

# HOUSE BILL No. 5715

March 13, 2018, Introduced by Reps. Moss, Elder, Sowerby, Chang, Lucido, Geiss, Hertel and Faris and referred to the Committee on Commerce and Trade.

A bill to amend 1984 PA 274, entitled  
"Michigan antitrust reform act,"  
by amending section 9 (MCL 445.779) and by adding section 3c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 3C. (1) SUBJECT TO SUBSECTION (2), DURING THE TIME PERIOD  
2        OF A DECLARED STATE OF EMERGENCY OR A LOCAL EMERGENCY, AND FOR 30  
3        DAYS AFTER THAT TIME PERIOD, A PERSON THAT OWNS OR OPERATES A HOTEL  
4        OR MOTEL SHALL NOT CHARGE A PRICE FOR LODGING THAT EXCEEDS THE  
5        HIGHEST REGULAR ROOM RATE CHARGED BY THE HOTEL OR MOTEL IN THE 180-  
6        DAY PERIOD PRECEDING THE DECLARATION OF THE STATE OF EMERGENCY OR  
7        LOCAL EMERGENCY.

8        (2) SUBSECTION (1) DOES NOT APPLY TO A PRICE INCREASE BY A  
9        PERSON THAT OWNS OR OPERATES A HOTEL OR MOTEL THAT IS OTHERWISE  
10       PROHIBITED UNDER SUBSECTION (1) IF THE OWNER OR OPERATOR CAN PROVE

1 THAT THE INCREASE IN PRICE IS DIRECTLY ATTRIBUTABLE TO ANY OF THE  
2 FOLLOWING:

3 (A) ADDITIONAL COSTS IMPOSED ON THE OWNER OR OPERATOR FOR  
4 GOODS OR LABOR USED IN ITS BUSINESS.

5 (B) SEASONAL ADJUSTMENTS IN RATES THAT ARE REGULARLY  
6 SCHEDULED.

7 (C) PREVIOUSLY CONTRACTED RATES.

8 Sec. 9. (1) A person ~~who~~ **THAT** engages in any violation of  
9 section 2 or 3 with the intent to accomplish a result prohibited by  
10 this act ~~shall be~~ **IS** guilty of a misdemeanor, punishable by **ANY OF**  
11 **THE FOLLOWING:**

12 (A) IF THE PERSON IS AN INDIVIDUAL, imprisonment of not more  
13 than 2 years or a fine of not more than \$10,000.00, or both. ~~if~~

14 (B) IF THE PERSON IS NOT an individual, ~~or~~ **A FINE OF** not more  
15 than \$1,000,000.00. ~~if a person other than an individual. A~~

16 (2) A PERSON THAT KNOWINGLY VIOLATES SECTION 3B OR 3C IS  
17 SUBJECT TO A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
18 THAN 180 DAYS OR A FINE OF NOT MORE THAN \$25,000.00, OR BOTH.

19 (3) THE ATTORNEY GENERAL OR A PROSECUTING ATTORNEY SHALL NOT  
20 **BRING A** criminal prosecution ~~shall not be brought~~ under this  
21 section if a prior criminal prosecution has been initiated under  
22 the Sherman act, **15 USC 1 TO 7**, arising out of the same  
23 transactions or occurrences.

24 Enacting section 1. This amendatory act takes effect 90 days  
25 after the date it is enacted into law.

26 Enacting section 2. This amendatory act does not take effect  
27 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5714 (request no.

**1** 02791'17) of the 99th Legislature is enacted into law.