

SENATE BILL 891

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CF 8lr1991

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

A BILL ENTITLED

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.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

10 **(II) EACH DAY THAT A VIOLATION OF § 11–204 CONTINUES IS A**
11 **SEPARATE VIOLATION.**

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