

1 AMENDMENT TO HOUSE BILL 891

2 AMENDMENT NO. _____. Amend House Bill 891 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Antitrust Act is amended by
5 changing Section 3 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
11 prior 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
20 service, for the purpose or with the effect stated in
21 paragraph a. of subsection (1);

22 c. allocating or dividing customers, territories,

1 supplies, sales, or markets, functional or geographical, for
2 any commodity or service; or

3 (1.5) with respect to any product regulated by the
4 Master Settlement Agreement between the states' attorneys
5 general and the tobacco companies, restricting or limiting
6 the promotion, advertising, or display of products
7 manufactured by the person's competitors; or

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

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

16 (4) Lease or make a sale or contract for sale of goods,
17 wares, merchandise, machinery, supplies, or other
18 commodities, or services (including master antenna television
19 service), whether patented or unpatented, for use,
20 consumption, enjoyment, or resale, or fix a price charged
21 thereof, or discount from, or rebate upon, such price, on the
22 condition, agreement, or understanding that the lessee or
23 purchaser thereof shall not use or deal in the goods, wares,
24 merchandise, machinery, supplies, or other commodity or
25 service (including cable television service or cable
26 television relay service), of a competitor or competitors of
27 the lessor or seller, where the effect of such lease, sale or
28 contract for such sale or such condition, agreement, or
29 understanding may be to substantially lessen competition or
30 tend to create a monopoly in any line of commerce; or

31 (5) Being an employee, officer or agent of any foreign
32 government, or an employee, officer or agent of a corporation
33 or other entity which does business with or seeks to do
34 business with any foreign government or instrumentality

1 thereof; enforce, attempt to enforce, agree to or take action
2 to forward the aims of, any discriminatory practice by the
3 foreign government which is based on race, color, creed,
4 national ancestry or sex or on ethnic or religious grounds,
5 where such conduct, course of conduct, or agreement takes
6 place in whole or in part within the United States and
7 affects business in this State.
8 (Source: P.A. 82-219.)".