

# HOUSE BILL No. 5122

September 6, 2005, Introduced by Rep. Vander Veen and referred to the Committee on Energy and Technology.

A bill to amend 1984 PA 274, entitled  
"Michigan antitrust reform act,"  
by amending the title and section 1 (MCL 445.771), the title as  
amended by 1987 PA 243, and by adding section 3a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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### TITLE

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An act to prohibit contracts, combinations, and conspiracies  
in restraint of trade or commerce; to allow certain agreements not  
to compete; to prohibit monopolies and attempts to monopolize trade  
or commerce; **TO REQUIRE CERTAIN ELECTRONIC DATA INTERCHANGE SERVICE  
PROVIDERS TO ENTER INTO INTERCONNECTION AGREEMENTS;** to prescribe  
powers and duties of certain state officers and agencies; to  
provide remedies, fines, and penalties for violations of this act;

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1 to bar certain causes of action; and to repeal ~~certain~~ acts and  
2 parts of acts.

3 Sec. 1. As used in this act:

4 (A) "ELECTRONIC DATA INTERCHANGE" MEANS THE ELECTRONIC  
5 TRANSMISSION, RECEIPT, AND PROCESSING OF MONETARY TRANSACTIONS  
6 BETWEEN 2 OR MORE INDEPENDENT PERSONS.

7 (B) "ELECTRONIC DATA INTERCHANGE SERVICE PROVIDER" MEANS A  
8 PERSON ENGAGED IN THE BUSINESS OF PROVIDING ELECTRONIC DATA  
9 INTERCHANGE SERVICES.

10 (C) "INTERCONNECTION AGREEMENT" MEANS AN AGREEMENT BETWEEN 2  
11 OR MORE ELECTRONIC DATA INTERCHANGE SERVICE PROVIDERS TO TRANSMIT,  
12 RECEIVE, OR PROCESS MONETARY TRANSACTIONS ELECTRONICALLY.

13 (D) ~~(a)~~ "Person" means an individual, corporation, **LIMITED**  
14 **LIABILITY COMPANY**, business trust, partnership, association, or any  
15 other legal entity.

16 (E) ~~(b)~~ "Relevant market" means the geographical area of  
17 actual or potential competition in a line of trade or commerce, all  
18 or any part of which is within this state.

19 (F) ~~(c)~~ "Trade or commerce" means the conduct of a business  
20 for profit or not for profit producing or providing goods,  
21 commodities, property, or services and includes, without  
22 limitation, advertising, franchising, solicitation, offering for  
23 sale, lease, or distribution of a service or property, tangible or  
24 intangible, real, personal, or mixed, or any other article of  
25 commerce.

26 (G) ~~(d)~~ "Unit of government" means this state or an agency,  
27 instrumentality, political subdivision, or public corporation of

1 this state, including, but not limited to, municipal corporations,  
2 quasi-municipal corporations, and authorities, and including their  
3 officials, employees, and agents when acting in their official  
4 capacity.

5 (H) "VALUE-ADDED NETWORK" MEANS AN ELECTRONIC DATA INTERCHANGE  
6 SERVICE PROVIDER THAT MEETS BOTH OF THE FOLLOWING:

7 (i) THE PROVIDER TRACKS, PROCESSES, AND PROVIDES AN AUDIT TRAIL  
8 FOR ELECTRONIC MONETARY TRANSACTIONS SUBMITTED BY OTHER PERSONS.

9 (ii) THE PROVIDER HAS AN INTERCONNECTION AGREEMENT WITH 6 OR  
10 MORE ELECTRONIC DATA INTERCHANGE SERVICE PROVIDERS.

11 SEC. 3A. A VALUE-ADDED NETWORK THAT CONDUCTS BUSINESS IN THIS  
12 STATE AND HAS ENTERED INTO 1 OR MORE INTERCONNECTION AGREEMENTS  
13 WITH ELECTRONIC DATA INTERCHANGE SERVICE PROVIDERS OR WITH ANOTHER  
14 VALUE-ADDED NETWORK SHALL NOT REFUSE TO ENTER INTO AN INTERCHANGE  
15 AGREEMENT THAT AFFECTS A RELEVANT MARKET ON PROPORTIONALLY EQUAL  
16 TERMS WITH ANY OTHER ELECTRONIC DATA INTERCHANGE SERVICE PROVIDER  
17 OR VALUE-ADDED NETWORK THAT ALSO CONDUCTS BUSINESS IN MICHIGAN.

18 Enacting section 1. This amendatory act takes effect 60 days  
19 after the date it is enacted.