



## 97TH GENERAL ASSEMBLY

### State of Illinois

#### 2011 and 2012

#### HB6169

by Rep. David Harris

#### SYNOPSIS AS INTRODUCED:

20 ILCS 301/5-20	
20 ILCS 2505/2505-305	was 20 ILCS 2505/39b15.1
70 ILCS 1825/5.1	from Ch. 19, par. 255.1
205 ILCS 670/12.5	
230 ILCS 5/54	
230 ILCS 5/54.75	
230 ILCS 10/1	from Ch. 120, par. 2401
230 ILCS 10/7	from Ch. 120, par. 2407
230 ILCS 10/24	
230 ILCS 40/5	
230 ILCS 40/25	
230 ILCS 40/45	
230 ILCS 40/80	
235 ILCS 5/5-1	from Ch. 43, par. 115
235 ILCS 5/6-30	from Ch. 43, par. 144f
720 ILCS 5/28-1	from Ch. 38, par. 28-1
720 ILCS 5/28-1.1	from Ch. 38, par. 28-1.1
720 ILCS 5/28-3	from Ch. 38, par. 28-3
720 ILCS 5/28-5	from Ch. 38, par. 28-5
720 ILCS 5/28-7	from Ch. 38, par. 28-7
815 ILCS 122/3-5	
815 ILCS 420/2	from Ch. 121 1/2, par. 1852

Amends the Riverboat Gambling Act to change the short title to the Casino Gaming Act. Amends various other Acts to reflect the short title change. Effective immediately.

LRB097 21428 AMC 69429 b

1 AN ACT concerning gaming.

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

4 Section 5. The Alcoholism and Other Drug Abuse and  
5 Dependency Act is amended by changing Section 5-20 as follows:

6 (20 ILCS 301/5-20)

7 Sec. 5-20. Compulsive gambling program.

8 (a) Subject to appropriation, the Department shall  
9 establish a program for public education, research, and  
10 training regarding problem and compulsive gambling and the  
11 treatment and prevention of problem and compulsive gambling.  
12 Subject to specific appropriation for these stated purposes,  
13 the program must include all of the following:

14 (1) Establishment and maintenance of a toll-free "800"  
15 telephone number to provide crisis counseling and referral  
16 services to families experiencing difficulty as a result of  
17 problem or compulsive gambling.

18 (2) Promotion of public awareness regarding the  
19 recognition and prevention of problem and compulsive  
20 gambling.

21 (3) Facilitation, through in-service training and  
22 other means, of the availability of effective assistance  
23 programs for problem and compulsive gamblers.

1           (4) Conducting studies to identify adults and  
2 juveniles in this State who are, or who are at risk of  
3 becoming, problem or compulsive gamblers.

4           (b) Subject to appropriation, the Department shall either  
5 establish and maintain the program or contract with a private  
6 or public entity for the establishment and maintenance of the  
7 program. Subject to appropriation, either the Department or the  
8 private or public entity shall implement the toll-free  
9 telephone number, promote public awareness, and conduct  
10 in-service training concerning problem and compulsive  
11 gambling.

12           (c) Subject to appropriation, the Department shall produce  
13 and supply the signs specified in Section 10.7 of the Illinois  
14 Lottery Law, Section 34.1 of the Illinois Horse Racing Act of  
15 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1  
16 of the Charitable Games Act, and Section 13.1 of the Casino  
17 Gaming ~~Riverboat Gambling~~ Act.

18           (Source: P.A. 89-374, eff. 1-1-96; 89-626, eff. 8-9-96.)

19           Section 10. The Department of Revenue Law of the Civil  
20 Administrative Code of Illinois is amended by changing Section  
21 2505-305 as follows:

22           (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

23           Sec. 2505-305. Investigators.

24           (a) The Department has the power to appoint investigators

1 to conduct all investigations, searches, seizures, arrests,  
2 and other duties imposed under the provisions of any law  
3 administered by the Department. Except as provided in  
4 subsection (c), these investigators have and may exercise all  
5 the powers of peace officers solely for the purpose of  
6 enforcing taxing measures administered by the Department.

7 (b) The Director must authorize to each investigator  
8 employed under this Section and to any other employee of the  
9 Department exercising the powers of a peace officer a distinct  
10 badge that, on its face, (i) clearly states that the badge is  
11 authorized by the Department and (ii) contains a unique  
12 identifying number. No other badge shall be authorized by the  
13 Department.

14 (c) The Department may enter into agreements with the  
15 Illinois Gaming Board providing that investigators appointed  
16 under this Section shall exercise the peace officer powers set  
17 forth in paragraph (20.6) of subsection (c) of Section 5 of the  
18 Casino Gaming ~~Riverboat Gambling~~ Act.

19 (Source: P.A. 96-37, eff. 7-13-09.)

20 Section 15. The Joliet Regional Port District Act is  
21 amended by changing Section 5.1 as follows:

22 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

23 Sec. 5.1. Riverboat gambling. Notwithstanding any other  
24 provision of this Act, the District may not regulate the

1 operation, conduct, or navigation of any riverboat gambling  
2 casino licensed under the Casino Gaming ~~Riverboat Gambling~~ Act,  
3 and the District may not license, tax, or otherwise levy any  
4 assessment of any kind on any riverboat gambling casino  
5 licensed under the Casino Gaming ~~Riverboat Gambling~~ Act. The  
6 General Assembly declares that the powers to regulate the  
7 operation, conduct, and navigation of riverboat gambling  
8 casinos and to license, tax, and levy assessments upon  
9 riverboat gambling casinos are exclusive powers of the State of  
10 Illinois and the Illinois Gaming Board as provided in the  
11 Casino Gaming ~~Riverboat Gambling~~ Act.

12 (Source: P.A. 87-1175.)

13 Section 20. The Consumer Installment Loan Act is amended by  
14 changing Section 12.5 as follows:

15 (205 ILCS 670/12.5)

16 Sec. 12.5. Limited purpose branch.

17 (a) Upon the written approval of the Director, a licensee  
18 may maintain a limited purpose branch for the sole purpose of  
19 making loans as permitted by this Act. A limited purpose branch  
20 may include an automatic loan machine. No other activity shall  
21 be conducted at the site, including but not limited to,  
22 accepting payments, servicing the accounts, or collections.

23 (b) The licensee must submit an application for a limited  
24 purpose branch to the Director on forms prescribed by the

1 Director with an application fee of \$300. The approval for the  
2 limited purpose branch must be renewed concurrently with the  
3 renewal of the licensee's license along with a renewal fee of  
4 \$300 for the limited purpose branch.

5 (c) The books, accounts, records, and files of the limited  
6 purpose branch's transactions shall be maintained at the  
7 licensee's licensed location. The licensee shall notify the  
8 Director of the licensed location at which the books, accounts,  
9 records, and files shall be maintained.

10 (d) The licensee shall prominently display at the limited  
11 purpose branch the address and telephone number of the  
12 licensee's licensed location.

13 (e) No other business shall be conducted at the site of the  
14 limited purpose branch unless authorized by the Director.

15 (f) The Director shall make and enforce reasonable rules  
16 for the conduct of a limited purpose branch.

17 (g) A limited purpose branch may not be located within  
18 1,000 feet of a facility operated by an inter-track wagering  
19 licensee or an organization licensee subject to the Illinois  
20 Horse Racing Act of 1975, on a riverboat subject to the Casino  
21 Gaming ~~Riverboat Gambling~~ Act, or within 1,000 feet of the  
22 location at which the riverboat docks.

23 (Source: P.A. 90-437, eff. 1-1-98.)

24 Section 25. The Illinois Horse Racing Act of 1975 is  
25 amended by changing Sections 54 and 54.75 as follows:

1 (230 ILCS 5/54)

2 Sec. 54. Horse Racing Equity Fund.

3 (a) There is created in the State Treasury a Fund to be  
4 known as the Horse Racing Equity Fund. The Fund shall consist  
5 of moneys paid into it pursuant to subsection (c-5) of Section  
6 13 of the Casino Gaming ~~Riverboat Gambling~~ Act. The Fund shall  
7 be administered by the Racing Board.

8 (b) The moneys deposited into the Fund shall be distributed  
9 by the State Treasurer within 10 days after those moneys are  
10 deposited into the Fund as follows:

11 (1) Fifty percent of all moneys distributed under this  
12 subsection shall be distributed to organization licensees  
13 to be distributed at their race meetings as purses.  
14 Fifty-seven percent of the amount distributed under this  
15 paragraph (1) shall be distributed for thoroughbred race  
16 meetings and 43% shall be distributed for standardbred race  
17 meetings. Within each breed, moneys shall be allocated to  
18 each organization licensee's purse fund in accordance with  
19 the ratio between the purses generated for that breed by  
20 that licensee during the prior calendar year and the total  
21 purses generated throughout the State for that breed during  
22 the prior calendar year.

23 (2) The remaining 50% of the moneys distributed under  
24 this subsection (b) shall be distributed pro rata according  
25 to the aggregate proportion of state-wide handle at the

1 racetrack, inter-track, and inter-track wagering locations  
2 that derive their licenses from a racetrack identified in  
3 this paragraph (2) for calendar years 1994, 1996, and 1997  
4 to (i) any person (or its successors or assigns) who had  
5 operating control of a racing facility at which live racing  
6 was conducted in calendar year 1997 and who has operating  
7 control of an organization licensee that conducted racing  
8 in calendar year 1997 and is a licensee in the current  
9 year, or (ii) any person (or its successors or assigns) who  
10 has operating control of a racing facility located in a  
11 county that is bounded by the Mississippi River that has a  
12 population of less than 150,000 according to the 1990  
13 decennial census and conducted an average of 60 days of  
14 racing per year between 1985 and 1993 and has been awarded  
15 an inter-track wagering license in the current year.

16 If any person identified in this paragraph (2) becomes  
17 ineligible to receive moneys from the Fund, such amount  
18 shall be redistributed among the remaining persons in  
19 proportion to their percentages otherwise calculated.

20 (Source: P.A. 91-40, eff. 6-25-99.)

21 (230 ILCS 5/54.75)

22 Sec. 54.75. Horse Racing Equity Trust Fund.

23 (a) There is created a Fund to be known as the Horse Racing  
24 Equity Trust Fund, which is a non-appropriated trust fund held  
25 separate and apart from State moneys. The Fund shall consist of



1 moneys paid into it by owners licensees under the Casino Gaming  
2 ~~Riverboat Gambling~~ Act for the purposes described in this  
3 Section. The Fund shall be administered by the Board. Moneys in  
4 the Fund shall be distributed as directed and certified by the  
5 Board in accordance with the provisions of subsection (b).

6 (b) The moneys deposited into the Fund, plus any accrued  
7 interest on those moneys, shall be distributed within 10 days  
8 after those moneys are deposited into the Fund as follows:

9 (1) Sixty percent of all moneys distributed under this  
10 subsection shall be distributed to organization licensees  
11 to be distributed at their race meetings as purses.  
12 Fifty-seven percent of the amount distributed under this  
13 paragraph (1) shall be distributed for thoroughbred race  
14 meetings and 43% shall be distributed for standardbred race  
15 meetings. Within each breed, moneys shall be allocated to  
16 each organization licensee's purse fund in accordance with  
17 the ratio between the purses generated for that breed by  
18 that licensee during the prior calendar year and the total  
19 purses generated throughout the State for that breed during  
20 the prior calendar year by licensees in the current  
21 calendar year.

