

Regulations of Connecticut State Agencies
TITLE 42. Business, Selling, Trading and Collection Practices

Agency
Department of Consumer Protection

Subject
Emergency Rationing

Inclusive Sections
 §§ 42-231-1—42-231-3

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Emergency Rationing

Sec. 42-231-1. Definitions

(a) “Product” or “service” means any essential product or service designated by the governor, pursuant to Public Act No. 91-367, Section 1 (a), to be in short supply or in danger of becoming so in the state or one of its regions, but shall not include any energy resources as defined in Section 16a-2 of the Connecticut General Statutes;

(b) “Order” means a gubernatorial order or proclamation, issued under Public Act No. 91-367, Section 1 (a), establishing price restrictions on or rationing of a product or service;

(c) “Seller” means any person who sells or offers to sell a product or service in an emergency region designated by an order;

(d) “Emergency region” means any region so designated in an order issued pursuant to Public Act No. 91-367, Section 1 (a); and

(e) “Commissioner” means the commissioner of the Department of Consumer Protection.

(Effective September 23, 1992)

Sec. 42-231-2. Registry of sellers

(a) When the governor’s order that a product or service be rationed in an emergency region becomes effective, the order and the written findings made pursuant to Public Act No. 91-367, Section 1 (a) shall be delivered to the commissioner.

(b) Upon receipt of the order and findings, the commissioner shall investigate the matter, using whatever administrative proceedings or other sources of information she deems fit and shall compile a registry of sellers.

(c) Each seller shall register with the commissioner by providing to the commissioner the following information:

(1) Seller’s name and address of place of business;

(2) The amount of the product or service which seller possesses or otherwise has available for sale in the emergency region; and

(3) The seller’s sales volume of the product or service immediately prior to the declaration of the supply emergency.

(d) The commissioner shall make efforts to inform each seller of any restriction on trade in the product or service as soon as possible.

(e) The commissioner shall, as often as she deems necessary, require sellers to report any information needed for the proper functioning of the rationing system.

(f) During a supply emergency, the commissioner shall periodically determine the total amount of the product or service which may be traded in the emergency region. The first periodic determination shall be made as soon as practicable after the proclamation of the supply emergency.

(g) After each such periodic determination, the commissioner shall ration the amount of the product or service which each seller may offer for sale until the next periodic determination. After each periodic determination, the commissioner shall immediately inform each seller of his ration, and of the date and time for the next periodic determination.

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(h) Neither a seller's failure to register with the commissioner in accordance with subsection (c) of this section nor the failure of the commissioner to inform a seller of any restriction on trade in the product or service in accordance with subsection (d) of this section shall exempt a seller from the requirements of subsections (e), (f), and (g) of this section.

(i) Nothing in this section shall be construed as delaying the commissioner's immediate authority to freeze or ration trade in a product or service upon receipt of the governor's order and findings. Such authority, however, shall be limited to the emergency region.

(Effective September 23, 1992)

Sec. 42-231-3. Petition for exemption

(a) A seller who wishes to be exempted from an order may petition the commissioner. The petition shall include:

- (1) The seller's name and business address;
- (2) Reference to the order from which exemption is sought;
- (3) A description of the product or service which petitioner would like to offer for sale;
- (4) The price which petitioner charged for the product or service immediately prior to the effective date of the order, and the volume then sold;
- (5) The price which the petitioner is currently charging for the product or service, and the petitioner's current sales volume;
- (6) If the petitioner's current offering price is greater than his price immediately prior to the supply emergency proclamation, evidence of the circumstances which led to the price increase;
- (7) The price which the petitioner would like to charge and the volume he would like to sell; and
- (8) The reason why petitioner's continued compliance with the order will represent an inordinate hardship beyond that suffered by sellers generally.

(b) The petition shall be mailed or delivered to the commissioner of the Department of Consumer Protection, 165 Capitol Avenue, Hartford, CT 06106, within fifteen days after the issuance of the order.

(c) Within thirty days of receiving a petition under this section, the commissioner shall grant, deny, or dismiss without prejudice the petition, and shall promptly thereafter notify the petitioner in writing of the reasons for her decision.

(d) In her investigation of the matter set forth in any petition under this section, the commissioner may use any method she deems fit to develop information, including informal hearings and submissions from third parties, provided that the petitioner be allowed to respond to any submissions by third parties.

(Effective September 23, 1992)