

HOUSE BILL NO. HB0029

Anti-trust provisions.

Sponsored by: Joint Agriculture, Public Lands and Water
Resources Interim Committee

A BILL

for

1 AN ACT relating to business practices; enhancing damages
2 recoverable for unfair business discrimination; and
3 providing for an effective date.

4

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

6

7 **Section 1.** W.S. 40-4-114 is amended to read:

8

9 **40-4-114. Enjoining violations of W.S. 40-4-106**
10 **through 40-4-116; recovery of damages; liability of**
11 **directors, officers and agents; requiring testimony and**
12 **production of books and records.**

13

14 (a) Any person, firm, private corporation or trade
15 association, having a reasonably foreseeable physical and
16 economic causal nexus, may maintain an action to enjoin a

1 continuance of any act or acts in violation of this act.
2 ~~and, if injured thereby, for the recovery of damages of and~~
3 ~~from the defendants named in the action.~~

4
5 (b) Any injured person, firm, private corporation or
6 trade association may maintain an action against the
7 alleged violator of this act to recover three (3) times the
8 actual damages sustained, together with costs, where there
9 is a reasonably foreseeable physical and economic causal
10 nexus between the injury and the violation.

11
12 (c) In the event a person has recovered the three (3)
13 times total actual damages sustained due to a violation of
14 this act under subsection (b) of this section, then no
15 other person, firm, private corporation or trade
16 association shall have the right to maintain an action
17 against the violator for the same act or acts; provided,
18 however, that other injured persons, firms, private
19 corporations or trade associations may maintain an action
20 against the party who recovered three (3) times the total
21 damages to recover a proportionate share thereof, less a
22 proportionate share of reasonable attorneys' fees and
23 costs, where there is a reasonably foreseeable physical and

1 economic causal nexus between their injury and the same act
2 or acts for which recovery was made.

3

4 ~~(b)~~(d) Any person who, either as director, officer or
5 agent of any firm or corporation or as agent of any person,
6 violating the provisions of this act, assists or aids,
7 directly or indirectly, in such violation shall be
8 responsible therefor equally with the person, firm or
9 corporation for whom or which he acts.

10

11 ~~(e)~~(e) In the prosecution of any person as officer,
12 director or agent, it shall be sufficient to allege and
13 prove the unlawful intent of the person, firm or
14 corporation for whom or which he acts.

15

16 ~~(d)~~(f) Any defendant in an action brought under the
17 provisions of this act may be required to testify under the
18 provisions of the Code of Civil Procedure of this state,
19 and in addition the books and records of any such defendant
20 may be required to be brought into court and introduced, by
21 reference, into evidence; provided, however, that no
22 information so obtained may be used against the defendant
23 as a basis for a misdemeanor prosecution under the
24 provisions of this act.

