



Rep. Deanne M. Mazzochi

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10200HB2880ham001

LRB102 13250 JLS 23185 a

1 AMENDMENT TO HOUSE BILL 2880

2 AMENDMENT NO. _____. Amend House Bill 2880 on page 1,
3 line 5, by changing "Section 22" to "Sections 22, 23, and 24";
4 and

5 on page 8, by inserting immediately below line 15 the
6 following:

7 "(815 ILCS 530/23 new)

8 Sec. 23. Deplatforming of individuals and entities. It is
9 a separate act of unfair competition for a third-party
10 platform that has accessed digital assets of an individual or
11 entity to deplatform or threaten to deplatform an individual
12 or entity, absent notice and a one-year period within which to
13 transit to another third-party platform site. If no other
14 comparable third-party platform sites are available, the
15 third-party platform shall continue to host the individual or
16 entity on the same terms offered to comparable individuals or

1 entities.

2 (815 ILCS 530/24 new)

3 Sec. 24. Denial of access to in-application payment
4 systems.

5 (a) As used in this Section:

6 "Developer" means a creator of a software application made
7 available for download by a user through a digital application
8 distribution platform or other digital distribution platform.

9 "Digital application distribution platform" means a
10 digital distribution platform for applications and services
11 provided to a user on general-purpose hardware, including a
12 mobile phone, smartpone, tablet, personal computer, and other
13 general-purpose devices connected to the Internet.

14 "In-application payment system" means an application,
15 service, or user interface used to process a payment from a
16 user to a developer for a software application and digital and
17 physical product distributed through a software application.

18 "Special-purpose digital application distribution
19 platform" means a digital distribution platform for single or
20 specialized categories of applications, software, and services
21 provided to a user on special-purpose hardware, including a
22 gaming console, music player, and other special-purpose
23 devices connected to the Internet.

24 (b) A proprietor of a digital application distribution
25 platform for which cumulative gross receipts from sales on the

1 digital application distribution platform to residents of this
2 State exceed \$10,000,000 in the previous or current calendar
3 year or for which cumulative downloads of software
4 applications from the digital application distribution
5 platform to Illinois users exceed 1,000,000 downloads in the
6 previous or current calendar year may not:

7 (1) Require a developer that is domiciled in this
8 State or which has a regular place of business in this
9 State to use a digital application distribution platform
10 or digital transaction platform as the exclusive mode of
11 distributing a digital product.

12 (2) Require a developer to use an in-application
13 payment system as the exclusive mode of accepting payment
14 from an Illinois user to download a software application
15 or purchase a digital or physical product through a
16 software application.

17 (3) Require a developer to share any digital assets as
18 defined in this Act as a condition of securing access to
19 the in-application payment system.

20 (4) Retaliate against a developer in Illinois for
21 choosing to use an alternative application store or
22 in-application payment system, or for refusing to share
23 any digital assets of an Illinois resident as a condition
24 of securing access to the in-application payment system,
25 provided that access with access or seeking access has
26 misused digital assets in a manner prohibited by this Act

1 within a period of 2 years prior to the date upon which
2 access is sought or the date on which a payment was
3 processed within the in-application system.

4 (c) An agreement that violates this Section is
5 unenforceable.

6 (d) This Section does not apply to a proprietor of a
7 special-purpose digital application distribution platform.

8 (e) A developer aggrieved by a violation of this Section
9 may bring an action to obtain legal or equitable relief in any
10 court having jurisdiction. If neither party is a resident in
11 the State of Illinois, Sangamon County shall be designated as
12 an appropriate venue in which to bring the action. If the
13 dispute in question exceeds \$1,000,000, a court may secure the
14 services of a special master to assist with technological
15 disputes associated with the case and expend not more than
16 \$100,000 for that purpose, provided that the parties agree to
17 equally share the costs of the special master and each party is
18 permitted to provide input into the selection of the special
19 master."