

REFERENCE TITLE: emergencies; price regulations; unlawful practices

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2283

Introduced by

Representatives Aguilar: Abeytia, Austin, Contreras P, Crews, Liguori,
Sandoval, Simacek, Stahl Hamilton, Villegas; Senators Epstein, Fernandez,
Ortiz, Sundareshan

AN ACT

AMENDING TITLE 44, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 27; AMENDING TITLE 44, CHAPTER 10, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 44-1535; RELATING TO COMMERCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 9, Arizona Revised Statutes, is
3 amended by adding article 27, to read:

4 ARTICLE 27. PRICE REGULATIONS

5 44-1383. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "BUILDING MATERIALS" MEANS LUMBER, CONSTRUCTION TOOLS, WINDOWS
8 AND ANYTHING ELSE USED IN THE BUILDING OR REBUILDING OF PROPERTY.

9 2. "CONSUMER FOOD ITEMS" MEANS ANY ITEM THAT IS USED OR INTENDED TO
10 BE USED BY A PERSON OR ANIMAL FOR FOOD, DRINK, CONFECTION OR CONDIMENT.

11 3. "EMERGENCY SUPPLIES" INCLUDES WATER, FLASHLIGHTS, RADIOS,
12 BATTERIES, CANDLES, BLANKETS, SOAPS, DIAPERS, TEMPORARY SHELTERS, TAPE,
13 TOILET PAPER, TISSUES, PAPER TOWELS, TOILETRIES, PLYWOOD, NAILS AND
14 HAMMERS.

15 4. "GASOLINE" MEANS ANY FUEL USED TO POWER ANY MOTOR VEHICLE OR
16 POWER TOOL.

17 5. "LOCAL EMERGENCY" MEANS A NATURAL OR MAN-MADE EMERGENCY
18 RESULTING FROM AN EARTHQUAKE, FLOOD, FIRE, RIOT, STORM, DROUGHT, EPIDEMIC,
19 PLANT OR ANIMAL INFESTATION OR DISEASE OR OTHER NATURAL OR MAN-MADE
20 DISASTER FOR WHICH A LOCAL EMERGENCY HAS BEEN DECLARED BY A LOCAL
21 AUTHORITY.

22 6. "MEDICAL SUPPLIES" INCLUDES PRESCRIPTION AND NONPRESCRIPTION
23 MEDICATIONS, BANDAGES, GAUZE, ISOPROPYL ALCOHOL AND ANTIBACTERIAL
24 PRODUCTS.

25 7. "REPAIR OR RECONSTRUCTION SERVICES" MEANS SERVICES PERFORMED BY
26 ANY PERSON WHO IS REQUIRED TO BE LICENSED AS A CONTRACTOR UNDER TITLE 32,
27 CHAPTER 10 FOR REPAIRS TO RESIDENTIAL OR COMMERCIAL PROPERTY OF ANY TYPE
28 THAT IS DAMAGED AS A RESULT OF A DISASTER.

29 8. "STATE OF EMERGENCY" MEANS A NATURAL OR MAN-MADE EMERGENCY
30 RESULTING FROM AN EARTHQUAKE, FLOOD, FIRE, RIOT, STORM, DROUGHT, EPIDEMIC,
31 PLANT OR ANIMAL INFESTATION OR DISEASE OR OTHER NATURAL OR MAN-MADE
32 DISASTER FOR WHICH A STATE OF EMERGENCY HAS BEEN DECLARED BY THE PRESIDENT
33 OF THE UNITED STATES OR THE GOVERNOR.

34 9. "TRANSPORTATION, FREIGHT AND STORAGE SERVICES" MEANS ANY SERVICE
35 THAT IS PERFORMED BY ANY COMPANY THAT CONTRACTS TO MOVE, STORE OR
36 TRANSPORT PERSONAL OR BUSINESS PROPERTY OR THAT RENTS EQUIPMENT FOR THOSE
37 PURPOSES, INCLUDING TOWING SERVICES.