22 (2) The remaining 40% of the moneys distributed under  
23 this subsection (b) shall be distributed as follows:

24 (A) 11% shall be distributed to any person (or its  
25 successors or assigns) who had operating control of a  
26 racetrack that conducted live racing in 2002 at a

1 racetrack in a county with at least 230,000 inhabitants  
2 that borders the Mississippi River and is a licensee in  
3 the current year; and

4 (B) the remaining 89% shall be distributed pro rata  
5 according to the aggregate proportion of total handle  
6 from wagering on live races conducted in Illinois  
7 (irrespective of where the wagers are placed) for  
8 calendar years 2004 and 2005 to any person (or its  
9 successors or assigns) who (i) had majority operating  
10 control of a racing facility at which live racing was  
11 conducted in calendar year 2002, (ii) is a licensee in  
12 the current year, and (iii) is not eligible to receive  
13 moneys under subparagraph (A) of this paragraph (2).

14 The moneys received by an organization licensee  
15 under this paragraph (2) shall be used by each  
16 organization licensee to improve, maintain, market,  
17 and otherwise operate its racing facilities to conduct  
18 live racing, which shall include backstretch services  
19 and capital improvements related to live racing and the  
20 backstretch. Any organization licensees sharing common  
21 ownership may pool the moneys received and spent at all  
22 racing facilities commonly owned in order to meet these  
23 requirements.

24 If any person identified in this paragraph (2) becomes  
25 ineligible to receive moneys from the Fund, such amount  
26 shall be redistributed among the remaining persons in

1 proportion to their percentages otherwise calculated.

2 (c) The Board shall monitor organization licensees to  
3 ensure that moneys paid to organization licensees under this  
4 Section are distributed by the organization licensees as  
5 provided in subsection (b).

6 (Source: P.A. 95-1008, eff. 12-15-08.)

7 Section 30. The Riverboat Gambling Act is amended by  
8 changing Sections 1, 7, and 24 as follows:

9 (230 ILCS 10/1) (from Ch. 120, par. 2401)

10 Sec. 1. Short title. This Act shall be known and may be  
11 cited as the Casino Gaming ~~Riverboat Gambling~~ Act.

12 (Source: P.A. 86-1029.)

13 (230 ILCS 10/7) (from Ch. 120, par. 2407)

14 Sec. 7. Owners Licenses.

15 (a) The Board shall issue owners licenses to persons, firms  
16 or corporations which apply for such licenses upon payment to  
17 the Board of the non-refundable license fee set by the Board,  
18 upon payment of a \$25,000 license fee for the first year of  
19 operation and a \$5,000 license fee for each succeeding year and  
20 upon a determination by the Board that the applicant is  
21 eligible for an owners license pursuant to this Act and the  
22 rules of the Board. From the effective date of this amendatory  
23 Act of the 95th General Assembly until (i) 3 years after the

1 effective date of this amendatory Act of the 95th General  
2 Assembly, (ii) the date any organization licensee begins to  
3 operate a slot machine or video game of chance under the  
4 Illinois Horse Racing Act of 1975 or this Act, (iii) the date  
5 that payments begin under subsection (c-5) of Section 13 of the  
6 Act, or (iv) the wagering tax imposed under Section 13 of this  
7 Act is increased by law to reflect a tax rate that is at least  
8 as stringent or more stringent than the tax rate contained in  
9 subsection (a-3) of Section 13, whichever occurs first, as a  
10 condition of licensure and as an alternative source of payment  
11 for those funds payable under subsection (c-5) of Section 13 of  
12 this ~~the Riverboat Gambling~~ Act, any owners licensee that holds  
13 or receives its owners license on or after the effective date  
14 of this amendatory Act of the 94th General Assembly, other than  
15 an owners licensee operating a riverboat with adjusted gross  
16 receipts in calendar year 2004 of less than \$200,000,000, must  
17 pay into the Horse Racing Equity Trust Fund, in addition to any  
18 other payments required under this Act, an amount equal to 3%  
19 of the adjusted gross receipts received by the owners licensee.  
20 The payments required under this Section shall be made by the  
21 owners licensee to the State Treasurer no later than 3:00  
22 o'clock p.m. of the day after the day when the adjusted gross  
23 receipts were received by the owners licensee. A person, firm  
24 or corporation is ineligible to receive an owners license if:

- 25 (1) the person has been convicted of a felony under the  
26 laws of this State, any other state, or the United States;

1           (2) the person has been convicted of any violation of  
2 Article 28 of the Criminal Code of 1961, or substantially  
3 similar laws of any other jurisdiction;

4           (3) the person has submitted an application for a  
5 license under this Act which contains false information;

6           (4) the person is a member of the Board;

7           (5) a person defined in (1), (2), (3) or (4) is an  
8 officer, director or managerial employee of the firm or  
9 corporation;

10          (6) the firm or corporation employs a person defined in  
11 (1), (2), (3) or (4) who participates in the management or  
12 operation of gambling operations authorized under this  
13 Act;

14          (7) (blank); or

15          (8) a license of the person, firm or corporation issued  
16 under this Act, or a license to own or operate gambling  
17 facilities in any other jurisdiction, has been revoked.

18          The Board is expressly prohibited from making changes to  
19 the requirement that licensees make payment into the Horse  
20 Racing Equity Trust Fund without the express authority of the  
21 Illinois General Assembly and making any other rule to  
22 implement or interpret this amendatory Act of the 95th General  
23 Assembly. For the purposes of this paragraph, "rules" is given  
24 the meaning given to that term in Section 1-70 of the Illinois  
25 Administrative Procedure Act.

26          (b) In determining whether to grant an owners license to an

1 applicant, the Board shall consider:

2 (1) the character, reputation, experience and  
3 financial integrity of the applicants and of any other or  
4 separate person that either:

5 (A) controls, directly or indirectly, such  
6 applicant, or

7 (B) is controlled, directly or indirectly, by such  
8 applicant or by a person which controls, directly or  
9 indirectly, such applicant;

10 (2) the facilities or proposed facilities for the  
11 conduct of riverboat gambling;

12 (3) the highest prospective total revenue to be derived  
13 by the State from the conduct of riverboat gambling;

14 (4) the extent to which the ownership of the applicant  
15 reflects the diversity of the State by including minority  
16 persons, females, and persons with a disability and the  
17 good faith affirmative action plan of each applicant to  
18 recruit, train and upgrade minority persons, females, and  
19 persons with a disability in all employment  
20 classifications;

21 (5) the financial ability of the applicant to purchase  
22 and maintain adequate liability and casualty insurance;

23 (6) whether the applicant has adequate capitalization  
24 to provide and maintain, for the duration of a license, a  
25 riverboat;

26 (7) the extent to which the applicant exceeds or meets

1 other standards for the issuance of an owners license which  
2 the Board may adopt by rule; and

3 (8) The amount of the applicant's license bid.

4 (c) Each owners license shall specify the place where  
5 riverboats shall operate and dock.

6 (d) Each applicant shall submit with his application, on  
7 forms provided by the Board, 2 sets of his fingerprints.

8 (e) The Board may issue up to 10 licenses authorizing the  
9 holders of such licenses to own riverboats. In the application  
10 for an owners license, the applicant shall state the dock at  
11 which the riverboat is based and the water on which the  
12 riverboat will be located. The Board shall issue 5 licenses to  
13 become effective not earlier than January 1, 1991. Three of  
14 such licenses shall authorize riverboat gambling on the  
15 Mississippi River, or, with approval by the municipality in  
16 which the riverboat was docked on August 7, 2003 and with Board  
17 approval, be authorized to relocate to a new location, in a  
18 municipality that (1) borders on the Mississippi River or is  
19 within 5 miles of the city limits of a municipality that  
20 borders on the Mississippi River and (2), on August 7, 2003,  
21 had a riverboat conducting riverboat gambling operations  
22 pursuant to a license issued under this Act; one of which shall  
23 authorize riverboat gambling from a home dock in the city of  
24 East St. Louis. One other license shall authorize riverboat  
25 gambling on the Illinois River south of Marshall County. The  
26 Board shall issue one additional license to become effective

1 not earlier than March 1, 1992, which shall authorize riverboat  
2 gambling on the Des Plaines River in Will County. The Board may  
3 issue 4 additional licenses to become effective not earlier  
4 than March 1, 1992. In determining the water upon which  
5 riverboats will operate, the Board shall consider the economic  
6 benefit which riverboat gambling confers on the State, and  
7 shall seek to assure that all regions of the State share in the  
8 economic benefits of riverboat gambling.

9 In granting all licenses, the Board may give favorable  
10 consideration to economically depressed areas of the State, to  
11 applicants presenting plans which provide for significant  
12 economic development over a large geographic area, and to  
13 applicants who currently operate non-gambling riverboats in  
14 Illinois. The Board shall review all applications for owners  
15 licenses, and shall inform each applicant of the Board's  
16 decision. The Board may grant an owners license to an applicant  
17 that has not submitted the highest license bid, but if it does  
18 not select the highest bidder, the Board shall issue a written  
19 decision explaining why another applicant was selected and  
20 identifying the factors set forth in this Section that favored  
21 the winning bidder.

22 In addition to any other revocation powers granted to the  
23 Board under this Act, the Board may revoke the owners license  
24 of a licensee which fails to begin conducting gambling within  
25 15 months of receipt of the Board's approval of the application  
26 if the Board determines that license revocation is in the best



1 interests of the State.

2 (f) The first 10 owners licenses issued under this Act  
3 shall permit the holder to own up to 2 riverboats and equipment  
4 thereon for a period of 3 years after the effective date of the  
5 license. Holders of the first 10 owners licenses must pay the  
6 annual license fee for each of the 3 years during which they  
7 are authorized to own riverboats.

8 (g) Upon the termination, expiration, or revocation of each  
9 of the first 10 licenses, which shall be issued for a 3 year  
10 period, all licenses are renewable annually upon payment of the  
11 fee and a determination by the Board that the licensee  
12 continues to meet all of the requirements of this Act and the  
13 Board's rules. However, for licenses renewed on or after May 1,  
14 1998, renewal shall be for a period of 4 years, unless the  
15 Board sets a shorter period.

16 (h) An owners license shall entitle the licensee to own up  
17 to 2 riverboats. A licensee shall limit the number of gambling  
18 participants to 1,200 for any such owners license. A licensee  
19 may operate both of its riverboats concurrently, provided that  
20 the total number of gambling participants on both riverboats  
21 does not exceed 1,200. Riverboats licensed to operate on the  
22 Mississippi River and the Illinois River south of Marshall  
23 County shall have an authorized capacity of at least 500  
24 persons. Any other riverboat licensed under this Act shall have  
25 an authorized capacity of at least 400 persons.

26 (i) A licensed owner is authorized to apply to the Board

1 for and, if approved therefor, to receive all licenses from the  
2 Board necessary for the operation of a riverboat, including a  
3 liquor license, a license to prepare and serve food for human  
4 consumption, and other necessary licenses. All use, occupation  
5 and excise taxes which apply to the sale of food and beverages  
6 in this State and all taxes imposed on the sale or use of  
7 tangible personal property apply to such sales aboard the  
8 riverboat.

9 (j) The Board may issue or re-issue a license authorizing a  
10 riverboat to dock in a municipality or approve a relocation  
11 under Section 11.2 only if, prior to the issuance or  
12 re-issuance of the license or approval, the governing body of  
13 the municipality in which the riverboat will dock has by a  
14 majority vote approved the docking of riverboats in the  
15 municipality. The Board may issue or re-issue a license  
16 authorizing a riverboat to dock in areas of a county outside  
17 any municipality or approve a relocation under Section 11.2  
18 only if, prior to the issuance or re-issuance of the license or  
19 approval, the governing body of the county has by a majority  
20 vote approved of the docking of riverboats within such areas.

21 (Source: P.A. 95-1008, eff. 12-15-08; 96-1392, eff. 1-1-11.)

22 (230 ILCS 10/24)

23 Sec. 24. Applicability of this ~~Illinois Riverboat Gambling~~  
24 Act. The provisions of this ~~the Illinois Riverboat Gambling~~  
25 Act, and all rules promulgated under this Act ~~thereunder~~, shall

1 apply to the Video Gaming Act, except where there is a conflict  
2 between the 2 Acts.

3 (Source: P.A. 96-37, eff. 7-13-09.)

4 Section 35. The Video Gaming Act is amended by changing  
5 Sections 5, 25, 45, and 80 as follows:

6 (230 ILCS 40/5)

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

8 "Board" means the Illinois Gaming Board.

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

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

16 "Terminal operator" means an individual, partnership,  
17 corporation, or limited liability company that is licensed  
18 under this Act and that owns, services, and maintains video  
19 gaming terminals for placement in licensed establishments,  
20 licensed truck stop establishments, licensed fraternal  
21 establishments, or licensed veterans establishments.

22 "Licensed technician" means an individual who is licensed  
23 under this Act to repair, service, and maintain video gaming  
24 terminals.

1 "Licensed terminal handler" means a person, including but  
2 not limited to an employee or independent contractor working  
3 for a manufacturer, distributor, supplier, technician, or  
4 terminal operator, who is licensed under this Act to possess or  
5 control a video gaming terminal or to have access to the inner  
6 workings of a video gaming terminal. A licensed terminal  
7 handler does not include an individual, partnership,  
8 corporation, or limited liability company defined as a  
9 manufacturer, distributor, supplier, technician, or terminal  
10 operator under this Act.

11 "Manufacturer" means an individual, partnership,  
12 corporation, or limited liability company that is licensed  
13 under this Act and that manufactures or assembles video gaming  
14 terminals.

15 "Supplier" means an individual, partnership, corporation,  
16 or limited liability company that is licensed under this Act to  
17 supply major components or parts to video gaming terminals to  
18 licensed terminal operators.

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

21 "Video gaming terminal" means any electronic video game  
22 machine that, upon insertion of cash, is available to play or  
23 simulate the play of a video game, including but not limited to  
24 video poker, line up, and blackjack, as authorized by the Board  
25 utilizing a video display and microprocessors in which the  
26 player may receive free games or credits that can be redeemed

1 for cash. The term does not include a machine that directly  
2 dispenses coins, cash, or tokens or is for amusement purposes  
3 only.

4 "Licensed establishment" means any licensed retail  
5 establishment where alcoholic liquor is drawn, poured, mixed,  
6 or otherwise served for consumption on the premises and  
7 includes any such establishment that has a contractual  
8 relationship with an inter-track wagering location licensee  
9 licensed under the Illinois Horse Racing Act of 1975, provided  
10 any contractual relationship shall not include any transfer or  
11 offer of revenue from the operation of video gaming under this  
12 Act to any licensee licensed under the Illinois Horse Racing  
13 Act of 1975. Provided, however, that the licensed establishment  
14 that has such a contractual relationship with an inter-track  
15 wagering location licensee may not, itself, be (i) an  
16 inter-track wagering location licensee, (ii) the corporate  
17 parent or subsidiary of any licensee licensed under the  
18 Illinois Horse Racing Act of 1975, or (iii) the corporate  
19 subsidiary of a corporation that is also the corporate parent  
20 or subsidiary of any licensee licensed under the Illinois Horse  
21 Racing Act of 1975. "Licensed establishment" does not include a  
22 facility operated by an organization licensee, an inter-track  
23 wagering licensee, or an inter-track wagering location  
24 licensee licensed under the Illinois Horse Racing Act of 1975  
25 or a riverboat licensed under the Casino Gaming ~~Riverboat~~  
26 ~~Gambling~~ Act, except as provided in this paragraph.

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

5 "Licensed veterans establishment" means the location where  
6 a qualified veterans organization that derives its charter from  
7 a national veterans organization regularly meets.

8 "Licensed truck stop establishment" means a facility (i)  
9 that is at least a 3-acre facility with a convenience store,  
10 (ii) with separate diesel islands for fueling commercial motor  
11 vehicles, (iii) that sells at retail more than 10,000 gallons  
12 of diesel or biodiesel fuel per month, and (iv) with parking  
13 spaces for commercial motor vehicles. "Commercial motor  
14 vehicles" has the same meaning as defined in Section 18b-101 of  
15 the Illinois Vehicle Code. The requirement of item (iii) of  
16 this paragraph may be met by showing that estimated future  
17 sales or past sales average at least 10,000 gallons per month.  
18 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;  
19 96-1410, eff. 7-30-10; 96-1479, eff. 8-23-10; 97-333, eff.  
20 8-12-11.)

21 (230 ILCS 40/25)

22 Sec. 25. Restriction of licensees.

23 (a) Manufacturer. A person may not be licensed as a  
24 manufacturer of a video gaming terminal in Illinois unless the  
25 person has a valid manufacturer's license issued under this

1 Act. A manufacturer may only sell video gaming terminals for  
2 use in Illinois to persons having a valid distributor's  
3 license.

4 (b) Distributor. A person may not sell, distribute, or  
5 lease or market a video gaming terminal in Illinois unless the  
6 person has a valid distributor's license issued under this Act.  
7 A distributor may only sell video gaming terminals for use in  
8 Illinois to persons having a valid distributor's or terminal  
9 operator's license.

10 (c) Terminal operator. A person may not own, maintain, or  
11 place a video gaming terminal unless he has a valid terminal  
12 operator's license issued under this Act. A terminal operator  
13 may only place video gaming terminals for use in Illinois in  
14 licensed establishments, licensed truck stop establishments,  
15 licensed fraternal establishments, and licensed veterans  
16 establishments. No terminal operator may give anything of  
17 value, including but not limited to a loan or financing  
18 arrangement, to a licensed establishment, licensed truck stop  
19 establishment, licensed fraternal establishment, or licensed  
20 veterans establishment as any incentive or inducement to locate  
21 video terminals in that establishment. Of the after-tax profits  
22 from a video gaming terminal, 50% shall be paid to the terminal  
23 operator and 50% shall be paid to the licensed establishment,  
24 licensed truck stop establishment, licensed fraternal  
25 establishment, or licensed veterans establishment,  
26 notwithstanding any agreement to the contrary. A video terminal

1 operator that violates one or more requirements of this  
2 subsection is guilty of a Class 4 felony and is subject to  
3 termination of his or her license by the Board.

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

9 (d-5) Licensed terminal handler. No person, including, but  
10 not limited to, an employee or independent contractor working  
11 for a manufacturer, distributor, supplier, technician, or  
12 terminal operator licensed pursuant to this Act, shall have  
13 possession or control of a video gaming terminal, or access to  
14 the inner workings of a video gaming terminal, unless that  
15 person possesses a valid terminal handler's license issued  
16 under this Act.

17 (e) Licensed establishment. No video gaming terminal may be  
18 placed in any licensed establishment, licensed veterans  
19 establishment, licensed truck stop establishment, or licensed  
20 fraternal establishment unless the owner or agent of the owner  
21 of the licensed establishment, licensed veterans  
22 establishment, licensed truck stop establishment, or licensed  
23 fraternal establishment has entered into a written use  
24 agreement with the terminal operator for placement of the  
25 terminals. A copy of the use agreement shall be on file in the  
26 terminal operator's place of business and available for



1 inspection by individuals authorized by the Board. A licensed  
2 establishment, licensed truck stop establishment, licensed  
3 veterans establishment, or licensed fraternal establishment  
4 may operate up to 5 video gaming terminals on its premises at  
5 any time.

6 (f) (Blank).

7 (g) Financial interest restrictions. As used in this Act,  
8 "substantial interest" in a partnership, a corporation, an  
9 organization, an association, a business, or a limited  
10 liability company means:

11 (A) When, with respect to a sole proprietorship, an  
12 individual or his or her spouse owns, operates, manages, or  
13 conducts, directly or indirectly, the organization,  
14 association, or business, or any part thereof; or

15 (B) When, with respect to a partnership, the individual  
16 or his or her spouse shares in any of the profits, or  
17 potential profits, of the partnership activities; or

18 (C) When, with respect to a corporation, an individual  
19 or his or her spouse is an officer or director, or the  
20 individual or his or her spouse is a holder, directly or  
21 beneficially, of 5% or more of any class of stock of the  
22 corporation; or

23 (D) When, with respect to an organization not covered  
24 in (A), (B) or (C) above, an individual or his or her  
25 spouse is an officer or manages the business affairs, or  
26 the individual or his or her spouse is the owner of or

1 otherwise controls 10% or more of the assets of the  
2 organization; or

3 (E) When an individual or his or her spouse furnishes  
4 5% or more of the capital, whether in cash, goods, or  
5 services, for the operation of any business, association,  
6 or organization during any calendar year; or

7 (F) When, with respect to a limited liability company,  
8 an individual or his or her spouse is a member, or the  
9 individual or his or her spouse is a holder, directly or  
10 beneficially, of 5% or more of the membership interest of  
11 the limited liability company.

12 For purposes of this subsection (g), "individual" includes  
13 all individuals or their spouses whose combined interest would  
14 qualify as a substantial interest under this subsection (g) and  
15 whose activities with respect to an organization, association,  
16 or business are so closely aligned or coordinated as to  
17 constitute the activities of a single entity.

18 (h) Location restriction. A licensed establishment,  
19 licensed truck stop establishment, licensed fraternal  
20 establishment, or licensed veterans establishment that is (i)  
21 located within 1,000 feet of a facility operated by an  
22 organization licensee or an inter-track wagering licensee  
23 licensed under the Illinois Horse Racing Act of 1975 or the  
24 home dock of a riverboat licensed under the Casino Gaming  
25 ~~Riverboat Gambling~~ Act or (ii) located within 100 feet of a  
26 school or a place of worship under the Religious Corporation

1 Act, is ineligible to operate a video gaming terminal. The  
2 location restrictions in this subsection (h) do not apply if a  
3 facility operated by an organization licensee, an inter-track  
4 wagering licensee, or an inter-track wagering location  
5 licensee, a school, or a place of worship moves to or is  
6 established within the restricted area after a licensed  
7 establishment, licensed truck stop establishment, licensed  
8 fraternal establishment, or licensed veterans establishment  
9 becomes licensed under this Act. For the purpose of this  
10 subsection, "school" means an elementary or secondary public  
11 school, or an elementary or secondary private school registered  
12 with or recognized by the State Board of Education.

