

SENATE FILE NO. SF0086

Archaic price regulation repeal.

Sponsored by: Senator(s) Scott and Case and
Representative(s) Brown and Stubson

A BILL

for

1 AN ACT relating to trade and commerce; amending price
2 regulations provisions as specified; repealing duplicative
3 and archaic provisions; and providing for an effective
4 date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 40-4-101(a)(intro), (i), (ii), by
9 creating a new paragraph (iv), (b), (c)(iii) and by
10 creating new paragraphs (v) through (vii) is amended to
11 read:

12

13 **40-4-101. What constitutes unfair discrimination;**
14 **penalty; exceptions.**

15

1 (a) Any person, firm, ~~or~~ corporation, foreign or
2 domestic, or other entity doing business in the state of
3 Wyoming and engaged in the production, manufacture, sale or
4 distribution of any commodity in general use, shall not:

5
6 (i) With the intent to restrict competition,
7 make, enter into, form or become a party to any plan,
8 contract, agreement, consolidation, merger or combination
9 of any kind whatsoever to prevent competition or to control
10 or influence production or prices thereof; ~~or~~

11
12 (ii) Intentionally, and for the purpose of
13 destroying competition, ~~or gaining unjust and unreasonable~~
14 ~~profits,~~ discriminate between different sections,
15 communities, counties or cities of this state ~~by selling~~
16 ~~such commodity at a lower rate in one (1) section,~~
17 ~~community or city, or any portion thereof, than is charged~~
18 ~~for such commodity in another section, community or city,~~
19 ~~after equalizing the distance from the point of production,~~
20 ~~manufacture or distribution and the freight rates therefrom~~
21 as to prices, services or other factors; or

22
23 (iv) Impose any charge on a customer for using a
24 competing or a different supplier.

1

2 (b) Any person, firm, ~~or~~ corporation or other entity
3 violating subsection (a) of this section is guilty of
4 unfair discrimination and any agreement, contract, whether
5 express or implied, or any provision of an agreement or
6 contract violating subsection (a) of this section is
7 illegal and void to the extent it violates subsection (a)
8 of this section.

9

10 (c) This chapter shall not:

11

12 (iii) Prevent the sale of goods at ~~proper~~
13 commercial discounts customary in the sale of ~~such~~
14 ~~particular~~ the goods;

15

16 (v) Prohibit differences in prices, services or
17 other factors which are due to costs, capabilities or to
18 meet competition unless the purpose and effect is to
19 prevent, limit or destroy competition or unless the effect
20 is to impose an additional charge on a customer for using a
21 competing supplier;

22

23 (vi) Prohibit the development, agreement on and
24 use of standards designed to permit or encourage

1 competition or interoperability among products or services,
2 provided the standards do not include provisions fixing or
3 colluding on the prices or colluding to prevent competition
4 by limiting the availability of the products or services;
5 or

6
7 (vii) Prohibit any person, firm, corporation or
8 other entity from entering into any agreement or contract
9 with a customer which specifies the price charged, or the
10 services furnished, to the customer, or which gives
11 discounts or additional services to the customer for
12 purchasing specified volumes or multiple products, provided
13 that the contract or agreement does not prohibit the
14 customer from purchasing an identical or similar product or
15 any different product from a competing supplier or vendor.

16
17 **Section 2.** W.S. 40-4-101(a)(iii), (c)(i) and (ii) and
18 40-4-106 through 40-4-121 are repealed.

19
20 **Section 3.** This act is effective July 1, 2008.

21
22 (END)