

1.1 **Senator Klein from the Committee on Commerce and Consumer Protection, to**
1.2 **which was referred**

1.3 **S.F. No. 3909:** A bill for an act relating to consumer protection; changing application
1.4 of abnormal market disruption and unconscionably excessive price prohibition; amending
1.5 Minnesota Statutes 2023 Supplement, section 325E.80, subdivisions 5, 6, 7.

1.6 Reports the same back with the recommendation that the bill be amended as follows:

1.7 Page 1, after line 5, insert:

1.8 "Section 1. Minnesota Statutes 2023 Supplement, section 325E.80, subdivision 1, is
1.9 amended to read:

1.10 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms in this subdivision
1.11 have the meanings given.

1.12 (b) "Essential consumer good or service" means a good or service that is vital and
1.13 necessary for the health, safety, and welfare of the public, including without limitation:
1.14 food; water; fuel; gasoline; shelter; construction materials; transportation; health care
1.15 services; pharmaceuticals; and medical, personal hygiene, sanitation, and cleaning supplies.

1.16 (c) "Restoration and mitigation services provider" means a person or business that
1.17 provides service to prevent further damage to property following a fire, smoke, water, or
1.18 storm event. Services include but are not limited to board up of property, water extraction,
1.19 drying, smoke or odor removal, cleaning, and personal property inventory, removal and
1.20 storage;

1.21 (d) "Seller" means a manufacturer, supplier, wholesaler, distributor, or retail seller of
1.22 goods and services.

1.23 (e) "Tree trimmer" means a person registered under section 18G.07.

1.24 ~~(d)~~ (f) "Unconscionably excessive price" means a price that represents a gross disparity
1.25 compared to the seller's average price of an essential good or service, offered for sale or
1.26 sold in the usual course of business, in the 60-day period before an abnormal market
1.27 disruption is declared under subdivision 2. None of the following is an unconscionably
1.28 excessive price:

1.29 (1) a price that is substantially related to an increase in the cost of manufacturing,
1.30 obtaining, replacing, providing, or selling a good or service;

1.31 (2) a price that is no more than 25 percent above the seller's average price during the
1.32 60-day period before an abnormal market disruption is declared under subdivision 2;

2.1 (3) a price that is consistent with the fluctuations in applicable commodity markets or
2.2 seasonal fluctuations; or

2.3 (4) a contract price, or the results of a price formula, that was established before an
2.4 abnormal market disruption is declared under subdivision 2."

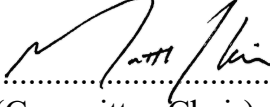
2.5 Renumber the sections in sequence

2.6 Amend the title as follows:

2.7 Page 1, line 2, after the semicolon, insert "defining restoration and mitigation services
2.8 provider and tree trimmer;"

2.9 Amend the title numbers accordingly

2.10 And when so amended the bill do pass. Amendments adopted. Report adopted.

2.11 
2.12
(Committee Chair)

2.13 February 29, 2024.....
2.14 (Date of Committee recommendation)