

FILED APR 10 1974

SENATE FILE 1373
By COMMITTEE ON JUDICIARY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to restraint of trade, and defining unlawful
2 agreements, acts and practices and specifying the penalties
3 therefor.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Section 1. Section five hundred fifty-three point one
2 (553.1), Code 1973, is amended to read as follows:

3 553.1 POOLS AND TRUSTS. Any corporation organized under
4 the laws of this or any other state or country for transacting
5 or conducting any kind of business in this state, or any part-
6 nership, association, or individual, creating, entering into,
7 or becoming a member of, or a party to, any pool, trust,
8 agreement, contract, combination, confederation, or understand-
9 ing with any other corporation, partnership, association,
10 or individual, to regulate or fix the price of any service,
11 or article of merchandise or commodity, or to fix or limit
12 the amount or quantity of any service, article, commodity,
13 or merchandise to be manufactured, mined, produced, performed,
14 rented, leased or sold in this state, shall be guilty of a
15 conspiracy.

16 Sec. 2. Section five hundred fifty-three point five
17 (553.5), Code 1973, is amended to read as follows:

18 553.5 DEFENSE. Any purchaser of any article or commodity
19 or service from any individual, company, or corporation
20 transacting business contrary to any provisions of sections
21 553.1 to 553.4, inclusive, shall not be liable for the price
22 or payment thereof, and may plead such provisions as a defense
23 to any action for such price or payment.

24 Sec. 3. Section five hundred fifty-three point ten
25 (553.10), unnumbered paragraph one (1), and subsections one
26 (1), three (3) and four (4), are amended to read as follows:

27 553.10 COMBINATIONS, POOLS AND TRUSTS--FIXING PRICES.
28 It shall be unlawful for any person, company, partnership,
29 association, or corporation owning or operating any business
30 of buying, selling, handling, consigning, or transporting
31 any commodity or ~~any~~ article of commerce or service;

32 1. To enter into any agreement, contract, or combination
33 with any other dealer or dealers, partnership, company, cor-
34 poration, or association of dealers, whether within or without
35 the state, engaged in like business, for the fixing of the

1 price or prices at which any commodity or any article of
2 commerce or service should be sold by different dealers or
3 sellers.

4 3. To form, enter into, maintain, or contribute money
5 or anything of value to any trust, pool, combination, or asso-
6 ciation of persons of whatsoever character or name, which
7 has for any of its objects the prevention of full and free
8 competition among buyers, sellers, or dealers in any commodity
9 or any article of commerce or service.

10 4. To do or permit to be done by his or their authority
11 any act or thing whereby the free action of competition in
12 the buying or selling of any commodity or any article of
13 commerce or service is restrained or prevented.

14 Sec. 4. Chapter five hundred fifty-three (553), Code 1973,
15 is amended by adding the following new section:

16 NEW SECTION. An injunction may be obtained by an action
17 in equity as a remedy independent of the other remedies pro-
18 vided by this chapter or as an auxilliary remedy in any action
19 brought to enforce the provisions of this chapter. Injunctive
20 relief granted shall prevent, restrain the continuance or
21 renewal of, or remove the effects of any conduct prohibited
22 by this chapter.

23 Sec. 5. Chapter five hundred fifty (550), Code 1973, is
24 repealed.

25 EXPLANATION

26 This bill expands the current "anti-competition" provisions
27 of the Code to prohibit unlawful agreements, acts and practices
28 relating to services as well as commodities. The bill also
29 enables the county attorney or attorney general to seek injunc-
30 tive relief from the district court.

31
32
33
34
35

LSB 4151
lb/cw/1