

1 **ANTITRUST EXEMPTION**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Richard W. Wheeler**

5 Senate Sponsor: _____

6

LONG TITLE

7 **General Description:**

8 This bill modifies the Utah Antitrust Act by providing a definition of "political
9 subdivision."
10

11 **Highlighted Provisions:**

12 This bill:

13 ▶ provides a definition of "political subdivision" which applies to the provisions
14 within the Utah Antitrust Act that prohibit recovery of damages, costs, or attorney's
15 fees from political subdivisions.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 **AMENDS:**

22 **76-10-913**, as enacted by Chapter 79, Laws of Utah 1979

23

Be it enacted by the Legislature of the state of Utah:

24 Section 1. Section **76-10-913** is amended to read:

25 **76-10-913. Definitions.**

26 As used in this act:
27



28 (1) "Attempt to monopolize" means action taken without a legitimate business purpose
29 and with a specific intent of destroying competition or controlling prices to substantially lessen
30 competition, or creating a monopoly, where there is a dangerous probability of creating a
31 monopoly.

32 (2) "Commodity" includes any product of the soil, any article of merchandise or trade
33 or commerce, and any other kind of real or personal property.

34 (3) "Manufacturer" means the producer or originator of any commodity or service.

35 (4) "Political subdivision" means any county, city, town, school district, public transit
36 district, redevelopment agency, special improvement or taxing district, special district, an entity
37 created by an agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or
38 other governmental subdivision or public corporation.

39 [~~4~~] (5) "Service" includes any activity that is performed in whole or in part for the
40 purpose of financial gain including, but not limited to, personal service, professional service,
41 rental, leasing or licensing for use.

42 [~~5~~] (6) "Trade or commerce" includes all economic activity involving, or relating to,
43 any commodity, service, or business activity, including the cost of exchange or transportation.

Legislative Review Note
as of 1-24-06 3:54 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0333

Antitrust Exemption

30-Jan-06

5:47 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst