




House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

MEMORANDUM

Date: January 24, 2011
To: All House Members
From: Representative Dom Costa 
Subject: Co-sponsorship of Legislation: Pennsylvania Antitrust Act

In the near future, I will be introducing the Pennsylvania Antitrust Act - important legislation that will empower the Office of Attorney General to investigate and prosecute unreasonable restraints of trade in the Commonwealth. Pennsylvania, unlike the clear majority of states, does not have an antitrust law with which to regulate in-state commerce which is non-competitive.

My legislation will outlaw contracts, combinations or conspiracies in restraint of trade or commerce. Violations will be punishable by criminal sanctions (third degree felonies plus monetary fines) and/or civil penalties (up to \$100,000 per violation plus costs). In addition, the Attorney General will be empowered to seek injunctive relief. The legislation will also authorize a private citizen "directly injured in business or property" to pursue legal action for injunctive relief and/or monetary damages. The bill will exempt from its reach, industries which are already subjected to significant state regulation including public utilities, financial institutions, and insurance.

In Appalachian Coals, Inc. v. United States, 288 U.S. 344, 359-60 (1933) the Supreme Court pointed out that the antitrust laws are a "charter of freedom", designed to protect the core values regarding free enterprise in America. My legislation will carry on these principles by prohibiting the anti-competitive behavior, and unfair business practices that harm the Commonwealth's marketplace. By doing so, the bill will encourage competition in the marketplace, and will protect businesses and consumers, alike.

If you would like to co-sponsor this bill, please contact Maribel Echevarria via email at mechevar@pahouse.net or call 717-783-9114.