

# Senate Amendment 5089

## Amendment Text

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1 1 Amend [Senate File 2233](#) as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 "Section 1. Section [551.4](#), Code 2001, is amended  
1 5 to read as follows:  
1 6 551.4 PENALTY.  
1 7 The following shall be guilty of a serious  
1 8 misdemeanor:  
1 9 1.

~~Any~~

- A person, firm, company, association, or  
1 10 corporation violating any of the provisions of  
1 11

~~sections~~

- section 551.1

~~and~~

- or 551.2, and any officer,  
1 12 agent, or receiver of any firm, company, association,  
1 13 or corporation, or any member of the same, or any  
1 14 individual violating any of

~~such~~

- the provisions

~~shall~~

-  
1 15

~~be guilty of a serious misdemeanor~~

- of section 551.1 or

1 16 551.2.

1 17 2. A producer, refiner, distributor, jobber,

1 18 wholesaler, or retailer violating any of the

1 19 provisions of section 551.13, or any officer,

1 20 director, stockholder, employee, partner, agent, or

1 21 any other representative violating any of the

1 22 provisions of section 551.13.

1 23 Sec. 2. Section [551.5](#), Code 2001, is amended to  
1 24 read as follows:

1 25 551.5 CONTRACTS OR AGREEMENTS.

1 26 All contracts or agreements made in violation of  
1 27 any of the provisions of

~~sections~~

- section 551.1,

~~and~~

-  
1 28 551.2, or 551.13 shall be void.

1 29 Sec. 3. Section [551.6](#), Code 2001, is amended to  
1 30 read as follows:

1 31 551.6 ENFORCEMENT.

1 32 It shall be the duty of the county attorneys, in  
1 33 their counties, and the attorney general, to enforce

1 34 the provisions of sections 551.1

~~to~~

- through 551.5,  
1 35

~~inclusive,~~

- and section 551.13, by appropriate actions  
1 36 in courts of competent jurisdiction.

1 37 Sec. 4. Section 551.7, Code 2001, is amended to  
1 38 read as follows:

1 39 551.7 COMPLAINT TO WHOM MADE.  
1 40 If a complaint

~~shall be~~

- is made to the secretary of  
1 41 state that any corporation authorized to do business  
1 42 in this state is guilty of unfair discrimination,  
1 43 within the terms of

~~sections~~

- section 551.1

~~and~~

- 551.2,  
1 44 or 551.13.

~~it shall be the duty of~~

- the secretary of  
1 45 state

~~to~~

- shall refer the matter to the attorney  
1 46 general who may, if the facts justify it in the  
1 47 attorney general's judgment, institute proceedings in  
1 48 the courts against

~~such~~

- the corporation.

1 49 Sec. 5. Section 551.8, Code 2001, is amended to  
1 50 read as follows:

2 1 551.8 REVOCATION OF PERMIT.  
2 2 If any corporation, foreign or domestic, authorized  
2 3 to do business in this state, is found guilty of  
2 4 unfair discrimination, within the terms of

~~sections~~

- 2 5 section 551.1,  
2 5

~~and~~

- 551.2, or 551.13.

~~it shall be the~~

-  
2 6

~~duty of~~

- the secretary of state

~~to~~

- shall immediately  
2 7 revoke the permit of

~~such~~

- the corporation to do  
2 8 business in this state.

2 9 Sec. 6. Section 551.9, Code 2001, is amended to

2 10 read as follows:

2 11 551.9 CORPORATION TO BE ENJOINED.

2 12 If after revocation of its permit

~~such~~

- a

2 13 corporation, or any other corporation not having a  
2 14 permit and found guilty of having violated any of the  
2 15 provisions of

~~sections~~

- section 551.1

~~and~~

- 551.2, or

2 16 551.13, shall continue or attempt to do business in  
2 17 this state,

~~it shall be the duty of~~

- the attorney

2 18 general, by a proper suit in the name of the state of  
2 19 Iowa,

~~to~~

- shall enjoin

~~such~~

- the corporation from

2 20 transacting all business of every kind and character  
2 21 in

~~said~~

- this state.

2 22 Sec. 7. NEW SECTION. 511.13 UNFAIR

2 23 DISCRIMINATION MARKETING OF MOTOR FUEL.

2 24 1. A producer, refiner, distributor, jobber,  
2 25 wholesaler, or retailer shall not, either directly or  
2 26 indirectly, or through a subsidiary, affiliate  
2 27 corporation, or related business entity, or by any  
2 28 officer, director, stockholder, employee, partner,  
2 29 agent, or any other representative, for the purpose or  
2 30 with the effect of restraining, lessening, or  
2 31 destroying competition or injuring one or more  
2 32 competitors or injuring one or more persons dealing in  
2 33 the marketing of motor fuel, or to impair or prevent  
2 34 fair competition in the sale of motor fuel in the  
2 35 state, engage in or threaten to engage in any of the  
2 36 following trade practices or methods of doing  
2 37 business:

2 38 a. Make or offer to make any gift of money,  
2 39 merchandise, trading stamps, coupons, service,  
2 40 supplies, or anything of value in connection with the  
2 41 sale to a jobber, distributor, retailer, or consumer  
2 42 in this state of motor fuel.

2 43 b. Charge a combined price for any motor fuel  
2 44 product together with another commodity or service  
2 45 that is less or is represented to be less than the  
2 46 aggregate of the price of the particular motor fuel  
2 47 product and the price or value of such other commodity  
2 48 or service when separately sold or offered for sale.

2 49 c. Acting, applying, or attempting to apply any  
2 50 method or device in the sale or distribution of a  
3 1 motor fuel product in any way that is inconsistent  
3 2 with the intent of this section.

3 3 2. The penalties and procedures of sections 551.4  
3 4 through 551.11 shall apply to violations of the

3 5 provisions of this section.  
3 6 Sec. 8. EFFECTIVE DATE. This Act, being deemed of  
3 7 immediate importance, takes effect upon enactment."  
3 8 #2. By renumbering as necessary.  
3 9  
3 10  
3 11 \_\_\_\_\_  
3 12 MIKE [CONNOLLY](#)  
3 13 [SF 2233.701](#) 79  
3 14 jj/cls