38 44-1383.01. Emergency periods; excess pricing; prohibition

39 A. DURING A STATE OF EMERGENCY OR LOCAL EMERGENCY, AND FOR A PERIOD
40 OF THIRTY DAYS AFTER THE END OF THAT EMERGENCY PERIOD, IT IS UNLAWFUL FOR
41 A PERSON TO SELL OR OFFER TO SELL ANY BUILDING MATERIALS, CONSUMER FOOD
42 ITEMS, EMERGENCY SUPPLIES, GASOLINE, HOME HEATING OIL, MEDICAL SUPPLIES,
43 REPAIR OR RECONSTRUCTION SERVICES OR TRANSPORTATION, FREIGHT AND STORAGE
44 SERVICES FOR A PRICE THAT IS MORE THAN TEN PERCENT ABOVE THE PRICE THAT
45 WAS CHARGED BY THAT PERSON FOR THOSE GOODS OR SERVICES IMMEDIATELY BEFORE

1 THE DECLARATION OF EMERGENCY. IF A PERSON DID NOT SELL THE GOODS OR
 2 SERVICES IMMEDIATELY BEFORE THE DECLARATION OF THE EMERGENCY, THE PRICE
 3 MAY NOT BE MORE THAN TEN PERCENT ABOVE THE AVERAGE PRICE THAT WAS CHARGED
 4 IN THAT COUNTY IMMEDIATELY BEFORE THE DECLARATION OF EMERGENCY EXCEPT THAT
 5 A GREATER PRICE INCREASE IS ALLOWED IF THE SELLER CAN PROVE THAT THE
 6 INCREASE IN PRICE WAS DIRECTLY ATTRIBUTABLE TO ADDITIONAL COSTS IMPOSED ON
 7 THE SELLER BY THE SUPPLIER OF THE GOODS OR DIRECTLY ATTRIBUTABLE TO
 8 ADDITIONAL COSTS FOR LABOR OR MATERIALS USED TO PROVIDE THE SERVICES IF
 9 THE PRICE IS NOT MORE THAN TEN PERCENT ABOVE THE TOTAL OF THE COST TO THE
 10 SELLER PLUS THE MARKUP CUSTOMARILY APPLIED BY THE SELLER FOR THAT GOOD OR
 11 SERVICE IN THE USUAL COURSE OF BUSINESS IMMEDIATELY BEFORE THE ONSET OF
 12 THE STATE OF EMERGENCY OR LOCAL EMERGENCY.

13 B. DURING A STATE OF EMERGENCY OR LOCAL EMERGENCY, AND FOR A PERIOD
 14 OF THIRTY DAYS AFTER THE END OF THAT EMERGENCY PERIOD, IT IS UNLAWFUL FOR
 15 AN OWNER OR OPERATOR OF A HOTEL, MOTEL OR OTHER ROOM-RENTING SERVICE TO
 16 INCREASE THE REGULAR RATES, AS ADVERTISED IMMEDIATELY BEFORE THE
 17 DECLARATION OF EMERGENCY, BY MORE THAN TEN PERCENT EXCEPT THAT A GREATER
 18 PRICE INCREASE IS ALLOWED IF THE OWNER OR OPERATOR CAN PROVE THAT THE
 19 INCREASE IN PRICE IS DIRECTLY ATTRIBUTABLE TO ADDITIONAL COSTS IMPOSED ON
 20 THE OWNER OR OPERATOR FOR GOODS OR LABOR USED IN ITS BUSINESS, TO SEASONAL
 21 ADJUSTMENTS IN RATES THAT ARE REGULARLY SCHEDULED OR TO PREVIOUSLY
 22 CONTRACTED RATES.

23 C. IF DEEMED NECESSARY TO PROTECT THE LIVES, PROPERTY OR WELFARE OF
 24 CITIZENS, THE GOVERNOR, THE LEGISLATURE OR A LOCAL AUTHORITY MAY APPLY
 25 SUBSECTIONS A AND B OF THIS SECTION FOR ADDITIONAL THIRTY-DAY PERIODS AS
 26 NEEDED.

