

ANTITRUST ACT AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: Kevin S. Garn

LONG TITLE

General Description:

This bill amends provisions of the Antitrust Act.

Highlighted Provisions:

This bill:

- ▶ amends provisions of the Antitrust Act.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-915, as last amended by Laws of Utah 2006, Chapter 112

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

Section 1. Section **76-10-915** is amended to read:

76-10-915. Exempt activities.

(1) This act may not be construed to prohibit:

(a) the activities of any public utility to the extent that those activities are subject to regulation by the public service commission, the state or federal department of transportation, the federal energy regulatory commission, the federal communications commission, the



28 interstate commerce commission, or successor agencies;

29 (b) the activities of any insurer, insurance producer, independent insurance adjuster, or
30 rating organization including, but not limited to, making or participating in joint underwriting
31 or reinsurance arrangements, to the extent that those activities are subject to regulation by the
32 commissioner of insurance;

33 (c) the activities of securities dealers, issuers, or agents, to the extent that those
34 activities are subject to regulation under the laws of either this state or the United States;

35 (d) the activities of any state or national banking institution, to the extent that the
36 activities are regulated or supervised by state government officers or agencies under the
37 banking laws of this state or by federal government officers or agencies under the banking laws
38 of the United States;

39 (e) the activities of any state or federal savings and loan association to the extent that
40 those activities are regulated or supervised by state government officers or agencies under the
41 banking laws of this state or federal government officers or agencies under the banking laws of
42 the United States;

43 (f) the activities of a [~~municipality~~] political subdivision to the extent [~~authorized or~~
44 ~~directed~~] that those activities are performed under authority granted by state law; or

45 (g) the activities of an emergency medical service provider licensed under Title 26,
46 Chapter 8a, Utah Emergency Medical Services System Act, to the extent that those activities
47 are regulated by state government officers or agencies under that act.

48 (2) (a) The labor of a human being is not a commodity or article of commerce.

49 (b) Nothing contained in the antitrust laws shall be construed to forbid the existence
50 and operation of labor, agricultural, or horticultural organizations, instituted for the purpose of
51 mutual help and not having capital stock or conducted for profit, or to forbid or restrain
52 individual members of these organizations from lawfully carrying out their legitimate objects;
53 nor may these organizations or membership in them be held to be illegal combinations or
54 conspiracies in restraint of trade under the antitrust laws.

55 (3) (a) As used in this section, an entity is also a municipality if the entity was formed
56 under Title 11, Chapter 13, Interlocal Cooperation Act, prior to January 1, 1981, and the entity
57 is:

58 (i) a project entity as defined in Section 11-13-103;

- 59 (ii) an electric interlocal entity as defined in Section 11-13-103; or
60 (iii) an energy services interlocal entity as defined in Section 11-13-103.
61 (b) The activities of the entities under Subsection (3)(a) are authorized or directed by
62 state law.

Legislative Review Note
as of 2-5-10 3:42 PM

Office of Legislative Research and General Counsel

S.B. 156 - Antitrust Act Amendments

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Certain political subdivisions may benefit from exemptions expanded in this bill.
