

Chapter 848

(Senate Bill 891)

AN ACT concerning

Commercial Law – Maryland Antitrust Act – Civil Penalty

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

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

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

Article – Commercial Law

11–209.

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

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

- (i) Remove the effects of any violation it finds; and
- (ii) Prevent continuation or renewal of the violation in the future.

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

(4) **(I)** In addition to the equitable remedies or other relief authorized by this section, the court may assess against any person who violates § 11–204 of this

subtitle a civil penalty not exceeding ~~[\$100,000]~~ **\$10,000** for each violation, to be paid to the General Fund of the State.

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 26, 2018.