



Sen. Terry Link

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09600HB4182sam002

LRB096 09159 AMC 41363 a

1 AMENDMENT TO HOUSE BILL 4182

2 AMENDMENT NO. _____. Amend House Bill 4182, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Video Gaming Act is amended by changing
6 Sections 5 and 25 as follows:

7 (230 ILCS 40/5)

8 Sec. 5. Definitions. As used in this Act:

9 "Board" means the Illinois Gaming Board.

10 "Credit" means 5, 10, or 25 cents either won or purchased
11 by a player.

12 "Distributor" means an individual, partnership, or
13 corporation licensed under this Act to buy, sell, lease, or
14 distribute video gaming terminals or major components or parts
15 of video gaming terminals to or from terminal operators.

16 "Terminal operator" means an individual, partnership or

1 corporation that is licensed under this Act and that owns,
2 services, and maintains video gaming terminals for placement in
3 licensed establishments, licensed fraternal establishments, or
4 licensed veterans establishments.

5 "Licensed technician" means an individual who is licensed
6 under this Act to repair, service, and maintain video gaming
7 terminals.

8 "Licensed terminal handler" means a person, including but
9 not limited to an employee or independent contractor working
10 for a manufacturer, distributor, supplier, technician, or
11 terminal operator, who is licensed under this Act to possess or
12 control a video gaming terminal or to have access to the inner
13 workings of a video gaming terminal. A licensed terminal
14 handler does not include an individual, partnership, or
15 corporation defined as a manufacturer, distributor, supplier,
16 technician, or terminal operator under this Act.

17 "Manufacturer" means an individual, partnership, or
18 corporation that is licensed under this Act and that
19 manufactures or assembles video gaming terminals.

20 "Supplier" means an individual, partnership, or
21 corporation that is licensed under this Act to supply major
22 components or parts to video gaming terminals to licensed
23 terminal operators.

24 "Net terminal income" means money put into a video gaming
25 terminal minus credits paid out to players.

26 "Video gaming terminal" means any electronic video game

1 machine that, upon insertion of cash, is available to play or
2 simulate the play of a video game, including but not limited to
3 video poker, line up, and blackjack, as authorized by the Board
4 utilizing a video display and microprocessors in which the
5 player may receive free games or credits that can be redeemed
6 for cash. The term does not include a machine that directly
7 dispenses coins, cash, or tokens or is for amusement purposes
8 only.

9 "Licensed establishment" means any licensed retail
10 establishment where alcoholic liquor is drawn, poured, mixed,
11 or otherwise served for consumption on the premises and
12 includes any such establishment that has a contractual
13 relationship with an organization licensee licensed under the
14 Illinois Horse Racing Act of 1975 to conduct pari-mutuel
15 wagering, except for a contractual relationship that includes
16 any financial benefit of revenue from operation of video gaming
17 under this Act to the organization licensee. "Licensed
18 establishment" does not include a facility solely operated by
19 an organization licensee, an intertrack wagering licensee, or
20 an intertrack wagering location licensee licensed under the
21 Illinois Horse Racing Act of 1975 or a riverboat licensed under
22 the Riverboat Gambling Act.

23 "Licensed fraternal establishment" means the location
24 where a qualified fraternal organization that derives its
25 charter from a national fraternal organization regularly
26 meets.

1 "Licensed veterans establishment" means the location where
2 a qualified veterans organization that derives its charter from
3 a national veterans organization regularly meets.

4 "Licensed truck stop establishment" means a facility that
5 is at least a 3-acre facility with a convenience store and with
6 separate diesel islands for fueling commercial motor vehicles
7 and parking spaces for commercial motor vehicles as defined in
8 Section 18b-101 of the Illinois Vehicle Code.

9 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09.)

10 (230 ILCS 40/25)

11 Sec. 25. Restriction of licensees.

12 (a) Manufacturer. A person may not be licensed as a
13 manufacturer of a video gaming terminal in Illinois unless the
14 person has a valid manufacturer's license issued under this
15 Act. A manufacturer may only sell video gaming terminals for
16 use in Illinois to persons having a valid distributor's
17 license.

18 (b) Distributor. A person may not sell, distribute, or
19 lease or market a video gaming terminal in Illinois unless the
20 person has a valid distributor's license issued under this Act.
21 A distributor may only sell video gaming terminals for use in
22 Illinois to persons having a valid distributor's or terminal
23 operator's license.

