

By: Representative Franks

To: Conservation and Water Resources

HOUSE BILL NO. 1309

1 AN ACT TO AMEND SECTION 75-24-25, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE PRICE RESTRICTION FOR GOODS AND SERVICES  
3 DURING EMERGENCIES SHALL APPLY STATEWIDE; AND FOR RELATED  
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 75-24-25, Mississippi Code of 1972, is  
7 amended as follows:

8 75-24-25. (1) For the purposes of this section, the  
9 following terms shall have the meanings herein ascribed:

10 (a) "Person" means a natural person, corporation,  
11 trust, partnership, incorporated or unincorporated association, or  
12 any other legal entity.

13 (b) "State of emergency" means the duly proclaimed  
14 existence of conditions of disaster or extreme peril to the safety  
15 of persons or property within the state caused by air or water  
16 pollution, fire, flood, storm, epidemic, earthquake, hurricane,  
17 resource shortages or other natural or man-made conditions other  
18 than conditions causing a "state of war emergency," which  
19 conditions by reasons of their magnitude are or are likely to be  
20 beyond the control of the services, personnel, equipment and  
21 facilities of any single county and/or municipality and require  
22 combined forces of the state to combat.

23 (c) "Local emergency" means the duly proclaimed  
24 existence of conditions of disaster or extreme peril to the safety  
25 of persons and property within the territorial limits of a county  
26 and/or municipality caused by such conditions as air or water  
27 pollution, fire, flood, storm, epidemic, earthquake, hurricane,  
28 resource shortages or other natural or man-made conditions, which

29 conditions are or are likely to be beyond the control of the  
30 services, personnel, equipment and facilities of the political  
31 subdivision and require the combined forces of other subdivisions  
32 or of the state to combat.

33 (d) "Value received" means the consideration or payment  
34 given for the purchase of goods and services.

35 (2) Whenever, under the Mississippi Emergency Management  
36 Law, Sections 33-15-1 through 33-15-49, a state of emergency or a  
37 local emergency is declared to exist in this state, then the value  
38 received for all goods and services sold within the state shall  
39 not exceed the prices ordinarily charged for comparable goods or  
40 services in the same market area at or immediately before the  
41 declaration of a state of emergency or local emergency. However,  
42 the value received may include: any expenses, the cost of the  
43 goods and services which are necessarily incurred in procuring  
44 such goods and services during a state of emergency or local  
45 emergency. The prices ordinarily charged for comparable goods or  
46 services in the same market area do not include temporarily  
47 discounted goods or services. The same market area does not  
48 necessarily mean a single provider of goods or services.

49 (3) Any person who knowingly and willfully violates  
50 subsection (2) of this section, when the value unlawfully received  
51 is Two Hundred Fifty Dollars (\$250.00) or more, shall be guilty of  
52 a felony and upon conviction shall be punished by confinement for  
53 a term of not less than one (1) year nor more than five (5) years  
54 or a fine of not more than Five Thousand Dollars (\$5,000.00), or  
55 both.

56 (4) Any person who knowingly and willfully violates  
57 subsection (2) of this section, when the value unlawfully received  
58 is less than Two Hundred Fifty Dollars (\$250.00), shall be guilty  
59 of a misdemeanor and upon conviction shall be fined not more than  
60 One Thousand Dollars (\$1,000.00) or by imprisonment in the county  
61 jail for a term not to exceed six (6) months, or both.

62           (5) In addition to the criminal penalties prescribed in  
63 subsections (3) and (4), any knowing and willful violation of  
64 subsection (2) of this section shall be considered an unfair or  
65 deceptive trade practice subject to and governed by all the  
66 procedures and remedies available under the provisions of this  
67 chapter for enforcement of prohibited acts and practices contained  
68 therein.

69           **SECTION 2.** This act shall take effect and be in force from  
70 and after July 1, 2005.