

IC 24-1-3

Chapter 3. Combinations to Prevent Sale of Supplies

IC 24-1-3-1

Offenses; voiding contracts

Sec. 1. A person who enters into any contract or combination to induce, procure, or prevent any wholesale or retail dealer in or manufacturer of merchandise or of supplies or of material or articles intended for trade or used by any mechanic, artisan, or dealer in the prosecution of his business from selling such supplies to any dealer or to any mechanic or artisan commits a Class A misdemeanor. A dealer in or manufacturer of such supplies, material, or articles who is a party to any such contract or combination or who upon the request of any party to any such contract or combination refuses to sell such supplies, materials, or articles to any other person who may require them in the prosecution of his business, for the reason that the other person is not a member of a combination or association of persons, commits a Class A misdemeanor. All such contracts and combinations are void.

(Formerly: Acts 1899, c.148, s.1.) As amended by Acts 1978, P.L.2, SEC.2405.

IC 24-1-3-2

Repealed

(Repealed by Acts 1978, P.L.2, SEC.2426.)

IC 24-1-3-3

Continuing violations; penalties

Sec. 3. Each and every person, firm, limited liability company, or association of persons who shall in any manner violate the provisions of this chapter shall, for each and every day that such violation shall be committed and continued after due notice given by the party interested to the attorney general or prosecuting attorney, forfeit and pay the sum of fifty dollars (\$50), which may be recovered in the name of the state on the relation of the party injured or on the relation of the prosecuting attorney in any county where the offense is committed or where the offender or offenders reside. And it shall be the duty of the prosecuting attorney of any county to prosecute any such action, and he shall be entitled to a fee of twenty-five dollars (\$25) to be taxed against the defendant in the event of recovery as a part of the costs of said action. Any such action may be taken in any circuit or superior court of the county in which the defendant resides or in which he is engaged in business.

(Formerly: Acts 1899, c.148, s.3.) As amended by P.L.152-1986, SEC.15; P.L.8-1993, SEC.336.

IC 24-1-3-3.1

Attorney general may bring action on behalf of the state or a political subdivision

Sec. 3.1. The attorney general may bring an action on behalf of

the state or a political subdivision (as defined in IC 34-6-2-110) for injuries or damages sustained directly or indirectly as a result of a:

(1) contract or combination described in section 1 of this chapter; or

(2) violation of this chapter.

As added by P.L.135-2008, SEC.5.

IC 24-1-3-4

Civil action by injured party; attorney general's representation of the state or political subdivision

Sec. 4. (a) Any person who has suffered injuries or damages as a result of a contract or combination described in section 1 of this chapter, or by any other violation of this chapter, may bring an action in a circuit or superior court having jurisdiction in the county where the defendant resides or is engaged in business, or in any county where service may be obtained, without respect to the amount in controversy. The plaintiff in an action brought under this section is entitled to recover threefold damages awarded in the action, plus reasonable costs and attorney's fees.

(b) The attorney general may bring an action under this section on behalf of the state or a political subdivision.

(Formerly: Acts 1899, c.148, s.4.) As amended by P.L.152-1986, SEC.16; P.L.135-2008, SEC.6.

IC 24-1-3-5

Service of process; parties residing outside county in which action arises

Sec. 5. Whenever it shall appear to the court before which any proceedings under this chapter may be pending that the ends of justice require that other parties shall be brought before the court, said court may cause them to be made parties defendant and cause them to be served by the process of court as required by law in such cases provided, whether they reside in the county where said action is pending or not.

(Formerly: Acts 1899, c.148, s.5.) As amended by P.L.152-1986, SEC.17.