

Regular Session, 2012

SENATE BILL NO. 423

BY SENATOR CLAITOR

COMMERCIAL REGULATIONS. Exempts officers and employees of an entity acting on behalf of the same entity from conspiracy in restraint of trade or commerce. (8/1/12)

1 AN ACT

2 To enact R.S. 51:122(D), relative to contracts, combinations, and conspiracies in restraint
3 of trade or commerce; to exempt officers and employees acting on behalf of the same
4 entity from such provisions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 51:122(D) is hereby enacted to read as follows:

7 §122. Contracts, combinations and conspiracies in restraint of trade illegal; penalty

8 * * *

9 **D. For purpose of this Title, an officer or employee of a legal entity is not**
10 **capable of conspiring with another officer or employee of the entity when they**
11 **are acting on behalf of the entity.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

Present law provides that every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce in this state is illegal.

Present law provides that whoever violates present law shall be fined not more than \$5,000, or imprisoned, with or without hard labor, not more than three years, or both.

Present law provides that a parent corporation, limited liability company, partnership, or partnership-in-commendam is not capable of conspiring with any subsidiary that it controls, and each such controlled subsidiary is not capable of conspiring with any other wholly owned subsidiary controlled by the same common parent.

Proposed law provides that an officer or employee of a legal entity is not capable of conspiring with another officer or employee of the entity when they are acting on behalf of the entity. Otherwise retains present law.

Effective August 1, 2012.

(Adds R.S. 51:122(D))