
DIGEST

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Harris

HB No. 310

Abstract: Provides for the burden of proof and requirements for increasing prices charged or value received for goods and services sold during a state of emergency.

Present law authorizes certain local officials to request the governor to proclaim a state of emergency during times of public emergency for all or parts of a municipality or parish and further provides that the proclamation authorizes the chief law enforcement officer to promulgate orders affecting any part or all of the municipality or parish.

Present law authorizes the chief law enforcement officer to prohibit the prices charged or value received for goods and services sold during a declared state of emergency to exceed the prices ordinarily charged for comparable goods and services immediately before the time of the state of emergency unless the price is attributable to fluctuations in applicable commodity markets or regional or national market trends or the reasonable expenses and charges incurred in procuring or selling the goods or services during the state of emergency.

Proposed law retains present law except that the seller must prove by clear and convincing evidence that the price charged or value received is attributable to the seller's cost of replacing the goods or increase in the expenses incurred in procuring or selling the goods and services during the state of emergency.

Present law prohibits the prices charged or value received for goods and services sold during a declared state of emergency by the governor or parish president to exceed the prices ordinarily charged for comparable goods and services immediately before the time of the state of emergency unless the price is attributable to fluctuations in applicable commodity markets or regional or national market trends or the reasonable expenses and charges incurred in procuring or selling the goods or services during the state of emergency.

Proposed law prohibits the prices charged or value received for goods and services sold during a declared state of emergency by the governor or parish president to exceed the prices ordinarily charged for comparable goods and services immediately before the time of the state of emergency unless the seller demonstrates by clear and convincing evidence that the price charged or value received is attributable to the seller's cost of replacing the goods or the increase in expenses, charges, and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

(Amends R.S. 14:329.6(A)(9) and R.S. 29:732(A))

