

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1904

By: Schreiber

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10 COMMITTEE SUBSTITUTE

11 An Act relating to consumer protection; amending 15
12 O.S. 2021, Section 777.4, which relates to Emergency
13 Price Stabilization Act exceptions; modifying
14 exemption; defining term; exempting price increases
 in certain instances; exempting resale of goods in
 certain circumstances; and providing an effective
 date.

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19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 15 O.S. 2021, Section 777.4, is
21 amended to read as follows:

22 Section 777.4 A. No person for the duration of a declaration
23 of emergency by the Governor of this state or by the President of
24 the United States and for thirty (30) days thereafter shall sell,

1 rent, or lease, or offer to sell, rent, or lease, for delivery in
2 the emergency area, any goods, services, dwelling units, or storage
3 space in the emergency area at a rate or price which is more than
4 ten percent (10%) above the rate or price charged by the person for
5 the same or similar goods, services, dwelling units, or storage
6 spaces immediately prior to the declaration of emergency unless the
7 increase in the rate or price is attributable to:

8 1. ~~To price~~ Price increases in applicable ~~regional, national or~~
9 ~~international~~ petroleum and natural gas or other commodity markets;
10 or

11 2. ~~Only to factors~~ Factors unrelated to the emergency and does
12 not include any increase in profit to the seller or owner.

13 As used in this section, the term "commodity markets" shall
14 refer to marketplaces for buying, selling, or trading raw materials,
15 products, or resources, including, but not limited to, petroleum and
16 natural gas products, raw or processed food products, and natural
17 resources.

18 B. Upon the expiration of the period described in subsection A
19 of this section and for one hundred eighty (180) days thereafter, no
20 person shall, within the emergency area, rent or lease or offer to
21 rent or lease any dwelling unit or storage space or sell or offer to
22 sell goods for use within the emergency area to repair, restore,
23 remodel, or construct any dwelling unit for a price of more than ten
24 percent (10%) above the price charged by that person for the

1 dwelling unit, storage space, or goods immediately prior to the
2 declaration of emergency unless the increase in the price is
3 attributable to:

4 1. Price increases in ~~applicable regional, national, or~~
5 ~~international~~ petroleum and natural gas or other commodity markets;
6 or

7 2. Factors unrelated to the emergency and does not include any
8 increase in profit to the seller or owner.

9 C. A rate or price increase approved by the appropriate
10 governmental agency is not a violation of this act.

11 D. This section shall not apply to growers, producers, or
12 processors of raw or processed food products, except for retail
13 sales of such products to a consumer.

14 E. This section shall not apply to sales, rentals, or leases of
15 goods from a catalog when the catalog is made available in the
16 normal course of business both prior to and after the declaration of
17 emergency to all persons regardless of location in the emergency
18 area.

19 F. This section shall not apply to advertised rates and prices
20 which are subject to a published expiration date within or
21 immediately prior to the declaration of emergency.

22 G. This section shall not apply to the resale of goods, as long
23 as the price increase of the goods for resale is not more than ten
24 percent (10%) above the acquisition cost of the goods for resale.

1 SECTION 2. This act shall become effective November 1, 2023.

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3 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
4 02/23/2023 - DO PASS, As Amended.

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