

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 590

Representatives Crossman, Rogers

A BILL

To amend section 1345.99 and to enact section 1
1345.033 of the Revised Code to prohibit price 2
gouging after a declaration of an emergency and 3
to declare an emergency. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1345.99 be amended and section 5
1345.033 of the Revised Code be enacted to read as follows: 6

Sec. 1345.033. (A) As used in this section: 7

(1) "Declaration of emergency" means a declaration of an 8
emergency by any federal, state, or local governing body. 9

(2) "Emergency area" means the geographic area affected by 10
a declaration of emergency. 11

(B) For the duration of a declaration of emergency, no 12
supplier shall sell, rent, or lease, or offer to sell, rent, or 13
lease, for delivery in the emergency area, any goods, services, 14
dwelling units, or storage space, or any dwelling units or 15
storage space located in the emergency area, at a rate or price 16
that is more than ten per cent above the rate or price charged 17
by the supplier for the same or similar goods, services, 18

dwelling units, or storage spaces immediately prior to the 19
declaration of emergency. 20

(C) Any violation of division (B) of this section shall be 21
considered an unconscionable act or practice in connection with 22
a consumer transaction under section 1345.03 of the Revised 23
Code. 24

Sec. 1345.99. (A) Whoever violates section 1345.23 or 25
1345.24 of the Revised Code is guilty of a minor misdemeanor. 26

(B) Whoever violates division (C) of section 1345.30 or 27
division (D) of section 1345.76 of the Revised Code shall be 28
fined not more than one thousand dollars. 29

(C) Whoever knowingly violates division (E) of section 30
1345.02 or knowingly violates section 1345.18 of the Revised 31
Code is guilty of a misdemeanor of the third degree for a first 32
offense and a misdemeanor of the second degree for any 33
subsequent offense. 34

(D) Whoever recklessly violates section 1345.032 of the 35
Revised Code shall be fined the following: 36

(1) For the first violation, not more than one hundred 37
dollars for each solicitation document distributed; 38

(2) For any subsequent violation, not more than two 39
hundred dollars for each solicitation document distributed. 40

(E) Whoever negligently violates section 1345.022 of the 41
Revised Code shall be fined not more than one thousand dollars. 42

(F) Whoever recklessly violates division (B) of section 43
1345.033 of the Revised Code is guilty of a misdemeanor of the 44
first degree. 45

Section 2. That existing section 1345.99 of the Revised Code is hereby repealed. 46
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Section 3. Section 1345.99 of the Revised Code is 48
presented in this act as a composite of the section as amended 49
by both H.B. 52 and S.B. 223 of the 132nd General Assembly. The 50
General Assembly, applying the principle stated in division (B) 51
of section 1.52 of the Revised Code that amendments are to be 52
harmonized if reasonably capable of simultaneous operation, 53
finds that the composite is the resulting version of the section 54
in effect prior to the effective date of the section as 55
presented in this act. 56

Section 4. This act is hereby declared to be an emergency 57
measure necessary for the immediate preservation of the public 58
peace, health, and safety. The reason for such necessity is to 59
protect consumers during the state of emergency regarding COVID- 60
19. Therefore, this act shall go into immediate effect. 61