

**Department of Fiscal Services**  
Maryland General Assembly

**FISCAL NOTE**

House Bill 1233 (Delegate Kach, et al.)  
Economic Matters

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**Trade Regulation - Maryland Sales Below Cost Act**

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This bill alters and expands the remedies for violations available under the Sales Below Cost Act. The bill provides that any person may bring an action in circuit court to remedy any violation of the Act.

A circuit court is required to preliminarily and permanently enjoin a person found to be in direct or indirect violation of the Act. If an injunction is the only remedy sought, it is not necessary for the plaintiff to prove injury. In addition, direct or indirect violators are liable for actual damages to any person injured by the violation. The prevailing plaintiff is entitled to three times the amount of actual damage.

Current law provides only that a circuit court has jurisdiction to enjoin retailers or wholesalers from the commission of a prohibited act upon complaint of a person claiming injury.

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**Fiscal Summary**

**State Effect:** None. The impact is small enough that it can be absorbed within the Judiciary's existing budget.

**Local Effect:** None.

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**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Fiscal Services

**Fiscal Note History:** First Reader - February 26, 1996

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