13 Notwithstanding the provisions of this subsection (h), the  
14 Board may waive the requirement that a licensed establishment,  
15 licensed truck stop establishment, licensed fraternal  
16 establishment, or licensed veterans establishment not be  
17 located within 1,000 feet from a facility operated by an  
18 organization licensee, an inter-track wagering licensee, or an  
19 inter-track wagering location licensee licensed under the  
20 Illinois Horse Racing Act of 1975 or the home dock of a  
21 riverboat licensed under the Casino Gaming ~~Riverboat Gambling~~  
22 Act. The Board shall not grant such waiver if there is any  
23 common ownership or control, shared business activity, or  
24 contractual arrangement of any type between the establishment  
25 and the organization licensee, inter-track wagering licensee,  
26 inter-track wagering location licensee, or owners licensee of a

1 riverboat. The Board shall adopt rules to implement the  
2 provisions of this paragraph.

3 (i) Undue economic concentration. In addition to  
4 considering all other requirements under this Act, in deciding  
5 whether to approve the operation of video gaming terminals by a  
6 terminal operator in a location, the Board shall consider the  
7 impact of any economic concentration of such operation of video  
8 gaming terminals. The Board shall not allow a terminal operator  
9 to operate video gaming terminals if the Board determines such  
10 operation will result in undue economic concentration. For  
11 purposes of this Section, "undue economic concentration" means  
12 that a terminal operator would have such actual or potential  
13 influence over video gaming terminals in Illinois as to:

14 (1) substantially impede or suppress competition among  
15 terminal operators;

16 (2) adversely impact the economic stability of the  
17 video gaming industry in Illinois; or

18 (3) negatively impact the purposes of the Video Gaming  
19 Act.

20 The Board shall adopt rules concerning undue economic  
21 concentration with respect to the operation of video gaming  
22 terminals in Illinois. The rules shall include, but not be  
23 limited to, (i) limitations on the number of video gaming  
24 terminals operated by any terminal operator within a defined  
25 geographic radius and (ii) guidelines on the discontinuation of  
26 operation of any such video gaming terminals the Board

1 determines will cause undue economic concentration.

2 (j) The provisions of the Illinois Antitrust Act are fully  
3 and equally applicable to the activities of any licensee under  
4 this Act.

5 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
6 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1410, eff. 7-30-10;  
7 96-1479, eff. 8-23-10; 97-333, eff. 8-12-11.)

8 (230 ILCS 40/45)

9 Sec. 45. Issuance of license.

10 (a) The burden is upon each applicant to demonstrate his  
11 suitability for licensure. Each video gaming terminal  
12 manufacturer, distributor, supplier, operator, handler,  
13 licensed establishment, licensed truck stop establishment,  
14 licensed fraternal establishment, and licensed veterans  
15 establishment shall be licensed by the Board. The Board may  
16 issue or deny a license under this Act to any person pursuant  
17 to the same criteria set forth in Section 9 of the Casino  
18 Gaming Riverboat Gambling Act.

19 (a-5) The Board shall not grant a license to a person who  
20 has facilitated, enabled, or participated in the use of  
21 coin-operated devices for gambling purposes or who is under the  
22 significant influence or control of such a person. For the  
23 purposes of this Act, "facilitated, enabled, or participated in  
24 the use of coin-operated amusement devices for gambling  
25 purposes" means that the person has been convicted of any

1 violation of Article 28 of the Criminal Code of 1961. If there  
2 is pending legal action against a person for any such  
3 violation, then the Board shall delay the licensure of that  
4 person until the legal action is resolved.

5 (b) Each person seeking and possessing a license as a video  
6 gaming terminal manufacturer, distributor, supplier, operator,  
7 handler, licensed establishment, licensed truck stop  
8 establishment, licensed fraternal establishment, or licensed  
9 veterans establishment shall submit to a background  
10 investigation conducted by the Board with the assistance of the  
11 State Police or other law enforcement. The background  
12 investigation shall include each beneficiary of a trust, each  
13 partner of a partnership, and each director and officer and all  
14 stockholders of 5% or more in a parent or subsidiary  
15 corporation of a video gaming terminal manufacturer,  
16 distributor, supplier, operator, or licensed establishment,  
17 licensed truck stop establishment, licensed fraternal  
18 establishment, or licensed veterans establishment.

19 (c) Each person seeking and possessing a license as a video  
20 gaming terminal manufacturer, distributor, supplier, operator,  
21 handler, licensed establishment, licensed truck stop  
22 establishment, licensed fraternal establishment, or licensed  
23 veterans establishment shall disclose the identity of every  
24 person, association, trust, corporation, or limited liability  
25 company having a greater than 1% direct or indirect pecuniary  
26 interest in the video gaming terminal operation for which the

1 license is sought. If the disclosed entity is a trust, the  
2 application shall disclose the names and addresses of the  
3 beneficiaries; if a corporation, the names and addresses of all  
4 stockholders and directors; if a limited liability company, the  
5 names and addresses of all members; or if a partnership, the  
6 names and addresses of all partners, both general and limited.

7 (d) No person may be licensed as a video gaming terminal  
8 manufacturer, distributor, supplier, operator, handler,  
9 licensed establishment, licensed truck stop establishment,  
10 licensed fraternal establishment, or licensed veterans  
11 establishment if that person has been found by the Board to:

12 (1) have a background, including a criminal record,  
13 reputation, habits, social or business associations, or  
14 prior activities that pose a threat to the public interests  
15 of the State or to the security and integrity of video  
16 gaming;

17 (2) create or enhance the dangers of unsuitable,  
18 unfair, or illegal practices, methods, and activities in  
19 the conduct of video gaming; or

20 (3) present questionable business practices and  
21 financial arrangements incidental to the conduct of video  
22 gaming activities.

23 (e) Any applicant for any license under this Act has the  
24 burden of proving his or her qualifications to the satisfaction  
25 of the Board. The Board may adopt rules to establish additional  
26 qualifications and requirements to preserve the integrity and

1 security of video gaming in this State.

2 (f) A non-refundable application fee shall be paid at the  
3 time an application for a license is filed with the Board in  
4 the following amounts:

- 5 (1) Manufacturer ..... \$5,000
- 6 (2) Distributor..... \$5,000
- 7 (3) Terminal operator..... \$5,000
- 8 (4) Supplier ..... \$2,500
- 9 (5) Technician ..... \$100
- 10 (6) Terminal Handler ..... \$50

11 (g) The Board shall establish an annual fee for each  
12 license not to exceed the following:

- 13 (1) Manufacturer ..... \$10,000
- 14 (2) Distributor..... \$10,000
- 15 (3) Terminal operator..... \$5,000
- 16 (4) Supplier ..... \$2,000
- 17 (5) Technician ..... \$100
- 18 (6) Licensed establishment, licensed truck stop  
19 establishment, licensed fraternal establishment,  
20 or licensed veterans establishment ..... \$100
- 21 (7) Video gaming terminal..... \$100
- 22 (8) Terminal Handler ..... \$50

23 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
24 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1410, eff. 7-30-10.)



1           Sec. 80. Applicability of the Casino Gaming Illinois  
2 ~~Riverboat Gambling~~ Act. The provisions of the Casino Gaming  
3 ~~Illinois Riverboat Gambling~~ Act, and all rules promulgated  
4 thereunder, shall apply to the Video Gaming Act, except where  
5 there is a conflict between the 2 Acts. All provisions of the  
6 Uniform Penalty and Interest Act shall apply, as far as  
7 practicable, to the subject matter of this Act to the same  
8 extent as if such provisions were included herein.

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

10           Section 40. The Liquor Control Act of 1934 is amended by  
11 changing Sections 5-1 and 6-30 as follows:

12           (235 ILCS 5/5-1) (from Ch. 43, par. 115)

13           Sec. 5-1. Licenses issued by the Illinois Liquor Control  
14 Commission shall be of the following classes:

15           (a) Manufacturer's license - Class 1. Distiller, Class 2.  
16 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
17 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
18 First Class Winemaker, Class 7. Second Class Winemaker, Class  
19 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class  
20 10. Craft Brewer,

21           (b) Distributor's license,

22           (c) Importing Distributor's license,

23           (d) Retailer's license,

24           (e) Special Event Retailer's license (not-for-profit),

- 1 (f) Railroad license,
- 2 (g) Boat license,
- 3 (h) Non-Beverage User's license,
- 4 (i) Wine-maker's premises license,
- 5 (j) Airplane license,
- 6 (k) Foreign importer's license,
- 7 (l) Broker's license,
- 8 (m) Non-resident dealer's license,
- 9 (n) Brew Pub license,
- 10 (o) Auction liquor license,
- 11 (p) Caterer retailer license,
- 12 (q) Special use permit license,
- 13 (r) Winery shipper's license.

14 No person, firm, partnership, corporation, or other legal  
15 business entity that is engaged in the manufacturing of wine  
16 may concurrently obtain and hold a wine-maker's license and a  
17 wine manufacturer's license.

18 (a) A manufacturer's license shall allow the manufacture,  
19 importation in bulk, storage, distribution and sale of  
20 alcoholic liquor to persons without the State, as may be  
21 permitted by law and to licensees in this State as follows:

22 Class 1. A Distiller may make sales and deliveries of  
23 alcoholic liquor to distillers, rectifiers, importing  
24 distributors, distributors and non-beverage users and to no  
25 other licensees.

26 Class 2. A Rectifier, who is not a distiller, as defined

1 herein, may make sales and deliveries of alcoholic liquor to  
2 rectifiers, importing distributors, distributors, retailers  
3 and non-beverage users and to no other licensees.

4 Class 3. A Brewer may make sales and deliveries of beer to  
5 importing distributors and distributors and may make sales as  
6 authorized under subsection (e) of Section 6-4 of this Act.

7 Class 4. A first class wine-manufacturer may make sales and  
8 deliveries of up to 50,000 gallons of wine to manufacturers,  
9 importing distributors and distributors, and to no other  
10 licensees.

11 Class 5. A second class Wine manufacturer may make sales  
12 and deliveries of more than 50,000 gallons of wine to  
13 manufacturers, importing distributors and distributors and to  
14 no other licensees.

15 Class 6. A first-class wine-maker's license shall allow the  
16 manufacture of up to 50,000 gallons of wine per year, and the  
17 storage and sale of such wine to distributors in the State and  
18 to persons without the State, as may be permitted by law. A  
19 person who, prior to the effective date of this amendatory Act  
20 of the 95th General Assembly, is a holder of a first-class  
21 wine-maker's license and annually produces more than 25,000  
22 gallons of its own wine and who distributes its wine to  
23 licensed retailers shall cease this practice on or before July  
24 1, 2008 in compliance with this amendatory Act of the 95th  
25 General Assembly.

