

# SENATE BILL 891

I4

8lr2908  
CF HB 1544

---

By: **The President (By Request – Office of the Attorney General) and Senators  
Feldman and Rosapepe**

Introduced and read first time: February 5, 2018

Assigned to: Finance

---

Committee Report: Favorable

Senate action: Adopted

Read second time: February 20, 2018

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Commercial Law – Maryland Antitrust Act – Civil Penalty**

3 FOR the purpose of altering the maximum civil penalty that may be assessed against a  
4 person for a violation of the Maryland Antitrust Act; providing that each day a  
5 violation of the Act continues is a separate violation; and generally relating to the  
6 Maryland Antitrust Act.

7 BY repealing and reenacting, with amendments,  
8 Article – Commercial Law  
9 Section 11–209(a)  
10 Annotated Code of Maryland  
11 (2013 Replacement Volume and 2017 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
13 That the Laws of Maryland read as follows:

14 **Article – Commercial Law**

15 11–209.

16 (a) (1) The Attorney General shall institute proceedings in equity to prevent  
17 or restrain violations of § 11–204 of this subtitle and may require assistance from any  
18 State’s Attorney for that purpose.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) In a proceeding under this section, the court shall determine whether a  
2 violation has been committed and enter any judgment or decree necessary to:

3 (i) Remove the effects of any violation it finds; and

4 (ii) Prevent continuation or renewal of the violation in the future.

5 (3) The court may exercise all equitable powers necessary for this purpose,  
6 including but not limited to injunction, restitution to any person of any money or real or  
7 personal property acquired from that person by means of any violation, divestiture of  
8 property or business units, and suspension or termination of the right of a foreign  
9 corporation or association to do business in the State.

10 (4) (I) In addition to the equitable remedies or other relief authorized  
11 by this section, the court may assess against any person who violates § 11-204 of this  
12 subtitle a civil penalty not exceeding ~~[\$100,000]~~ **\$10,000** for each violation, to be paid to  
13 the General Fund of the State.

14 (II) **EACH DAY THAT A VIOLATION OF § 11-204 CONTINUES IS A**  
15 **SEPARATE VIOLATION.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2018.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.