

As Reported by the House Criminal Justice Committee

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

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 ~~tenfold~~ 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

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parties defendant and summoned, whether or not they reside in the county where ~~such~~ the action is pending.

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

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

(B) ~~A cause of~~ Any civil or criminal action or proceeding for ~~any~~ a violation of sections 1331.01 to 1331.14 of the Revised Code, other than one upon which an action ~~is~~ was brought by the attorney general or a prosecuting attorney, and other than one ~~upon which action was brought~~ in any court by any person not later than forty-five days after the effective date of ~~this~~ the current amendment, shall be forever barred unless commenced within four

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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