

SENATE BILL 134

Introduced by Christiaens, et al.

1/13	Introduced
1/13	Referred to Business & Industry
1/13	First Reading
1/20	Hearing
1/21	Committee Report--Bill Passed
1/22	2nd Reading Passed
1/23	3rd Reading Passed
	Transmitted to House
1/25	First Reading
1/25	Referred to Business & Economic Development
3/04	Hearing
3/04	Tabled in Committee

1 Senate BILL NO. 134
 2 INTRODUCED BY L. T. Hall
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE UNFAIR
 5 COMPETITION IN PURCHASING LAW; ELIMINATING THE BURDEN OF
 6 PROOF ON A PERSON PAYING A HIGHER PRICE IN ONE LOCALITY THAN
 7 IN ANOTHER TO PROVE THAT THE ACTION IS NOT UNFAIR
 8 DISCRIMINATION; ELIMINATING THE PROVISION THAT PAYMENT OF A
 9 HIGHER PRICE IN ONE LOCALITY THAN IN ANOTHER IS PRIMA FACIE
 10 EVIDENCE OF A VIOLATION OF THE UNFAIR COMPETITION IN
 11 PURCHASING STATUTE; AND AMENDING SECTION 30-14-208, MCA."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 30-14-208, MCA, is amended to read:

15 "30-14-208. Unfair competition in purchasing. (1) Any A
 16 business which that, for the purpose of creating a monopoly
 17 or destroying the business of a regularly established dealer
 18 or preventing the competition of any person who in good
 19 faith intends or attempts to become such a dealer,
 20 discriminates between different persons or localities of
 21 this state by purchasing any article of commerce at a higher
 22 rate or price in one locality than in another, after making
 23 due allowance for the difference in the actual cost of
 24 transportation from the point of purchase to the point of
 25 manufacture, sale, storage, or distribution and for the

1 difference in the grade and quality of such the article, is
 2 guilty of unfair discrimination, which is prohibited and
 3 unlawful.

4 ~~{2}--Proof--that--any--person--has--paid--a--higher--rate--or--~~
 5 ~~price--for--any--article--of--commerce--in--one--locality--than--in~~
 6 ~~another,--after--making--due--allowance--for--the--difference--in~~
 7 ~~the--actual--cost--of--transportation--and--for--the--difference--in~~
 8 ~~the--grade--and--quality--of--such--article,--shall--be--prima--facie~~
 9 ~~evidence--of--a--violation--of--this--section.~~

10 {3}{2} The payment of a higher rate or price in one
 11 locality than in another, after making such the allowance
 12 provided above in subsection (1), is not unfair
 13 discrimination provided such that the higher rate or price
 14 is paid for the purpose of meeting competing with the rate
 15 or price set by a competitor in such that locality. The
 16 burden-of-proof-of-such-fact-is-upon-the-person-charged-with
 17 unfair-discrimination."

-End-

APPROVED BY COMM. ON
BUSINESS & INDUSTRY

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