the person normally charges for the
6 good or service.

7 (e) There is a rebuttable presumption that a price
8 increase of 20% or more constitutes an unconscionably high
9 price if it is not attributable to additional costs imposed on
10 the person by the supplier of the goods or directly
11 attributable to additional costs for labor or materials used
12 to provide the services during the declared disaster.

13 (f) This Section does not apply to the sale of petroleum
14 products as defined in 14 Ill. Adm. Code 465."