26 Class 7. A second-class wine-maker's license shall allow

1 the manufacture of between 50,000 and 150,000 gallons of wine  
2 per year, and the storage and sale of such wine to distributors  
3 in this State and to persons without the State, as may be  
4 permitted by law. A person who, prior to the effective date of  
5 this amendatory Act of the 95th General Assembly, is a holder  
6 of a second-class wine-maker's license and annually produces  
7 more than 25,000 gallons of its own wine and who distributes  
8 its wine to licensed retailers shall cease this practice on or  
9 before July 1, 2008 in compliance with this amendatory Act of  
10 the 95th General Assembly.

11 Class 8. A limited wine-manufacturer may make sales and  
12 deliveries not to exceed 40,000 gallons of wine per year to  
13 distributors, and to non-licensees in accordance with the  
14 provisions of this Act.

15 Class 9. A craft distiller license shall allow the  
16 manufacture of up to 15,000 gallons of spirits by distillation  
17 per year and the storage of such spirits. If a craft distiller  
18 licensee is not affiliated with any other manufacturer, then  
19 the craft distiller licensee may sell such spirits to  
20 distributors in this State and non-licensees to the extent  
21 permitted by any exemption approved by the Commission pursuant  
22 to Section 6-4 of this Act.

23 Any craft distiller licensed under this Act who on the  
24 effective date of this amendatory Act of the 96th General  
25 Assembly was licensed as a distiller and manufactured no more  
26 spirits than permitted by this Section shall not be required to

1 pay the initial licensing fee.

2 Class 10. A craft brewer's license, which may only be  
3 issued to a licensed brewer or licensed non-resident dealer,  
4 shall allow the manufacture of up to 465,000 gallons of beer  
5 per year. A craft brewer licensee may make sales and deliveries  
6 to importing distributors and distributors and to retail  
7 licensees in accordance with the conditions set forth in  
8 paragraph (18) of subsection (a) of Section 3-12 of this Act.

9 (a-1) A manufacturer which is licensed in this State to  
10 make sales or deliveries of alcoholic liquor and which enlists  
11 agents, representatives, or individuals acting on its behalf  
12 who contact licensed retailers on a regular and continual basis  
13 in this State must register those agents, representatives, or  
14 persons acting on its behalf with the State Commission.

15 Registration of agents, representatives, or persons acting  
16 on behalf of a manufacturer is fulfilled by submitting a form  
17 to the Commission. The form shall be developed by the  
18 Commission and shall include the name and address of the  
19 applicant, the name and address of the manufacturer he or she  
20 represents, the territory or areas assigned to sell to or  
21 discuss pricing terms of alcoholic liquor, and any other  
22 questions deemed appropriate and necessary. All statements in  
23 the forms required to be made by law or by rule shall be deemed  
24 material, and any person who knowingly misstates any material  
25 fact under oath in an application is guilty of a Class B  
26 misdemeanor. Fraud, misrepresentation, false statements,

1 misleading statements, evasions, or suppression of material  
2 facts in the securing of a registration are grounds for  
3 suspension or revocation of the registration.

4 (b) A distributor's license shall allow the wholesale  
5 purchase and storage of alcoholic liquors and sale of alcoholic  
6 liquors to licensees in this State and to persons without the  
7 State, as may be permitted by law.

8 (c) An importing distributor's license may be issued to and  
9 held by those only who are duly licensed distributors, upon the  
10 filing of an application by a duly licensed distributor, with  
11 the Commission and the Commission shall, without the payment of  
12 any fee, immediately issue such importing distributor's  
13 license to the applicant, which shall allow the importation of  
14 alcoholic liquor by the licensee into this State from any point  
15 in the United States outside this State, and the purchase of  
16 alcoholic liquor in barrels, casks or other bulk containers and  
17 the bottling of such alcoholic liquors before resale thereof,  
18 but all bottles or containers so filled shall be sealed,  
19 labeled, stamped and otherwise made to comply with all  
20 provisions, rules and regulations governing manufacturers in  
21 the preparation and bottling of alcoholic liquors. The  
22 importing distributor's license shall permit such licensee to  
23 purchase alcoholic liquor from Illinois licensed non-resident  
24 dealers and foreign importers only.

25 (d) A retailer's license shall allow the licensee to sell  
26 and offer for sale at retail, only in the premises specified in

1 the license, alcoholic liquor for use or consumption, but not  
2 for resale in any form. Nothing in this amendatory Act of the  
3 95th General Assembly shall deny, limit, remove, or restrict  
4 the ability of a holder of a retailer's license to transfer,  
5 deliver, or ship alcoholic liquor to the purchaser for use or  
6 consumption subject to any applicable local law or ordinance.  
7 Any retail license issued to a manufacturer shall only permit  
8 the manufacturer to sell beer at retail on the premises  
9 actually occupied by the manufacturer. For the purpose of  
10 further describing the type of business conducted at a retail  
11 licensed premises, a retailer's licensee may be designated by  
12 the State Commission as (i) an on premise consumption retailer,  
13 (ii) an off premise sale retailer, or (iii) a combined on  
14 premise consumption and off premise sale retailer.

15 Notwithstanding any other provision of this subsection  
16 (d), a retail licensee may sell alcoholic liquors to a special  
17 event retailer licensee for resale to the extent permitted  
18 under subsection (e).

19 (e) A special event retailer's license (not-for-profit)  
20 shall permit the licensee to purchase alcoholic liquors from an  
21 Illinois licensed distributor (unless the licensee purchases  
22 less than \$500 of alcoholic liquors for the special event, in  
23 which case the licensee may purchase the alcoholic liquors from  
24 a licensed retailer) and shall allow the licensee to sell and  
25 offer for sale, at retail, alcoholic liquors for use or  
26 consumption, but not for resale in any form and only at the

1 location and on the specific dates designated for the special  
2 event in the license. An applicant for a special event retailer  
3 license must (i) furnish with the application: (A) a resale  
4 number issued under Section 2c of the Retailers' Occupation Tax  
5 Act or evidence that the applicant is registered under Section  
6 2a of the Retailers' Occupation Tax Act, (B) a current, valid  
7 exemption identification number issued under Section 1g of the  
8 Retailers' Occupation Tax Act, and a certification to the  
9 Commission that the purchase of alcoholic liquors will be a  
10 tax-exempt purchase, or (C) a statement that the applicant is  
11 not registered under Section 2a of the Retailers' Occupation  
12 Tax Act, does not hold a resale number under Section 2c of the  
13 Retailers' Occupation Tax Act, and does not hold an exemption  
14 number under Section 1g of the Retailers' Occupation Tax Act,  
15 in which event the Commission shall set forth on the special  
16 event retailer's license a statement to that effect; (ii)  
17 submit with the application proof satisfactory to the State  
18 Commission that the applicant will provide dram shop liability  
19 insurance in the maximum limits; and (iii) show proof  
20 satisfactory to the State Commission that the applicant has  
21 obtained local authority approval.

22 (f) A railroad license shall permit the licensee to import  
23 alcoholic liquors into this State from any point in the United  
24 States outside this State and to store such alcoholic liquors  
25 in this State; to make wholesale purchases of alcoholic liquors  
26 directly from manufacturers, foreign importers, distributors



1 and importing distributors from within or outside this State;  
2 and to store such alcoholic liquors in this State; provided  
3 that the above powers may be exercised only in connection with  
4 the importation, purchase or storage of alcoholic liquors to be  
5 sold or dispensed on a club, buffet, lounge or dining car  
6 operated on an electric, gas or steam railway in this State;  
7 and provided further, that railroad licensees exercising the  
8 above powers shall be subject to all provisions of Article VIII  
9 of this Act as applied to importing distributors. A railroad  
10 license shall also permit the licensee to sell or dispense  
11 alcoholic liquors on any club, buffet, lounge or dining car  
12 operated on an electric, gas or steam railway regularly  
13 operated by a common carrier in this State, but shall not  
14 permit the sale for resale of any alcoholic liquors to any  
15 licensee within this State. A license shall be obtained for  
16 each car in which such sales are made.

17 (g) A boat license shall allow the sale of alcoholic liquor  
18 in individual drinks, on any passenger boat regularly operated  
19 as a common carrier on navigable waters in this State or on any  
20 riverboat operated under the Casino Gaming ~~Riverboat Gambling~~  
21 Act, which boat or riverboat maintains a public dining room or  
22 restaurant thereon.

23 (h) A non-beverage user's license shall allow the licensee  
24 to purchase alcoholic liquor from a licensed manufacturer or  
25 importing distributor, without the imposition of any tax upon  
26 the business of such licensed manufacturer or importing

1 distributor as to such alcoholic liquor to be used by such  
 2 licensee solely for the non-beverage purposes set forth in  
 3 subsection (a) of Section 8-1 of this Act, and such licenses  
 4 shall be divided and classified and shall permit the purchase,  
 5 possession and use of limited and stated quantities of  
 6 alcoholic liquor as follows:

- 7 Class 1, not to exceed ..... 500 gallons
- 8 Class 2, not to exceed ..... 1,000 gallons
- 9 Class 3, not to exceed ..... 5,000 gallons
- 10 Class 4, not to exceed ..... 10,000 gallons
- 11 Class 5, not to exceed ..... 50,000 gallons

12 (i) A wine-maker's premises license shall allow a licensee  
 13 that concurrently holds a first-class wine-maker's license to  
 14 sell and offer for sale at retail in the premises specified in  
 15 such license not more than 50,000 gallons of the first-class  
 16 wine-maker's wine that is made at the first-class wine-maker's  
 17 licensed premises per year for use or consumption, but not for  
 18 resale in any form. A wine-maker's premises license shall allow  
 19 a licensee who concurrently holds a second-class wine-maker's  
 20 license to sell and offer for sale at retail in the premises  
 21 specified in such license up to 100,000 gallons of the  
 22 second-class wine-maker's wine that is made at the second-class  
 23 wine-maker's licensed premises per year for use or consumption  
 24 but not for resale in any form. A wine-maker's premises license  
 25 shall allow a licensee that concurrently holds a first-class  
 26 wine-maker's license or a second-class wine-maker's license to

1 sell and offer for sale at retail at the premises specified in  
2 the wine-maker's premises license, for use or consumption but  
3 not for resale in any form, any beer, wine, and spirits  
4 purchased from a licensed distributor. Upon approval from the  
5 State Commission, a wine-maker's premises license shall allow  
6 the licensee to sell and offer for sale at (i) the wine-maker's  
7 licensed premises and (ii) at up to 2 additional locations for  
8 use and consumption and not for resale. Each location shall  
9 require additional licensing per location as specified in  
10 Section 5-3 of this Act. A wine-maker's premises licensee shall  
11 secure liquor liability insurance coverage in an amount at  
12 least equal to the maximum liability amounts set forth in  
13 subsection (a) of Section 6-21 of this Act.

