

1 H.691

2 Introduced by Representative Marek of Newfane

3 Referred to Committee on

4 Date:

5 Subject: Consumer fraud; antitrust violations; collusion

6 Statement of purpose: This bill proposes to provide that collusion—an
7 agreement, contract, combination in the form of trusts or otherwise, or
8 conspiracy to engage in price fixing, bid rigging, or market division of
9 allocation for goods or services—is unlawful and subject to enforcement under
10 the state consumer fraud act.

11 An act relating to prohibiting collusion as an antitrust violation

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 9 V.S.A. § 2451 is amended to read:

14 § 2451. PURPOSE

15 The purpose of this chapter is to complement the enforcement of federal
16 statutes and decisions governing unfair methods of competition, ~~and~~ unfair or
17 deceptive acts or practices, and anti-competitive practices in order to protect
18 the public; and to encourage fair and honest competition.

1 (h) "Collusion" means an agreement, contract, combination in the form of
2 trusts or otherwise, or conspiracy to engage in price fixing, bid rigging, or
3 market division of allocation for goods or services.

4 Sec. 3. 9 V.S.A. § 2453a is added to read:

5 § 2453a. PRACTICES PROHIBITED; CRIMINAL ANTITRUST

6 VIOLATIONS

7 (a) Collusion is hereby declared unlawful.

8 (b) It is the intent of the legislature that in construing this section and
9 section 2451a(h) of this title, the courts of this state will be guided by the
10 construction of similar terms contained in Sections 1 of the Sherman Act
11 (15 U.S.C. § 1) as interpreted by the courts of the United States.

12 (c) Nothing in this section limits the power of the attorney general or a
13 state's attorney to bring civil actions for antitrust violations under section 2453
14 of this title.

15 (d) A violation of this section shall be punished by a fine of not more than
16 \$100,000.00 for an individual or \$1,000,000.00 for any other person or by
17 imprisonment not to exceed 10 years or both.

18 Sec. 4. EFFECTIVE DATE

19 This act shall take effect on passage.