

## **CHAPTER 51-09 UNFAIR DISCRIMINATION**

### **51-09-01. Unfair discrimination in purchase and sale of commodities.**

Any person, firm, company, association, corporation, or limited liability company, foreign or domestic, doing business in this state and engaged in the production, manufacture, or distribution of any commodity in general use, that, for the purpose of destroying the business of a competitor in any locality, intentionally shall discriminate between different sections, communities, or cities of this state by selling such commodity at a lower rate in one section, community, or city than is charged therefor by said party in another section, community, or city, after making due allowance for the difference, if any, in the grade or quality and in the actual cost of transportation from the point of production, if a raw product, or from the point of manufacture, if a manufactured product, is guilty of unfair discrimination.

### **51-09-02. Penalty for unfair discrimination.**

Any person violating any of the provisions of section 51-09-01 is guilty of a class A misdemeanor.

### **51-09-03. Contracts made in violation of chapter are void.**

All contracts or agreements made in violation of any of the provisions of this chapter are void.

### **51-09-04. Authority of attorney general to investigate and prosecute unfair discrimination when complaint is made.**

If a complaint is made to the attorney general that any person is guilty of unfair discrimination committed for any of the purposes enumerated in section 51-09-01, the attorney general shall investigate the matter complained of, and for that purpose the attorney general may subpoena witnesses, administer oaths, take testimony, and require the production of books or other documents belonging to the person complained against. If, in the attorney general's opinion, sufficient grounds exist therefor, the attorney general shall prosecute an action in the name of the state of North Dakota to annul the charter, if the person complained against is a corporation or limited liability company, or to revoke the permit or license of the person complained against.

### **51-09-05. Duty of attorney general to bring action to prevent corporation or limited liability company from doing business if the charter or permit canceled.**

If any domestic corporation or limited liability company the charter of which has been canceled, or any foreign corporation or limited liability company the permit of which has been revoked, shall continue or attempt to do business in this state, the attorney general, by appropriate action, shall prevent such corporation or limited liability company from doing any and all business of any kind or character within this state.

### **51-09-06. Complaint to secretary of state of violation of chapter - Referring complaint to attorney general.**

If a complaint is made to the secretary of state that any corporation or limited liability company authorized to do business in this state is guilty of unfair discrimination within the provisions of this chapter, the secretary of state shall refer the matter to the attorney general, who, if the facts justify it in the attorney general's judgment, may institute proceedings against such corporation or limited liability company.