14 (j) An airplane license shall permit the licensee to import  
15 alcoholic liquors into this State from any point in the United  
16 States outside this State and to store such alcoholic liquors  
17 in this State; to make wholesale purchases of alcoholic liquors  
18 directly from manufacturers, foreign importers, distributors  
19 and importing distributors from within or outside this State;  
20 and to store such alcoholic liquors in this State; provided  
21 that the above powers may be exercised only in connection with  
22 the importation, purchase or storage of alcoholic liquors to be  
23 sold or dispensed on an airplane; and provided further, that  
24 airplane licensees exercising the above powers shall be subject  
25 to all provisions of Article VIII of this Act as applied to  
26 importing distributors. An airplane licensee shall also permit

1 the sale or dispensing of alcoholic liquors on any passenger  
2 airplane regularly operated by a common carrier in this State,  
3 but shall not permit the sale for resale of any alcoholic  
4 liquors to any licensee within this State. A single airplane  
5 license shall be required of an airline company if liquor  
6 service is provided on board aircraft in this State. The annual  
7 fee for such license shall be as determined in Section 5-3.

8 (k) A foreign importer's license shall permit such licensee  
9 to purchase alcoholic liquor from Illinois licensed  
10 non-resident dealers only, and to import alcoholic liquor other  
11 than in bulk from any point outside the United States and to  
12 sell such alcoholic liquor to Illinois licensed importing  
13 distributors and to no one else in Illinois; provided that (i)  
14 the foreign importer registers with the State Commission every  
15 brand of alcoholic liquor that it proposes to sell to Illinois  
16 licensees during the license period, (ii) the foreign importer  
17 complies with all of the provisions of Section 6-9 of this Act  
18 with respect to registration of such Illinois licensees as may  
19 be granted the right to sell such brands at wholesale, and  
20 (iii) the foreign importer complies with the provisions of  
21 Sections 6-5 and 6-6 of this Act to the same extent that these  
22 provisions apply to manufacturers.

23 (l) (i) A broker's license shall be required of all persons  
24 who solicit orders for, offer to sell or offer to supply  
25 alcoholic liquor to retailers in the State of Illinois, or who  
26 offer to retailers to ship or cause to be shipped or to make

1 contact with distillers, rectifiers, brewers or manufacturers  
2 or any other party within or without the State of Illinois in  
3 order that alcoholic liquors be shipped to a distributor,  
4 importing distributor or foreign importer, whether such  
5 solicitation or offer is consummated within or without the  
6 State of Illinois.

7 No holder of a retailer's license issued by the Illinois  
8 Liquor Control Commission shall purchase or receive any  
9 alcoholic liquor, the order for which was solicited or offered  
10 for sale to such retailer by a broker unless the broker is the  
11 holder of a valid broker's license.

12 The broker shall, upon the acceptance by a retailer of the  
13 broker's solicitation of an order or offer to sell or supply or  
14 deliver or have delivered alcoholic liquors, promptly forward  
15 to the Illinois Liquor Control Commission a notification of  
16 said transaction in such form as the Commission may by  
17 regulations prescribe.

18 (ii) A broker's license shall be required of a person  
19 within this State, other than a retail licensee, who, for a fee  
20 or commission, promotes, solicits, or accepts orders for  
21 alcoholic liquor, for use or consumption and not for resale, to  
22 be shipped from this State and delivered to residents outside  
23 of this State by an express company, common carrier, or  
24 contract carrier. This Section does not apply to any person who  
25 promotes, solicits, or accepts orders for wine as specifically  
26 authorized in Section 6-29 of this Act.

1           A broker's license under this subsection (1) shall not  
2 entitle the holder to buy or sell any alcoholic liquors for his  
3 own account or to take or deliver title to such alcoholic  
4 liquors.

5           This subsection (1) shall not apply to distributors,  
6 employees of distributors, or employees of a manufacturer who  
7 has registered the trademark, brand or name of the alcoholic  
8 liquor pursuant to Section 6-9 of this Act, and who regularly  
9 sells such alcoholic liquor in the State of Illinois only to  
10 its registrants thereunder.

11           Any agent, representative, or person subject to  
12 registration pursuant to subsection (a-1) of this Section shall  
13 not be eligible to receive a broker's license.

14           (m) A non-resident dealer's license shall permit such  
15 licensee to ship into and warehouse alcoholic liquor into this  
16 State from any point outside of this State, and to sell such  
17 alcoholic liquor to Illinois licensed foreign importers and  
18 importing distributors and to no one else in this State;  
19 provided that (i) said non-resident dealer shall register with  
20 the Illinois Liquor Control Commission each and every brand of  
21 alcoholic liquor which it proposes to sell to Illinois  
22 licensees during the license period, (ii) it shall comply with  
23 all of the provisions of Section 6-9 hereof with respect to  
24 registration of such Illinois licensees as may be granted the  
25 right to sell such brands at wholesale, and (iii) the  
26 non-resident dealer shall comply with the provisions of

1 Sections 6-5 and 6-6 of this Act to the same extent that these  
2 provisions apply to manufacturers.

3 (n) A brew pub license shall allow the licensee (i) to  
4 manufacture beer only on the premises specified in the license,  
5 (ii) to make sales of the beer manufactured on the premises or,  
6 with the approval of the Commission, beer manufactured on  
7 another brew pub licensed premises that is substantially owned  
8 and operated by the same licensee to importing distributors,  
9 distributors, and to non-licensees for use and consumption,  
10 (iii) to store the beer upon the premises, and (iv) to sell and  
11 offer for sale at retail from the licensed premises, provided  
12 that a brew pub licensee shall not sell for off-premises  
13 consumption more than 50,000 gallons per year. A person who  
14 holds a brew pub license may simultaneously hold a craft brewer  
15 license if he or she otherwise qualifies for the craft brewer  
16 license and the craft brewer license is for a location separate  
17 from the brew pub's licensed premises. A brew pub license shall  
18 permit a person who has received prior approval from the  
19 Commission to annually transfer no more than a total of 50,000  
20 gallons of beer manufactured on premises to all other licensed  
21 brew pubs that are substantially owned and operated by the same  
22 person.

23 (o) A caterer retailer license shall allow the holder to  
24 serve alcoholic liquors as an incidental part of a food service  
25 that serves prepared meals which excludes the serving of snacks  
26 as the primary meal, either on or off-site whether licensed or

1 unlicensed.

2 (p) An auction liquor license shall allow the licensee to  
3 sell and offer for sale at auction wine and spirits for use or  
4 consumption, or for resale by an Illinois liquor licensee in  
5 accordance with provisions of this Act. An auction liquor  
6 license will be issued to a person and it will permit the  
7 auction liquor licensee to hold the auction anywhere in the  
8 State. An auction liquor license must be obtained for each  
9 auction at least 14 days in advance of the auction date.

10 (q) A special use permit license shall allow an Illinois  
11 licensed retailer to transfer a portion of its alcoholic liquor  
12 inventory from its retail licensed premises to the premises  
13 specified in the license hereby created, and to sell or offer  
14 for sale at retail, only in the premises specified in the  
15 license hereby created, the transferred alcoholic liquor for  
16 use or consumption, but not for resale in any form. A special  
17 use permit license may be granted for the following time  
18 periods: one day or less; 2 or more days to a maximum of 15 days  
19 per location in any 12 month period. An applicant for the  
20 special use permit license must also submit with the  
21 application proof satisfactory to the State Commission that the  
22 applicant will provide dram shop liability insurance to the  
23 maximum limits and have local authority approval.

24 (r) A winery shipper's license shall allow a person with a  
25 first-class or second-class wine manufacturer's license, a  
26 first-class or second-class wine-maker's license, or a limited



1 wine manufacturer's license or who is licensed to make wine  
2 under the laws of another state to ship wine made by that  
3 licensee directly to a resident of this State who is 21 years  
4 of age or older for that resident's personal use and not for  
5 resale. Prior to receiving a winery shipper's license, an  
6 applicant for the license must provide the Commission with a  
7 true copy of its current license in any state in which it is  
8 licensed as a manufacturer of wine. An applicant for a winery  
9 shipper's license must also complete an application form that  
10 provides any other information the Commission deems necessary.  
11 The application form shall include an acknowledgement  
12 consenting to the jurisdiction of the Commission, the Illinois  
13 Department of Revenue, and the courts of this State concerning  
14 the enforcement of this Act and any related laws, rules, and  
15 regulations, including authorizing the Department of Revenue  
16 and the Commission to conduct audits for the purpose of  
17 ensuring compliance with this amendatory Act.

18 A winery shipper licensee must pay to the Department of  
19 Revenue the State liquor gallonage tax under Section 8-1 for  
20 all wine that is sold by the licensee and shipped to a person  
21 in this State. For the purposes of Section 8-1, a winery  
22 shipper licensee shall be taxed in the same manner as a  
23 manufacturer of wine. A licensee who is not otherwise required  
24 to register under the Retailers' Occupation Tax Act must  
25 register under the Use Tax Act to collect and remit use tax to  
26 the Department of Revenue for all gallons of wine that are sold

1 by the licensee and shipped to persons in this State. If a  
2 licensee fails to remit the tax imposed under this Act in  
3 accordance with the provisions of Article VIII of this Act, the  
4 winery shipper's license shall be revoked in accordance with  
5 the provisions of Article VII of this Act. If a licensee fails  
6 to properly register and remit tax under the Use Tax Act or the  
7 Retailers' Occupation Tax Act for all wine that is sold by the  
8 winery shipper and shipped to persons in this State, the winery  
9 shipper's license shall be revoked in accordance with the  
10 provisions of Article VII of this Act.

11 A winery shipper licensee must collect, maintain, and  
12 submit to the Commission on a semi-annual basis the total  
13 number of cases per resident of wine shipped to residents of  
14 this State. A winery shipper licensed under this subsection (r)  
15 must comply with the requirements of Section 6-29 of this  
16 amendatory Act.

17 (Source: P.A. 96-1367, eff. 7-28-10; 97-5, eff. 6-1-11; 97-455,  
18 eff. 8-19-11; revised 9-16-11.)

19 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

20 Sec. 6-30. Notwithstanding any other provision of this Act,  
21 the Illinois Gaming Board shall have exclusive authority to  
22 establish the hours for sale and consumption of alcoholic  
23 liquor on board a riverboat during riverboat gambling  
24 excursions conducted in accordance with the Casino Gaming  
25 ~~Riverboat Gambling~~ Act.

1 (Source: P.A. 87-826.)

