

## IC 24

### TITLE 24. TRADE REGULATION

#### IC 24-1

#### ARTICLE 1. COMBINATIONS IN RESTRAINT OF TRADE

##### IC 24-1-1

##### Chapter 1. Contracts to Prevent Competition

###### IC 24-1-1-1

###### **Contracts against public policy; null and void contracts**

Sec. 1. From and after April 14, 1897, all arrangements, contracts, agreements, trusts or combinations between persons or corporations who control the output of any article of merchandise, made with a view to lessen, or which tend to lessen, full and free competition in the importation or sale of articles imported into this state, and all arrangements, contracts, agreements, trusts, or combinations between persons or corporations who control the output of said article of merchandise, designed, or which tend to advance, reduce, or control the price or the cost to the producer or to the consumer of any such product or article, are hereby declared to be against public policy, unlawful, and void.

*(Formerly: Acts 1897, c.104, s.1.) As amended by P.L.152-1986, SEC.1.*

###### IC 24-1-1-2

###### **Violation of chapter; domestic corporations; forfeiture of charter and franchise; foreign corporations; prohibition**

Sec. 2. Any corporation, chartered under the laws of this state, which shall violate any of the provisions of this chapter shall thereby forfeit its charter and its franchise, and its corporate existence shall thereupon cease and determine. Every foreign corporation which shall violate any of the provisions of this chapter is hereby denied the right to do and is prohibited from doing business in this state. It is hereby made the duty of the attorney general of the state to enforce this section by due process of law.

*(Formerly: Acts 1897, c.104, s.2.) As amended by P.L.152-1986, SEC.2.*

###### IC 24-1-1-3 Version a

###### **Offense**

*Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.*

Sec. 3. A person who knowingly violates this chapter commits a Class C felony.

*(Formerly: Acts 1897, c.104, s.3.) As amended by Acts 1978, P.L.2, SEC.2401.*

### **IC 24-1-1-3 Version b**

#### **Offense**

*Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.*

Sec. 3. A person who knowingly violates this chapter commits a Level 5 felony.

*(Formerly: Acts 1897, c.104, s.3.) As amended by Acts 1978, P.L.2, SEC.2401; P.L.158-2013, SEC.269.*

### **IC 24-1-1-4**

#### **Persons affected by chapter; exception**

Sec. 4. The persons designed by this chapter to be affected by this chapter are those who own, control, or manufacture the output of any particular article of merchandise mentioned in this chapter; provided, however, that the provisions of this chapter shall not apply to agricultural products or livestock while in the possession of the producer or raiser.

*(Formerly: Acts 1897, c.104, s.4.) As amended by P.L.152-1986, SEC.3.*

### **IC 24-1-1-5**

#### **Civil suit for damages**

Sec. 5. Any person or persons or corporations that may be injured or damaged by any such arrangement, contract, agreement, trust, or combination described in section 1 of this chapter may sue for and recover in any court of competent jurisdiction in this state, of any person, persons, or corporation operating such trust or combination, the full consideration or sum paid by him or them for any goods, wares, merchandise, or articles, the sale of which is controlled by such combination or trust.

*(Formerly: Acts 1897, c.104, s.5.) As amended by P.L.152-1986, SEC.4.*

### **IC 24-1-1-5.1**

#### **Attorney general may bring action on behalf of the state or a political subdivision**

Sec. 5.1. The attorney general may bring an action on behalf of the state or a political subdivision (as defined in IC 34-6-2-110) for injuries or damages sustained directly or indirectly as a result of a violation of this chapter.

*As added by P.L.135-2008, SEC.1.*

### **IC 24-1-1-5.2**

#### **Attorney general may bring action on behalf of the state or a political subdivision**

Sec. 5.2. (a) The attorney general may bring an action in a county on behalf of the state or a political subdivision (as defined in IC 34-6-2-110) for injuries or damages sustained directly or indirectly as a result of a violation of this chapter.

(b) An action brought under this section may be brought, without

respect to the amount in controversy, in a circuit or superior court in a county in which the defendant resides or is engaged in business, or in which service may be obtained.

(c) The plaintiff in an action brought under this section is entitled to recover a penalty of threefold the damages awarded in the action, plus reasonable costs and attorney's fees.

*As added by P.L.135-2008, SEC.2.*

#### **IC 24-1-1-6**

##### **Special grand jury instructions**

Sec. 6. It shall be the duty of the judges of the circuit courts of this state specially to instruct the grand juries as to the provisions of this chapter.

*(Formerly: Acts 1897, c.104, s.6.) As amended by P.L.152-1986, SEC.5.*