

Regular Session, 2012

SENATE BILL NO. 423

BY SENATOR CLAITOR

COMMERCIAL REGULATIONS. Provides relative to officers and employees of an entity and 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 the purposes of Part IV of Chapter 1 of Title 51 of the Louisiana**  
10 **Revised Statutes of 1950 only, an officer or employee of a legal entity is not**  
11 **capable of conspiring with the legal entity or with another officer or employee**  
12 **of the legal entity when they are acting on behalf of the entity.**

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The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

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DIGEST

Claitor (SB 423)

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 for the purposes of the present law, an officer or employee of a legal entity is not capable of conspiring with the legal entity or with another officer or employee of the legal entity when they are acting on behalf of the entity.

Effective August 1, 2012.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Revised language.