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 ReportBill 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:

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE UNFAIR COMPETITION IN PURCHASING LAW; ELIMINATING THE BURDEN OF PROOF ON A PERSON PAYING A HIGHER PRICE IN ONE LOCALITY THAN IN ANOTHER TO PROVE THAT THE ACTION IS NOT UNFAIR DISCRIMINATION; ELIMINATING THE PROVISION THAT PAYMENT OF A HIGHER PRICE IN ONE LOCALITY THAN IN ANOTHER IS PRIMA FACIE EVIDENCE OF A VIOLATION OF THE UNFAIR COMPETITION IN PURCHASING STATUTE; AND AMENDING SECTION 30-14-208, MCA."

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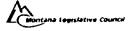
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

business which that, for the purpose of creating a monopoly or destroying the business of a regularly established dealer or preventing the competition of any person who in good faith intends or attempts to become such a dealer, discriminates between different persons or localities of this state by purchasing any article of commerce at a higher rate or price in one locality than in another, after making due allowance for the difference in the actual cost of transportation from the point of purchase to the point of manufacture, sale, storage, or distribution and for the



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unfair-discrimination-"

1 difference in the grade and quality of such the article, is quilty of unfair discrimination, which is prohibited and 3 unlawful. +2)--Proof--that--any--person--has-paid-a-higher-rate-or 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 the--grade-and-quality-of-such-article;-shall-be-prima-facie 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 13 discrimination provided such that the higher rate or price 14 is paid for the purpose of meeting competing with the rate

-End-

or price set by a competitor in such that locality. The

burden-of-proof-of-such-fact-is-upon-the-person-charged-with

LC 0922/01 APPROVED BY COMM. ON BUSINESS & INDUSTRY

INTRODUCED BY

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Montana Legislative Council

difference in the grade and quality of such the article, is quilty of unfair discrimination, which is prohibited and unlawful.

(2)--Proof--that--any--person--has-paid-a-higher-rate-or price-for-any-article-of-commerce-in-one--locality--than--in another;--after--making--due-allowance-for-the-difference-in the-actual-cost-of-transportation-and-for-the-difference--in the--grade-and-quality-of-such-article;-shall-be-prima-facie evidence-of-a-violation-of-this-section;

t3)(2) The payment of a higher rate or price in one locality than in another, after making such the allowance provided above in subsection (1), is not unfair discrimination provided such that the higher rate or price is paid for the purpose of meeting competing with the rate or price set by a competitor in such that locality. The burden-of-proof-of-such-fact-is-upon-the-person-charged-with unfair-discrimination."

-End-

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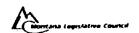
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(3)(2) The payment of a higher rate or price in one
locality than in another, after making such the allowance

-End-

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