2 Section 45. The Criminal Code of 1961 is amended by  
3 changing Sections 28-1, 28-1.1, 28-3, 28-5, and 28-7 as  
4 follows:

5 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

6 Sec. 28-1. Gambling.

7 (a) A person commits gambling when he:

8 (1) Plays a game of chance or skill for money or other  
9 thing of value, unless excepted in subsection (b) of this  
10 Section; or

11 (2) Makes a wager upon the result of any game, contest,  
12 or any political nomination, appointment or election; or

13 (3) Operates, keeps, owns, uses, purchases, exhibits,  
14 rents, sells, bargains for the sale or lease of,  
15 manufactures or distributes any gambling device; or

16 (4) Contracts to have or give himself or another the  
17 option to buy or sell, or contracts to buy or sell, at a  
18 future time, any grain or other commodity whatsoever, or  
19 any stock or security of any company, where it is at the  
20 time of making such contract intended by both parties  
21 thereto that the contract to buy or sell, or the option,  
22 whenever exercised, or the contract resulting therefrom,  
23 shall be settled, not by the receipt or delivery of such  
24 property, but by the payment only of differences in prices

1       thereof; however, the issuance, purchase, sale, exercise,  
2       endorsement or guarantee, by or through a person registered  
3       with the Secretary of State pursuant to Section 8 of the  
4       Illinois Securities Law of 1953, or by or through a person  
5       exempt from such registration under said Section 8, of a  
6       put, call, or other option to buy or sell securities which  
7       have been registered with the Secretary of State or which  
8       are exempt from such registration under Section 3 of the  
9       Illinois Securities Law of 1953 is not gambling within the  
10      meaning of this paragraph (4); or

11           (5) Knowingly owns or possesses any book, instrument or  
12      apparatus by means of which bets or wagers have been, or  
13      are, recorded or registered, or knowingly possesses any  
14      money which he has received in the course of a bet or  
15      wager; or

16           (6) Sells pools upon the result of any game or contest  
17      of skill or chance, political nomination, appointment or  
18      election; or

19           (7) Sets up or promotes any lottery or sells, offers to  
20      sell or transfers any ticket or share for any lottery; or

21           (8) Sets up or promotes any policy game or sells,  
22      offers to sell or knowingly possesses or transfers any  
23      policy ticket, slip, record, document or other similar  
24      device; or

25           (9) Knowingly drafts, prints or publishes any lottery  
26      ticket or share, or any policy ticket, slip, record,

1 document or similar device, except for such activity  
2 related to lotteries, bingo games and raffles authorized by  
3 and conducted in accordance with the laws of Illinois or  
4 any other state or foreign government; or

5 (10) Knowingly advertises any lottery or policy game,  
6 except for such activity related to lotteries, bingo games  
7 and raffles authorized by and conducted in accordance with  
8 the laws of Illinois or any other state; or

9 (11) Knowingly transmits information as to wagers,  
10 betting odds, or changes in betting odds by telephone,  
11 telegraph, radio, semaphore or similar means; or knowingly  
12 installs or maintains equipment for the transmission or  
13 receipt of such information; except that nothing in this  
14 subdivision (11) prohibits transmission or receipt of such  
15 information for use in news reporting of sporting events or  
16 contests; or

17 (12) Knowingly establishes, maintains, or operates an  
18 Internet site that permits a person to play a game of  
19 chance or skill for money or other thing of value by means  
20 of the Internet or to make a wager upon the result of any  
21 game, contest, political nomination, appointment, or  
22 election by means of the Internet. This item (12) does not  
23 apply to activities referenced in items (6) and (6.1) of  
24 subsection (b) of this Section.

25 (b) Participants in any of the following activities shall  
26 not be convicted of gambling therefor:

1           (1) Agreements to compensate for loss caused by the  
2 happening of chance including without limitation contracts  
3 of indemnity or guaranty and life or health or accident  
4 insurance.

5           (2) Offers of prizes, award or compensation to the  
6 actual contestants in any bona fide contest for the  
7 determination of skill, speed, strength or endurance or to  
8 the owners of animals or vehicles entered in such contest.

9           (3) Pari-mutuel betting as authorized by the law of  
10 this State.

11           (4) Manufacture of gambling devices, including the  
12 acquisition of essential parts therefor and the assembly  
13 thereof, for transportation in interstate or foreign  
14 commerce to any place outside this State when such  
15 transportation is not prohibited by any applicable Federal  
16 law; or the manufacture, distribution, or possession of  
17 video gaming terminals, as defined in the Video Gaming Act,  
18 by manufacturers, distributors, and terminal operators  
19 licensed to do so under the Video Gaming Act.

20           (5) The game commonly known as "bingo", when conducted  
21 in accordance with the Bingo License and Tax Act.

22           (6) Lotteries when conducted by the State of Illinois  
23 in accordance with the Illinois Lottery Law. This exemption  
24 includes any activity conducted by the Department of  
25 Revenue to sell lottery tickets pursuant to the provisions  
26 of the Illinois Lottery Law and its rules.

1           (6.1) The purchase of lottery tickets through the  
2 Internet for a lottery conducted by the State of Illinois  
3 under the program established in Section 7.12 of the  
4 Illinois Lottery Law.

5           (7) Possession of an antique slot machine that is  
6 neither used nor intended to be used in the operation or  
7 promotion of any unlawful gambling activity or enterprise.  
8 For the purpose of this subparagraph (b)(7), an antique  
9 slot machine is one manufactured 25 years ago or earlier.

10          (8) Raffles when conducted in accordance with the  
11 Raffles Act.

12          (9) Charitable games when conducted in accordance with  
13 the Charitable Games Act.

14          (10) Pull tabs and jar games when conducted under the  
15 Illinois Pull Tabs and Jar Games Act.

16          (11) Gambling games conducted on riverboats when  
17 authorized by the Casino Gaming ~~Riverboat Gambling~~ Act.

18          (12) Video gaming terminal games at a licensed  
19 establishment, licensed truck stop establishment, licensed  
20 fraternal establishment, or licensed veterans  
21 establishment when conducted in accordance with the Video  
22 Gaming Act.

23          (13) Games of skill or chance where money or other  
24 things of value can be won but no payment or purchase is  
25 required to participate.

26          (c) Sentence.

1 Gambling under subsection (a)(1) or (a)(2) of this Section  
2 is a Class A misdemeanor. Gambling under any of subsections  
3 (a)(3) through (a)(11) of this Section is a Class A  
4 misdemeanor. A second or subsequent conviction under any of  
5 subsections (a)(3) through (a)(11), is a Class 4 felony.  
6 Gambling under subsection (a)(12) of this Section is a Class A  
7 misdemeanor. A second or subsequent conviction under  
8 subsection (a)(12) is a Class 4 felony.

9 (d) Circumstantial evidence.

10 In prosecutions under subsection (a)(1) through (a)(12) of  
11 this Section circumstantial evidence shall have the same  
12 validity and weight as in any criminal prosecution.

13 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;  
14 96-1203, eff. 7-22-10.)

15 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

16 Sec. 28-1.1. Syndicated gambling.

17 (a) Declaration of Purpose. Recognizing the close  
18 relationship between professional gambling and other organized  
19 crime, it is declared to be the policy of the legislature to  
20 restrain persons from engaging in the business of gambling for  
21 profit in this State. This Section shall be liberally construed  
22 and administered with a view to carrying out this policy.

23 (b) A person commits syndicated gambling when he operates a  
24 "policy game" or engages in the business of bookmaking.

25 (c) A person "operates a policy game" when he knowingly



1 uses any premises or property for the purpose of receiving or  
2 knowingly does receive from what is commonly called "policy":

3 (1) money from a person other than the better or player  
4 whose bets or plays are represented by such money; or

5 (2) written "policy game" records, made or used over  
6 any period of time, from a person other than the better or  
7 player whose bets or plays are represented by such written  
8 record.

9 (d) A person engages in bookmaking when he receives or  
10 accepts more than five bets or wagers upon the result of any  
11 trials or contests of skill, speed or power of endurance or  
12 upon any lot, chance, casualty, unknown or contingent event  
13 whatsoever, which bets or wagers shall be of such size that the  
14 total of the amounts of money paid or promised to be paid to  
15 such bookmaker on account thereof shall exceed \$2,000.  
16 Bookmaking is the receiving or accepting of such bets or wagers  
17 regardless of the form or manner in which the bookmaker records  
18 them.

19 (e) Participants in any of the following activities shall  
20 not be convicted of syndicated gambling:

21 (1) Agreements to compensate for loss caused by the  
22 happening of chance including without limitation contracts  
23 of indemnity or guaranty and life or health or accident  
24 insurance; and

25 (2) Offers of prizes, award or compensation to the  
26 actual contestants in any bona fide contest for the

1 determination of skill, speed, strength or endurance or to  
2 the owners of animals or vehicles entered in such contest;  
3 and

4 (3) Pari-mutuel betting as authorized by law of this  
5 State; and

6 (4) Manufacture of gambling devices, including the  
7 acquisition of essential parts therefor and the assembly  
8 thereof, for transportation in interstate or foreign  
9 commerce to any place outside this State when such  
10 transportation is not prohibited by any applicable Federal  
11 law; and

12 (5) Raffles when conducted in accordance with the  
13 Raffles Act; and

14 (6) Gambling games conducted on riverboats when  
15 authorized by the Casino Gaming ~~Riverboat Gambling~~ Act; and

16 (7) Video gaming terminal games at a licensed  
17 establishment, licensed truck stop establishment, licensed  
18 fraternal establishment, or licensed veterans  
19 establishment when conducted in accordance with the Video  
20 Gaming Act.

21 (f) Sentence. Syndicated gambling is a Class 3 felony.

22 (Source: P.A. 96-34, eff. 7-13-09.)

23 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

24 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is  
25 any real estate, vehicle, boat or any other property whatsoever

1 used for the purposes of gambling other than gambling conducted  
2 in the manner authorized by the Casino Gaming Riverboat  
3 ~~Gambling~~ Act or the Video Gaming Act. Any person who knowingly  
4 permits any premises or property owned or occupied by him or  
5 under his control to be used as a gambling place commits a  
6 Class A misdemeanor. Each subsequent offense is a Class 4  
7 felony. When any premises is determined by the circuit court to  
8 be a gambling place:

9 (a) Such premises is a public nuisance and may be proceeded  
10 against as such, and

11 (b) All licenses, permits or certificates issued by the  
12 State of Illinois or any subdivision or public agency thereof  
13 authorizing the serving of food or liquor on such premises  
14 shall be void; and no license, permit or certificate so  
15 cancelled shall be reissued for such premises for a period of  
16 60 days thereafter; nor shall any person convicted of keeping a  
17 gambling place be reissued such license for one year from his  
18 conviction and, after a second conviction of keeping a gambling  
19 place, any such person shall not be reissued such license, and

20 (c) Such premises of any person who knowingly permits  
21 thereon a violation of any Section of this Article shall be  
22 held liable for, and may be sold to pay any unsatisfied  
23 judgment that may be recovered and any unsatisfied fine that  
24 may be levied under any Section of this Article.

25 (Source: P.A. 96-34, eff. 7-13-09.)

1 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

2 Sec. 28-5. Seizure of gambling devices and gambling funds.

3 (a) Every device designed for gambling which is incapable  
4 of lawful use or every device used unlawfully for gambling  
5 shall be considered a "gambling device", and shall be subject  
6 to seizure, confiscation and destruction by the Department of  
7 State Police or by any municipal, or other local authority,  
8 within whose jurisdiction the same may be found. As used in  
9 this Section, a "gambling device" includes any slot machine,  
10 and includes any machine or device constructed for the  
11 reception of money or other thing of value and so constructed  
12 as to return, or to cause someone to return, on chance to the  
13 player thereof money, property or a right to receive money or  
14 property. With the exception of any device designed for  
15 gambling which is incapable of lawful use, no gambling device  
16 shall be forfeited or destroyed unless an individual with a  
17 property interest in said device knows of the unlawful use of  
18 the device.

