16

17

18

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

statutes and decisions governing unfair methods of competition, and unfair or

deceptive acts or practices, and anti-competitive practices in order to protect

the public, and to encourage fair and honest competition.

- Sec. 2. 9 V.S.A. § 2451a is amended to read:
- 2 § 2451a. DEFINITIONS
- For the purposes of this chapter:
  - (a) "Consumer" means any person who purchases, leases, contracts for, or otherwise agrees to pay consideration for goods or services not for resale in the ordinary course of his or her trade or business but for his or her use or benefit or the use or benefit of a member of his or her household, or in connection with the operation of his or her household or a farm whether or not the farm is conducted as a trade or business, or a person who purchases, leases, contracts for, or otherwise agrees to pay consideration for goods or services not for resale in the ordinary course of his or her trade or business but for the use or benefit of his or her business or in connection with the operation of his or her business.
  - (b) "Goods" or "services" shall include any objects, wares, goods, commodities, work, labor, intangibles, courses of instruction or training, securities, bonds, debentures, stocks, real estate, or other property or services of any kind. The term also includes bottled liquified petroleum (LP or propane) gas.

19 \*\*\*

19

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

This act shall take effect on passage.