

**As Passed by the Senate**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Sub. H. B. No. 126**

**REPRESENTATIVES Seitz, Grendell, Damschroder, Wolpert, Hartnett,  
Willamowski, Webster, Britton, Lendrum, Boccieri, Womer Benjamin, Latta,  
DePiero, Faber, Perry, Gilb, Manning, Schneider, Raga, Niehaus, Clancy,  
G. Smith, Hughes, Schmidt, Coates, Sulzer, Collier, Husted, Young, Flowers,  
Metzger, Rhine, Hoops, Flannery, Otterman, Latell, Salerno, Stapleton  
SENATORS Amstutz, Austria, Blessing, Espy**

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**A B I L L**

To amend sections 1331.08 and 1331.12 of the Revised 1  
Code to provide a four-year statute of limitation 2  
on any civil or criminal action or proceeding under 3  
the Antitrust Law and to increase the amount of 4  
damages in a civil action under that law. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 1331.08 and 1331.12 of the Revised 6  
Code be amended to read as follows: 7

**Sec. 1331.08.** In addition to the civil and criminal penalties 8  
provided in sections 1331.01 to 1331.14 of the Revised Code, the 9  
person injured in ~~his~~ the person's business or property by another 10  
person by reason of anything forbidden or declared to be unlawful 11  
in ~~such~~ those sections, may sue therefor in any court having 12  
jurisdiction and venue thereof, without respect to the amount in 13  
controversy, and recover ~~twofold~~ treble the damages sustained by 14  
~~him~~ the person and ~~his~~ the person's costs of suit. When it appears 15

to the court, before which a proceeding under ~~such~~ those sections 16  
is pending, that the ends of justice require other parties to be 17  
brought before ~~such~~ the court, the court may cause them to be made 18  
parties defendant and summoned, whether or not they reside in the 19  
county where ~~such~~ the action is pending. 20

**Sec. 1331.12.** (A) In any action or proceeding in quo 21  
warranto, in injunction, or otherwise brought by the attorney 22  
general or a prosecuting attorney under sections 1331.01 to 23  
1331.14 of the Revised Code, all persons, ~~that are~~ party to or 24  
participating in the trust or conspiracy against trade violative 25  
of ~~such~~ those sections, may be made parties defendant and 26  
summoned, whether or not they reside in the county ~~where~~ in which 27  
the action or proceeding is instituted. Actions or proceedings in 28  
quo warranto and in injunction may be instituted simultaneously, 29  
or while one or another of them is pending, such actions or 30  
proceedings being started in the proper court as provided in 31  
section 1331.11 of the Revised Code, and no action or proceeding 32  
in injunction is a bar to ~~a~~ an action or proceeding in quo 33  
warranto, nor is ~~a~~ an action or proceeding in quo warranto a bar 34  
to one instituted to restrain and enjoin. 35

~~No statute of limitation shall prevent or be a bar to any 36  
action for the recovery of damages that is brought on behalf of 37  
the state or a political subdivision of the state or brought by 38  
the state in a parens patriae capacity for the benefit of 39  
consumers, to any proceeding in quo warranto or in injunction, or 40  
to any other action brought by the attorney general or a 41  
prosecuting attorney for any violation of sections 1331.01 to 42  
1331.14 of the Revised Code. 43~~

(B) ~~A cause of~~ Any civil or criminal action or proceeding for 44  
any a violation of sections 1331.01 to 1331.14 of the Revised 45  
Code, other than one upon which an action ~~is~~ was brought by the 46  
attorney general or a prosecuting attorney, and other than one 47

~~upon which action was brought~~ in any court by any person not later 48  
than forty-five days after the effective date of ~~this~~ the current 49  
amendment, shall be forever barred unless commenced within four 50  
years after the cause of action accrued. 51

**Section 2.** That existing sections 1331.08 and 1331.12 of the 52  
Revised Code are hereby repealed. 53