

HOUSE BILL NO. HB0295

Unfair purchasing.

Sponsored by: Representative(s) Nicholas, Anderson, R.,
Morgan and Prosser and Senator(s) Cathcart

A BILL

for

1 AN ACT relating to business practices; prohibiting business
2 practices as specified; providing a remedy; providing a
3 statute of limitations; providing tolling in certain
4 circumstances; and providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 40-4-124 is created to read:

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10 **40-4-124. What constitutes unfair purchasing; remedy;**
11 **statute of limitations; tolling.**

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13 (a) Any person, firm or corporation, foreign or
14 domestic, doing business in the state of Wyoming and
15 engaged in the purchase of any commodity in general use,
16 shall not make, enter into, form or become a party to any

1 plan, agreement, consolidation or combination of any kind
2 whatsoever to prevent or destroy competition, to control or
3 influence production or prices thereof or gain unjust and
4 unreasonable profits.

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6 (b) Any person, governmental body, or the state or
7 any of its subdivisions or agencies, injured directly or
8 indirectly by a violation of subsection (a) of this
9 section, shall recover three (3) times the actual damages
10 sustained, together with costs and disbursements, including
11 reasonable attorneys' fees. In any subsequent action
12 arising from the same conduct, the court may take any steps
13 necessary to avoid duplicative recovery against a
14 defendant.

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16 (c) A civil action for damages or recovery of
17 payments under this section is barred unless commenced
18 within six (6) years after the cause of action accrued.
19 When, in a civil class action, a class or subclass is
20 decertified or a class or subclass certification is denied,
21 the statute of limitations provided in this section is
22 tolled as to those persons alleged to be members of the
23 class or subclass for the period from the filing of the

1 complaint first alleging the class or subclass until the
2 decertification or denial.

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4 **Section 2.** This act is effective July 1, 2003.

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(END)