

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1303

By: Holt

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6 AS INTRODUCED

7 An Act relating to the Oklahoma Antitrust Reform Act;
8 amending 79 O.S. 2011, Section 205, which relates to
9 actions by injured parties and Attorney General;
10 modifying manner of certain injury; and providing an
11 effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 79 O.S. 2011, Section 205, is
14 amended to read as follows:

15 Section 205. A. 1. Any person who is injured either directly
16 or indirectly in his or her business or property by a violation of
17 ~~this act~~ the Oklahoma Antitrust Reform Act, may obtain appropriate
18 injunctive or other equitable relief and monetary damages and shall
19 recover threefold the damages sustained, and the cost of suit,
20 including a reasonable attorney fee. The Attorney General may bring
21 an action in the name of the state, as parens patriae on behalf of
22 natural persons residing in the state for appropriate injunctive or
23 other equitable relief and to secure monetary damages for injury
24 sustained by such natural persons to their business or property by

1 reason of any violation of ~~this act~~ the Oklahoma Antitrust Reform
2 Act. The court shall exclude from the amount of the monetary
3 damages awarded in such action any amount of monetary damages:

4 a. which duplicates amounts which have been awarded for
5 the same injury, or

6 b. which is properly allocable to:

7 (1) natural persons who have excluded their claims,
8 and

9 (2) any other persons.

10 The court shall award the state as parens patriae threefold the
11 total damages sustained and the cost of suit, including a reasonable
12 attorney fee. Whenever the state is hereafter injured either
13 directly or indirectly in its business or property by anything
14 forbidden in ~~this act~~ the Oklahoma Antitrust Reform Act, it may
15 obtain appropriate injunctive or other equitable relief and monetary
16 damages therefor and shall recover actual damages by it sustained
17 and the cost of suit including a reasonable attorney fee. The court
18 may award under this section, pursuant to a motion by such person or
19 the state, simple interest on actual damages for the period
20 beginning on the date of service of such person's or the state's
21 pleading setting forth a claim under ~~this act~~ the Oklahoma Antitrust
22 Reform Act and ending on the date of judgment, or for any shorter
23 period therein, if the court finds that the award of such interest
24 for such period is just in the circumstances. The Attorney General

1 may bring an action on behalf of either the state or a political
2 subdivision of the state when either is injured either directly or
3 indirectly in its business or property by anything forbidden by the
4 provisions of ~~this act~~ the Oklahoma Antitrust Reform Act.

5 2. In any civil action brought by the Attorney General as
6 parens patriae, the Attorney General shall, at such times, in such
7 manner, and with such content as the court may direct, cause notice
8 thereof to be given by publication. Any person on whose behalf an
9 action is brought may elect to exclude from adjudication the portion
10 of the claim for monetary damages attributable to him or her by
11 filing notice of this election with the court within the time
12 specified in the notice given pursuant to this paragraph.

13 3. In a civil action brought by the Attorney General as parens
14 patriae, the final judgment shall be res judicata as to any claim
15 under this section by any person on behalf of whom the action was
16 brought and who fails to give notice within the period specified in
17 the notice given pursuant to paragraph 2 of this subsection.

18 B. Any person or governmental entity who or which obtains a
19 judgment for damages under 15 U.S.C., Section 15 or any other
20 provision of federal law comparable to this section may not recover
21 damages in a suit under this section based on substantially the same
22 conduct that was the subject of the federal suit.

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1 C. Any action to recover damages under this section is barred
2 unless commenced within four (4) years after the claim accrued or
3 was discovered, whichever is later.

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SECTION 2. This act shall become effective November 1, 2012.

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