2005 WISCONSIN ACT 450

AN ACT to create 100.305 of the statutes; relating to: sales of consumer goods and services during periods of abnormal economic disruption, requiring the exercise of rule-making authority, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 100.305 of the statutes is created to read:

100.305 Prohibited selling practices during periods of abnormal economic disruption. (1) Definitions. In this section:

(a) “Consumer goods or services” means goods or services that are used primarily for personal, family, or household purposes.
(b) “Emergency” includes any of the following:

1. A tornado, flood, fire, storm, or other destructive act of nature.
2. A disruption of energy supplies to the degree that a serious risk is posed to the economic well-being, health, or welfare of the public.
3. Hostile action.
4. A strike or civil disorder.

(c) “Hostile action” means an act of violence against a person or property in the United States by a foreign power or by a foreign or domestic terrorist.

(d) “Period of abnormal economic disruption” means a period of time during which normal business transactions in the state or a part of the state are disrupted, or are threatened to be disrupted, due to an emergency.

(e) “Seller” means a manufacturer, producer, supplier, wholesaler, distributor, or retailer.

(2) Prohibition. No seller may sell, or offer to sell, in this state at wholesale or at retail, consumer goods or services at unreasonably excessive prices if the governor, by executive order, has certified that the state or a part of the state is in a period of abnormal economic disruption.

(3) Rules. The department shall promulgate rules to establish formulas or other standards to be used in determining whether a wholesale or retail price is unreasonably excessive.

(4m) Enforcement; Penalty. If a seller violates sub. (2), the department or, after consulting with the department, the department of justice, may do any of the following:

(a) Issue to the seller a warning notice specifying the action that the seller is required to take in order not to be in violation of sub. (2).

(b) Commence an action against the seller in the name of the state to recover a civil forfeiture of not more than $10,000 or to temporarily or permanently restrain or enjoin the seller from violating sub. (2), or both.