27 D. A BUSINESS THAT OFFERS AN ITEM FOR SALE AT A REDUCED PRICE
 28 IMMEDIATELY BEFORE THE DECLARATION OF EMERGENCY MAY USE THE PRICE AT WHICH
 29 IT USUALLY SELLS THE ITEM TO CALCULATE THE PRICE REQUIREMENT'S PRESCRIBED
 30 IN THIS SECTION.

31 44-1383.02. Violation: unlawful acts or practices: civil
 32 penalty: right of action

33 A. A VIOLATION OF THIS ARTICLE IS AN UNLAWFUL ACT OR PRACTICE
 34 PURSUANT TO SECTION 44-1522 AND IS SUBJECT TO A CIVIL PENALTY OF UP TO
 35 \$10,000 FOR EACH VIOLATION. THE ATTORNEY GENERAL MAY INVESTIGATE THE
 36 UNLAWFUL ACT OR PRACTICE AND TAKE APPROPRIATE ACTION PURSUANT TO CHAPTER
 37 10, ARTICLE 7 OF THIS TITLE.

38 B. A PERSON WHO LOSES MONIES OR PROPERTY DUE TO A VIOLATION OF THIS
 39 ARTICLE HAS A RIGHT OF ACTION. IN AN ACTION UNDER THIS SECTION, THE
 40 COURT, IN ADDITION TO ANY OTHER APPROPRIATE LEGAL OR EQUITABLE RELIEF,
 41 SHALL AWARD THREEFOLD THE DAMAGES SUSTAINED BY THE PERSON. THE COURT
 42 SHALL ALSO AWARD REASONABLE ATTORNEY FEES, FILING FEES AND REASONABLE
 43 COURT COSTS.

1 Sec. 2. Title 44, chapter 10, article 7, Arizona Revised Statutes,
2 is amended by adding section 44-1535, to read:

3 44-1535. Goods and services; pricing; unlawful practice;
4 attorney general powers; civil penalty; definition

5 A. A PERSON THAT ADVERTISES, DISPLAYS OR OFFERS A PRICE FOR GOODS
6 OR SERVICES IN THIS STATE SHALL:

7 1. INCLUDE ALL MANDATORY FEES OR CHARGES IN THE PRICE.

8 2. DESCRIBE A CLEAR PROCESS ON A RECEIPT AFTER PURCHASE RELATING TO
9 REFUNDS, INCLUDING WHETHER THE TOTAL AMOUNT PAID MAY BE REFUNDED AND THE
10 TIME FRAME FOR A REFUND.

11 B. FAILURE TO COMPLY WITH THIS SECTION IS AN UNLAWFUL PRACTICE
12 PURSUANT TO SECTION 44-1522. THE ATTORNEY GENERAL MAY INVESTIGATE AND
13 TAKE APPROPRIATE ACTION AS PRESCRIBED BY THIS ARTICLE, INCLUDING SEEKING A
14 TEMPORARY OR PERMANENT INJUNCTION TO CEASE THE UNLAWFUL PRACTICE. A
15 PERSON THAT VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF NOT
16 MORE THAN \$5,000.

17 C. FOR THE PURPOSES OF THIS SECTION, "MANDATORY FEES OR CHARGES":

18 1. INCLUDES A FEE OR SURCHARGE TO WHICH ANY OF THE FOLLOWING
19 APPLIES:

20 (a) THAT MUST BE PAID TO PURCHASE THE ADVERTISED GOOD OR SERVICE.

21 (b) THAT IS NOT REASONABLY AVOIDABLE.

22 (c) FOR ANY GOOD OR SERVICE THAT A REASONABLE CONSUMER WOULD EXPECT
23 TO BE INCLUDED WITH THE PURCHASE OF THE ADVERTISED GOOD OR SERVICE.

24 2. DOES NOT INCLUDE TAXES IMPOSED BY THE GOVERNMENT.