

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Antitrust Act is amended by
5 changing Sections 3 and 4 as follows:

6 (740 ILCS 10/3) (from Ch. 38, par. 60-3)

7 Sec. 3. Every person shall be deemed to have committed a
8 violation of this Act who shall:

9 (1) Make any contract with, or engage in any combination
10 or conspiracy with, any other person who is, or but for a prior
11 agreement would be, a competitor of such person:

12 a. for the purpose or with the effect of fixing,
13 controlling, or maintaining the price or rate charged for any
14 commodity sold or bought by the parties thereto, or the fee
15 charged or paid for any service performed or received by the
16 parties thereto;

17 b. fixing, controlling, maintaining, limiting, or
18 discontinuing the production, manufacture, mining, sale or
19 supply of any commodity, or the sale or supply of any service,
20 for the purpose or with the effect stated in paragraph a. of
21 subsection (1);

22 c. allocating or dividing customers, territories,
23 supplies, sales, or markets, functional or geographical, for

1 any commodity or service; ~~or~~

2 d. for the purpose or with the effect of fixing,
3 controlling, or maintaining rental pricing, fees, or any other
4 rental term for residential rental units in the State; or

5 e. for the purpose or with the effect of engaging in price
6 coordination for residential rental units in the State,
7 including through the sale, licensure, or provision of any
8 service or product that involves price coordination of
9 residential rental units; or

10 (2) By contract, combination, or conspiracy with one or
11 more other persons unreasonably restrain trade or commerce; or

12 (3) Establish, maintain, use, or attempt to acquire
13 monopoly power over any substantial part of trade or commerce
14 of this State for the purpose of excluding competition or of
15 controlling, fixing, or maintaining prices in such trade or
16 commerce; or

17 (4) Lease or make a sale or contract for sale of goods,
18 wares, merchandise, machinery, supplies, or other commodities,
19 or services (including master antenna television service),
20 whether patented or unpatented, for use, consumption,
21 enjoyment, or resale, or fix a price charged thereof, or
22 discount from, or rebate upon, such price, on the condition,
23 agreement, or understanding that the lessee or purchaser
24 thereof shall not use or deal in the goods, wares,
25 merchandise, machinery, supplies, or other commodity or
26 service (including cable television service or cable

1 television relay service), of a competitor or competitors of
2 the lessor or seller, where the effect of such lease, sale or
3 contract for such sale or such condition, agreement, or
4 understanding may be to substantially lessen competition or
5 tend to create a monopoly in any line of commerce; or

6 (5) Being an employee, officer or agent of any foreign
7 government, or an employee, officer or agent of a corporation
8 or other entity which does business with or seeks to do
9 business with any foreign government or instrumentality
10 thereof; enforce, attempt to enforce, agree to or take action
11 to forward the aims of, any discriminatory practice by the
12 foreign government which is based on race, color, creed,
13 national ancestry or sex or on ethnic or religious grounds,
14 where such conduct, course of conduct, or agreement takes
15 place in whole or in part within the United States and affects
16 business in this State; or-

17 (6) Engage in price coordination or use, subscribe to, or
18 contract with a service that involves price coordination for
19 residential rental units in the State, including through the
20 sale, licensure, or provision of any other service or product
21 that involves price coordination of residential rental units.

22 (Source: P.A. 82-219.)

23 (740 ILCS 10/4) (from Ch. 38, par. 60-4)

24 Sec. 4. As used in this Act, unless the context otherwise
25 requires:

1 "Trade or commerce" includes all economic activity
2 involving or relating to any commodity or service.

3 "Commodity" shall mean any kind of real or personal
4 property.

5 "Service" shall mean any activity, not covered by the
6 definition of "commodity," which is performed in whole or in
7 part for the purpose of financial gain.

8 "Service" shall not be deemed to include labor which is
9 performed by natural persons as employees of others.

10 "Person" shall mean any natural person, or any
11 corporation, partnership, or association of persons.

12 "Price coordination" means engaging in the following acts:

13 (1) collecting historical or contemporaneous nonpublic
14 competitor information concerning prices, price changes,
15 supply levels, occupancy rates, or lease or rental
16 contract termination and renewal dates of residential
17 rental units from 2 or more real estate lessors, whether
18 monetary or other valuable consideration is paid to
19 acquire or collect such information; and

20 (2) recommending or suggesting rental prices, fees,
21 rental terms, or occupancy levels to a real estate lessor
22 based on such information, including if the recommendation
23 involves the analysis or processing of information using a
24 computational or algorithmic system, software, or process.

25 "Price coordination" does not include:

26 (A) providing information to establish rent or income

1 limits in accordance with the affordable housing program
2 guidelines of a governmental entity;

3 (B) generation or use of any report, study, or
4 presentation that provides existing rental data in an
5 aggregated manner but does not recommend rent prices,
6 fees, or occupancy rates or other rental contract terms
7 for future leases; or

8 (C) providing or using information to conduct market
9 research for project financing, an appraisal, or research,
10 testing, and training for software development.

11 "Nonpublic competitor information" means information that
12 is less than 90 days old and unavailable to the general public,
13 including information about actual rent prices, occupancy
14 rates, lease start-and-end dates, and similar data, regardless
15 of whether the information is attributable to a specific
16 competitor, anonymized, or derived from or otherwise provided
17 by another person that competes in the same market or a related
18 market.

19 (Source: P.A. 83-516.)