



Sen. Graciela Guzmán

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10400SB0343sam001

LRB104 06462 JRC 37579 a

1 AMENDMENT TO SENATE BILL 343

2 AMENDMENT NO. _____. Amend Senate Bill 343 by replacing
3 everything after the enacting clause with the following:

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;

1 b. fixing, controlling, maintaining, limiting, or
2 discontinuing the production, manufacture, mining, sale or
3 supply of any commodity, or the sale or supply of any service,
4 for the purpose or with the effect stated in paragraph a. of
5 subsection (1);

6 c. allocating or dividing customers, territories,
7 supplies, sales, or markets, functional or geographical, for
8 any commodity or service; ~~or~~

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

12 e. for the purpose or with the effect of engaging in price
13 coordination for residential rental units in the State,
14 including through the sale, licensure, or provision of any
15 service or product that involves price coordination of
16 residential rental units; or

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

19 (3) Establish, maintain, use, or attempt to acquire
20 monopoly power over any substantial part of trade or commerce
21 of this State for the purpose of excluding competition or of
22 controlling, fixing, or maintaining prices in such trade or
23 commerce; or

24 (4) Lease or make a sale or contract for sale of goods,
25 wares, merchandise, machinery, supplies, or other commodities,
26 or services (including master antenna television service),

1 whether patented or unpatented, for use, consumption,
2 enjoyment, or resale, or fix a price charged thereof, or
3 discount from, or rebate upon, such price, on the condition,
4 agreement, or understanding that the lessee or purchaser
5 thereof shall not use or deal in the goods, wares,
6 merchandise, machinery, supplies, or other commodity or
7 service (including cable television service or cable
8 television relay service), of a competitor or competitors of
9 the lessor or seller, where the effect of such lease, sale or
10 contract for such sale or such condition, agreement, or
11 understanding may be to substantially lessen competition or
12 tend to create a monopoly in any line of commerce; or

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

24 (6) Engage in price coordination or use, subscribe to, or
25 contract with a service that involves price coordination for
26 residential rental units in the State, including through the

1 sale, licensure, or provision of any other service or product
2 that involves price coordination of residential rental units.

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

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

5 Sec. 4. As used in this Act, unless the context otherwise
6 requires:

7 "Trade or commerce" includes all economic activity
8 involving or relating to any commodity or service.

9 "Commodity" shall mean any kind of real or personal
10 property.

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

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

16 "Person" shall mean any natural person, or any
17 corporation, partnership, or association of persons.

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

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

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

6 "Price coordination" does not include:

7 (A) providing information to establish rent or income
8 limits in accordance with the affordable housing program
9 guidelines of a governmental entity;

10 (B) generation or use of any report, study, or
11 presentation that provides existing rental data in an
12 aggregated manner but does not recommend rent prices,
13 fees, or occupancy rates or other rental contract terms
14 for future leases; or

15 (C) providing or using information to conduct market
16 research for project financing, an appraisal, or research,
17 testing, and training for software development.

18 "Nonpublic competitor information" means information that
19 is less than 90 days old and unavailable to the general public,
20 including information about actual rent prices, occupancy
21 rates, lease start-and-end dates, and similar data, regardless
22 of whether the information is attributable to a specific
23 competitor, anonymized, or derived from or otherwise provided
24 by another person that competes in the same market or a related
25 market.

26 (Source: P.A. 83-516.)".