

HOUSE BILL NO. HB0148

Profiteering legislation.

Sponsored by: Representative(s) Huckfeldt and Shivler and
Senator(s) Job and Roberts

A BILL

for

1 AN ACT relating to trade and commerce; making profiteering
2 an unlawful deceptive trade practice; specifying elements
3 of profiteering; providing criminal penalty; and providing
4 for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 40-12-115 is created to read:

9

10 **40-12-115. Profiteering.**

11

12 (a) Upon a declared state of emergency and for a
13 period of thirty (30) days following that declaration, it
14 is unlawful for any person to make an unreasonable profit
15 on essential consumer goods and services. As used in this
16 section:

1

2 (i) "Declared state of emergency" means a
3 proclamation by the President of the United States, the
4 governor, or the governing body of any city, town or county
5 in Wyoming declaring a state of emergency due to a natural
6 or man-made disaster or emergency;

7

8 (ii) "Essential consumer goods and services"
9 means merchandise that is or will soon be in short supply,
10 including food, water, flashlights, radios, batteries,
11 candles, blankets, soap, diapers, temporary shelters, tape,
12 toiletries, plywood, nails, hammers, medical supplies and
13 gasoline;

14

15 (iii) "Unreasonable profit" means a monetary
16 gain realized by an excessive and unjustified price
17 increase in a consumer transaction when a price:

18

19 (A) Is more than ten percent (10%) above
20 the price charged by that person for the merchandise
21 immediately prior to the declared state of emergency; and

22

23 (B) Cannot be proven to be directly
24 attributable to additional costs imposed on the person by

1 the supplier of the goods or directly attributable to
2 additional costs for labor or materials used to provide the
3 services, provided that if the price is directly
4 attributable to additional costs imposed by the person's
5 supplier, the price represents no more than ten percent
6 (10%) above the total cost to the person plus the markup
7 customarily applied by the person for that good or service
8 in the usual course of business immediately prior to the
9 onset of the declared state of emergency.

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11 (b) Any person who violates this section shall be
12 guilty of a misdemeanor punishable by imprisonment for not
13 more than six (6) months, a fine of not more than seven
14 hundred fifty dollars (\$750.00), or both, for each offense.
15 Each violation and each day on which the violation occurs
16 or continues shall be a separate offense.

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18 **Section 2.** W.S. 40-12-102(a)(x) and 40-12-105(a) by
19 creating a new paragraph (xvi) are amended to read:

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21 **40-12-102. Definitions.**

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23 (a) As used in this act:
24

1 (x) "This act" means W.S. 40-12-101 through
2 ~~40-12-114~~ 40-12-115.

3

4 **40-12-105. Unlawful practices.**

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6 (a) A person engages in a deceptive trade practice
7 unlawful under this act when, in the course of his business
8 and in connection with a consumer transaction, he
9 knowingly:

10

11 (xvi) Engages in profiteering defined by W.S.
12 40-12-115.

13

14 **Section 3.** This act is effective July 1, 2002.

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16

(END)