

# SENATE BILL No. 181

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 24-1-2-5.1.

**Synopsis:** Cause of action concerning restraint of trade. Amends the statute concerning combinations restraining trade as follows: (1) Provides that the attorney general may bring an action for the following on behalf of the state or a political subdivision in connection with a violation of the statute: (A) Appropriate injunctive or other equitable relief, including disgorgement of any gains derived from the violation. (B) A civil penalty. (Current law provides only that the attorney general may bring an action for injuries or damages sustained directly or indirectly by the state or political subdivision as a result of the violation.) (2) Provides that the attorney general may bring an action in the name of the state as parens patriae on behalf of one or more natural persons residing in Indiana for one or more of these same remedies, in connection with a violation of the statute. (3) Specifies that in an action brought under these provisions, the attorney general may recover costs and expenses of the suit, including reasonable attorney's fees and expert fees. (Current law does not specify that the attorney general may recover expenses and expert fees.) (4) Provides that in an action brought under these provisions after June 30, 2023, the attorney general may recover a civil penalty of not more than: (A) \$100,000 per violation from any natural person who violates the statute; or (B) \$1,000,000 from any other person, other than a natural person, that violates the statute.

**Effective:** July 1, 2023.

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January 9, 2023, read first time and referred to Committee on Judiciary.

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First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

## SENATE BILL No. 181

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 24-1-2-5.1, AS ADDED BY P.L.135-2008,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 5.1. **(a)** The attorney general may bring an action  
4 on behalf of the state or a political subdivision (as defined in  
5 IC 34-6-2-110) for **one (1) or more of the following, together with**  
6 **the costs and expenses of the suit, including reasonable attorney's**  
7 **fees and expert fees, in connection with a violation of this chapter:**  
8 **(1) Appropriate injunctive or other equitable relief, including**  
9 **disgorgement of any gains derived from the violation.**  
10 **(2) A civil penalty, as prescribed in subsection (c).**  
11 **(3) Injuries or damages sustained directly or indirectly by the**  
12 **state or political subdivision as a result of a the violation. of this**  
13 **chapter.**  
14 **(b) The attorney general may bring an action in the name of the**  
15 **state as parens patriae on behalf of one (1) or more natural persons**  
16 **residing in Indiana for one (1) or more of the following, together**  
17 **with the costs and expenses of the suit, including reasonable**



1 attorney's fees and expert fees, in connection with a violation of  
2 this chapter:  
3 (1) Appropriate injunctive or other equitable relief, including  
4 disgorgement of any gains derived from the violation.  
5 (2) A civil penalty, as prescribed in subsection (c).  
6 (3) Injuries or damages sustained directly or indirectly by the  
7 one (1) or more natural persons as a result of the violation.  
8 (c) In an action brought under subsection (a) or (b) after June  
9 30, 2023, the attorney general may recover a civil penalty of not  
10 more than:  
11 (1) one hundred thousand dollars (\$100,000) per violation  
12 from any natural person who violates this chapter; or  
13 (2) one million dollars (\$1,000,000) from any other person (as  
14 defined in section 10 of this chapter), other than a natural  
15 person, that violates this chapter.