24 (c) Terminal operator. A person may not own, maintain, or
25 place a video gaming terminal unless he has a valid terminal

1 operator's license issued under this Act. A terminal operator
2 may only place video gaming terminals for use in Illinois in
3 licensed establishments, licensed truck stop establishments,
4 licensed fraternal establishments, and licensed veterans
5 establishments. No terminal operator may give anything of
6 value, including but not limited to a loan or financing
7 arrangement, to a licensed establishment, licensed truck stop
8 establishment, licensed fraternal establishment, or licensed
9 veterans establishment as any incentive or inducement to locate
10 video terminals in that establishment. Of the after-tax profits
11 from a video gaming terminal, 50% shall be paid to the terminal
12 operator and 50% shall be paid to the licensed establishment,
13 licensed truck stop establishment, licensed fraternal
14 establishment, or licensed veterans establishment,
15 notwithstanding ~~notwithstanding~~ any agreement to the
16 contrary. No terminal operator may own or have a substantial
17 interest in more than 5% of the video gaming terminals licensed
18 in this State. A video terminal operator that violates one or
19 more requirements of this subsection is guilty of a Class 4
20 felony and is subject to termination of his or her license by
21 the Board.

22 (d) Licensed technician. A person may not service,
23 maintain, or repair a video gaming terminal in this State
24 unless he or she (1) has a valid technician's license issued
25 under this Act, (2) is a terminal operator, or (3) is employed
26 by a terminal operator, distributor, or manufacturer.

1 (d-5) Licensed terminal handler. No person, including, but
2 not limited to, an employee or independent contractor working
3 for a manufacturer, distributor, supplier, technician, or
4 terminal operator licensed pursuant to this Act, shall have
5 possession or control of a video gaming terminal, or access to
6 the inner workings of a video gaming terminal, unless that
7 person possesses a valid terminal handler's license issued
8 under this Act.

9 (e) Licensed establishment. No video gaming terminal may be
10 placed in any licensed establishment, licensed veterans
11 establishment, licensed truck stop establishment, or licensed
12 fraternal establishment unless the owner or agent of the owner
13 of the licensed establishment, licensed veterans
14 establishment, licensed truck stop establishment, or licensed
15 fraternal establishment has entered into a written use
16 agreement with the terminal operator for placement of the
17 terminals. A copy of the use agreement shall be on file in the
18 terminal operator's place of business and available for
19 inspection by individuals authorized by the Board. A licensed
20 establishment, licensed truck stop establishment, licensed
21 veterans establishment, or licensed fraternal establishment
22 may operate up to 5 video gaming terminals on its premises at
23 any time.

24 (f) (Blank).

25 (g) Financial interest restrictions. As used in this Act,
26 "substantial interest" in a partnership, a corporation, an

1 organization, an association, or a business means:

2 (A) When, with respect to a sole proprietorship, an
3 individual or his or her spouse owns, operates,
4 manages, or conducts, directly or indirectly, the
5 organization, association, or business, or any part
6 thereof; or

7 (B) When, with respect to a partnership, the
8 individual or his or her spouse shares in any of the
9 profits, or potential profits, of the partnership
10 activities; or

11 (C) When, with respect to a corporation, an
12 individual or his or her spouse is an officer or
13 director, or the individual or his or her spouse is a
14 holder, directly or beneficially, of 5% or more of any
15 class of stock of the corporation; or

16 (D) When, with respect to an organization not
17 covered in (A), (B) or (C) above, an individual or his
18 or her spouse is an officer or manages the business
19 affairs, or the individual or his or her spouse is the
20 owner of or otherwise controls 10% or more of the
21 assets of the organization; or

22 (E) When an individual or his or her spouse
23 furnishes 5% or more of the capital, whether in cash,
24 goods, or services, for the operation of any business,
25 association, or organization during any calendar year.

26 (h) Location restriction. A licensed establishment,

1 licensed truck stop establishment, licensed fraternal
2 establishment, or licensed veterans establishment that is (i)
3 located within 1,000 feet of a facility operated by an
4 organizational licensee or, an intertrack wagering licensee,
5 ~~an intertrack wagering location licensee~~ licensed under the
6 Illinois Horse Racing Act of 1975, or the home dock of a
7 riverboat licensed under the Riverboat Gambling Act or (ii)
8 located within ~~with a~~ 100 feet of a school or a place of
9 worship under the Religious Corporation Act, is ineligible to
10 operate a video gaming terminal.

11 (i) The provisions of the Illinois Antitrust Act are fully
12 and equally applicable to the activities of any licensee under
13 this Act.

14 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
15 eff. 7-13-09; revised 8-17-09.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."