19 (b) Every gambling device shall be seized and forfeited to  
20 the county wherein such seizure occurs. Any money or other  
21 thing of value integrally related to acts of gambling shall be  
22 seized and forfeited to the county wherein such seizure occurs.

23 (c) If, within 60 days after any seizure pursuant to  
24 subparagraph (b) of this Section, a person having any property  
25 interest in the seized property is charged with an offense, the  
26 court which renders judgment upon such charge shall, within 30

1 days after such judgment, conduct a forfeiture hearing to  
2 determine whether such property was a gambling device at the  
3 time of seizure. Such hearing shall be commenced by a written  
4 petition by the State, including material allegations of fact,  
5 the name and address of every person determined by the State to  
6 have any property interest in the seized property, a  
7 representation that written notice of the date, time and place  
8 of such hearing has been mailed to every such person by  
9 certified mail at least 10 days before such date, and a request  
10 for forfeiture. Every such person may appear as a party and  
11 present evidence at such hearing. The quantum of proof required  
12 shall be a preponderance of the evidence, and the burden of  
13 proof shall be on the State. If the court determines that the  
14 seized property was a gambling device at the time of seizure,  
15 an order of forfeiture and disposition of the seized property  
16 shall be entered: a gambling device shall be received by the  
17 State's Attorney, who shall effect its destruction, except that  
18 valuable parts thereof may be liquidated and the resultant  
19 money shall be deposited in the general fund of the county  
20 wherein such seizure occurred; money and other things of value  
21 shall be received by the State's Attorney and, upon  
22 liquidation, shall be deposited in the general fund of the  
23 county wherein such seizure occurred. However, in the event  
24 that a defendant raises the defense that the seized slot  
25 machine is an antique slot machine described in subparagraph  
26 (b) (7) of Section 28-1 of this Code and therefore he is exempt

1 from the charge of a gambling activity participant, the seized  
2 antique slot machine shall not be destroyed or otherwise  
3 altered until a final determination is made by the Court as to  
4 whether it is such an antique slot machine. Upon a final  
5 determination by the Court of this question in favor of the  
6 defendant, such slot machine shall be immediately returned to  
7 the defendant. Such order of forfeiture and disposition shall,  
8 for the purposes of appeal, be a final order and judgment in a  
9 civil proceeding.

10 (d) If a seizure pursuant to subparagraph (b) of this  
11 Section is not followed by a charge pursuant to subparagraph  
12 (c) of this Section, or if the prosecution of such charge is  
13 permanently terminated or indefinitely discontinued without  
14 any judgment of conviction or acquittal (1) the State's  
15 Attorney shall commence an in rem proceeding for the forfeiture  
16 and destruction of a gambling device, or for the forfeiture and  
17 deposit in the general fund of the county of any seized money  
18 or other things of value, or both, in the circuit court and (2)  
19 any person having any property interest in such seized gambling  
20 device, money or other thing of value may commence separate  
21 civil proceedings in the manner provided by law.

22 (e) Any gambling device displayed for sale to a riverboat  
23 gambling operation or used to train occupational licensees of a  
24 riverboat gambling operation as authorized under the Casino  
25 Gaming ~~Riverboat Gambling~~ Act is exempt from seizure under this  
26 Section.

1 (f) Any gambling equipment, devices and supplies provided  
2 by a licensed supplier in accordance with the Casino Gaming  
3 ~~Riverboat Gambling~~ Act which are removed from the riverboat for  
4 repair are exempt from seizure under this Section.

5 (Source: P.A. 87-826.)

6 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

7 Sec. 28-7. Gambling contracts void.

8 (a) All promises, notes, bills, bonds, covenants,  
9 contracts, agreements, judgments, mortgages, or other  
10 securities or conveyances made, given, granted, drawn, or  
11 entered into, or executed by any person whatsoever, where the  
12 whole or any part of the consideration thereof is for any money  
13 or thing of value, won or obtained in violation of any Section  
14 of this Article are null and void.

15 (b) Any obligation void under this Section may be set aside  
16 and vacated by any court of competent jurisdiction, upon a  
17 complaint filed for that purpose, by the person so granting,  
18 giving, entering into, or executing the same, or by his  
19 executors or administrators, or by any creditor, heir, legatee,  
20 purchaser or other person interested therein; or if a judgment,  
21 the same may be set aside on motion of any person stated above,  
22 on due notice thereof given.

23 (c) No assignment of any obligation void under this Section  
24 may in any manner affect the defense of the person giving,  
25 granting, drawing, entering into or executing such obligation,

1 or the remedies of any person interested therein.

2 (d) This Section shall not prevent a licensed owner of a  
3 riverboat gambling operation from instituting a cause of action  
4 to collect any amount due and owing under an extension of  
5 credit to a riverboat gambling patron as authorized under the  
6 Casino Gaming ~~Riverboat Gambling~~ Act.

7 (Source: P.A. 87-826.)

8 Section 50. The Payday Loan Reform Act is amended by  
9 changing Section 3-5 as follows:

10 (815 ILCS 122/3-5)

11 Sec. 3-5. Licensure.

12 (a) A license to make a payday loan shall state the  
13 address, including city and state, at which the business is to  
14 be conducted and shall state fully the name of the licensee.  
15 The license shall be conspicuously posted in the place of  
16 business of the licensee and shall not be transferable or  
17 assignable.

18 (b) An application for a license shall be in writing and in  
19 a form prescribed by the Secretary. The Secretary may not issue  
20 a payday loan license unless and until the following findings  
21 are made:

22 (1) that the financial responsibility, experience,  
23 character, and general fitness of the applicant are such as  
24 to command the confidence of the public and to warrant the



1 belief that the business will be operated lawfully and  
2 fairly and within the provisions and purposes of this Act;  
3 and

4 (2) that the applicant has submitted such other  
5 information as the Secretary may deem necessary.

6 (c) A license shall be issued for no longer than one year,  
7 and no renewal of a license may be provided if a licensee has  
8 substantially violated this Act and has not cured the violation  
9 to the satisfaction of the Department.

10 (d) A licensee shall appoint, in writing, the Secretary as  
11 attorney-in-fact upon whom all lawful process against the  
12 licensee may be served with the same legal force and validity  
13 as if served on the licensee. A copy of the written  
14 appointment, duly certified, shall be filed in the office of  
15 the Secretary, and a copy thereof certified by the Secretary  
16 shall be sufficient evidence to subject a licensee to  
17 jurisdiction in a court of law. This appointment shall remain  
18 in effect while any liability remains outstanding in this State  
19 against the licensee. When summons is served upon the Secretary  
20 as attorney-in-fact for a licensee, the Secretary shall  
21 immediately notify the licensee by registered mail, enclosing  
22 the summons and specifying the hour and day of service.

23 (e) A licensee must pay an annual fee of \$1,000. In  
24 addition to the license fee, the reasonable expense of any  
25 examination or hearing by the Secretary under any provisions of  
26 this Act shall be borne by the licensee. If a licensee fails to

1 renew its license by December 31, its license shall  
2 automatically expire; however, the Secretary, in his or her  
3 discretion, may reinstate an expired license upon:

4 (1) payment of the annual fee within 30 days of the  
5 date of expiration; and

6 (2) proof of good cause for failure to renew.

7 (f) Not more than one place of business shall be maintained  
8 under the same license, but the Secretary may issue more than  
9 one license to the same licensee upon compliance with all the  
10 provisions of this Act governing issuance of a single license.  
11 The location, except those locations already in existence as of  
12 June 1, 2005, may not be within one mile of a horse race track  
13 subject to the Illinois Horse Racing Act of 1975, within one  
14 mile of a facility at which gambling is conducted under the  
15 Casino Gaming ~~Riverboat Gambling~~ Act, within one mile of the  
16 location at which a riverboat subject to the Casino Gaming  
17 ~~Riverboat Gambling~~ Act docks, or within one mile of any State  
18 of Illinois or United States military base or naval  
19 installation.

20 (g) No licensee shall conduct the business of making loans  
21 under this Act within any office, suite, room, or place of  
22 business in which (1) any loans are offered or made under the  
23 Consumer Installment Loan Act other than title secured loans as  
24 defined in subsection (a) of Section 15 of the Consumer  
25 Installment Loan Act and governed by Title 38, Section 110.330  
26 of the Illinois Administrative Code or (2) any other business

1 is solicited or engaged in unless the other business is  
2 licensed by the Department or, in the opinion of the Secretary,  
3 the other business would not be contrary to the best interests  
4 of consumers and is authorized by the Secretary in writing.

5 (g-5) Notwithstanding subsection (g) of this Section, a  
6 licensee may obtain a license under the Consumer Installment  
7 Loan Act (CILA) for the exclusive purpose and use of making  
8 title secured loans, as defined in subsection (a) of Section 15  
9 of CILA and governed by Title 38, Section 110.300 of the  
10 Illinois Administrative Code. A licensee may continue to  
11 service Consumer Installment Loan Act loans that were  
12 outstanding as of the effective date of this amendatory Act of  
13 the 96th General Assembly.

14 (h) The Secretary shall maintain a list of licensees that  
15 shall be available to interested consumers and lenders and the  
16 public. The Secretary shall maintain a toll-free number whereby  
17 consumers may obtain information about licensees. The  
18 Secretary shall also establish a complaint process under which  
19 an aggrieved consumer may file a complaint against a licensee  
20 or non-licensee who violates any provision of this Act.

21 (Source: P.A. 96-936, eff. 3-21-11.)

22 Section 55. The Travel Promotion Consumer Protection Act is  
23 amended by changing Section 2 as follows:

24 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

1           Sec. 2. Definitions.

2           (a) "Travel promoter" means a person, including a tour  
3 operator, who sells, provides, furnishes, contracts for,  
4 arranges or advertises that he or she will arrange wholesale or  
5 retail transportation by air, land, sea or navigable stream,  
6 either separately or in conjunction with other services.  
7 "Travel promoter" does not include (1) an air carrier; (2) a  
8 sea carrier; (3) an officially appointed agent of an air  
9 carrier who is a member in good standing of the Airline  
10 Reporting Corporation; (4) a travel promoter who has in force  
11 \$1,000,000 or more of liability insurance coverage for  
12 professional errors and omissions and a surety bond or  
13 equivalent surety in the amount of \$100,000 or more for the  
14 benefit of consumers in the event of a bankruptcy on the part  
15 of the travel promoter; or (5) a riverboat subject to  
16 regulation under the Casino Gaming ~~Riverboat Gambling~~ Act.

17           (b) "Advertise" means to make any representation in the  
18 solicitation of passengers and includes communication with  
19 other members of the same partnership, corporation, joint  
20 venture, association, organization, group or other entity.

21           (c) "Passenger" means a person on whose behalf money or  
22 other consideration has been given or is to be given to  
23 another, including another member of the same partnership,  
24 corporation, joint venture, association, organization, group  
25 or other entity, for travel.

26           (d) "Ticket or voucher" means a writing or combination of

1 writings which is itself good and sufficient to obtain  
2 transportation and other services for which the passenger has  
3 contracted.

4 (Source: P.A. 91-357, eff. 7-29-99.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.