

**13-41-201 Excessive price prohibited.**

- (1) Except as provided in Subsection (2), if a state of emergency exists, a person may not charge a consumer an excessive price for goods or services sold or provided at retail:
  - (a)
    - (i) during the time period for which a state of emergency declared by the governor exists; or
    - (ii) for 30 days after the day on which the state of emergency begins, if declared by the President of the United States; and
  - (b) within the emergency territory.
- (2) A person may charge an excessive price if:
  - (a) that person's cost of obtaining the good or providing the service exceeds the average cost to the person of obtaining the good or providing the service in the 30-day period immediately preceding the day on which the state of emergency is declared; and
  - (b) the price charged for the good or service does not exceed the sum of:
    - (i) 10% above the total cost to that person of obtaining the good or providing the service; and
    - (ii) the person's customary markup.
- (3) Upon request of the division, a person allegedly charging an excessive price under Subsection (2) shall provide documentation to the division that the person is in compliance with this chapter.
- (4) If a good or service has not been sold by a person during the 30-day period immediately preceding the day on which the state of emergency is declared, a price is not excessive if it does not exceed 30% above the person's total cost of obtaining the good or providing the service.

Enacted by Chapter 306, 2005 General Session