



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2693

Introduced 2/21/2013, 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 40/79	
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.

LRB098 09319 AMC 39459 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
6 this ~~the~~ Act, or (iv) the wagering tax imposed under Section 13
7 of this Act is increased by law to reflect a tax rate that is at
8 least as stringent or more stringent than the tax rate
9 contained in subsection (a-3) of Section 13, whichever occurs
10 first, as a condition of licensure and as an alternative source
11 of payment for those funds payable under subsection (c-5) of
12 Section 13 of this ~~the Riverboat Gambling~~ Act, any owners
13 licensee that holds or receives its owners license on or after
14 the effective date of this amendatory Act of the 94th General
15 Assembly, other than an owners licensee operating a riverboat
16 with adjusted gross receipts in calendar year 2004 of less than
17 \$200,000,000, must pay into the Horse Racing Equity Trust Fund,
18 in addition to any other payments required under this Act, an
19 amount equal to 3% of the adjusted gross receipts received by
20 the owners licensee. The payments required under this Section
21 shall be made by the owners licensee to the State Treasurer no
22 later than 3:00 o'clock p.m. of the day after the day when the
23 adjusted gross receipts were received by the owners licensee. A
24 person, firm or corporation is ineligible to receive an owners
25 license if:

26 (1) the person has been convicted of a felony under the

1 laws of this State, any other state, or the United States;

2 (2) the person has been convicted of any violation of
3 Article 28 of the Criminal Code of 1961 or the Criminal
4 Code of 2012, or substantially similar laws of any other
5 jurisdiction;

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

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

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

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

16 (7) (blank); or

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

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

1 Administrative Procedure Act.

2 (b) In determining whether to grant an owners license to an
3 applicant, the Board shall consider:

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

7 (A) controls, directly or indirectly, such
8 applicant, or

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

12 (2) the facilities or proposed facilities for the
13 conduct of riverboat gambling;

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

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

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

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

1 riverboat;

2 (7) the extent to which the applicant exceeds or meets
3 other standards for the issuance of an owners license which
4 the Board may adopt by rule; and

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

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

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

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

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

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

24 In addition to any other revocation powers granted to the
25 Board under this Act, the Board may revoke the owners license
26 of a licensee which fails to begin conducting gambling within

1 15 months of receipt of the Board's approval of the application
2 if the Board determines that license revocation is in the best
3 interests of the State.

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

10 (g) Upon the termination, expiration, or revocation of each
11 of the first 10 licenses, which shall be issued for a 3 year
12 period, all licenses are renewable annually upon payment of the
13 fee and a determination by the Board that the licensee
14 continues to meet all of the requirements of this Act and the
15 Board's rules. However, for licenses renewed on or after May 1,
16 1998, renewal shall be for a period of 4 years, unless the
17 Board sets a shorter period.

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

1 an authorized capacity of at least 400 persons.

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

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

23 (Source: P.A. 96-1392, eff. 1-1-11; 97-1150, eff. 1-25-13.)

24 (230 ILCS 10/24)

25 Sec. 24. Applicability of this ~~Illinois Riverboat Gambling~~

1 Act. The provisions of this ~~the Illinois Riverboat Gambling~~
2 Act, and all rules promulgated under this Act ~~thereunder~~, shall
3 apply to the Video Gaming Act, except where there is a conflict
4 between the 2 Acts.

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

6 Section 35. The Video Gaming Act is amended by changing
7 Sections 5, 25, 45, 79, and 80 as follows:

8 (230 ILCS 40/5)

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

10 "Board" means the Illinois Gaming Board.

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

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

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

24 "Licensed technician" means an individual who is licensed

1 under this Act to repair, service, and maintain video gaming
2 terminals.

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

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

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

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

23 "Video gaming terminal" means any electronic video game
24 machine that, upon insertion of cash, is available to play or
25 simulate the play of a video game, including but not limited to
26 video poker, line up, and blackjack, as authorized by the Board

1 utilizing a video display and microprocessors in which the
2 player may receive free games or credits that can be redeemed
3 for cash. The term does not include a machine that directly
4 dispenses coins, cash, or tokens or is for amusement purposes
5 only.

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

1 or a riverboat licensed under the Casino Gaming ~~Riverboat~~
2 ~~Gambling~~ Act, except as provided in this paragraph.

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

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

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

20 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
21 96-1410, eff. 7-30-10; 96-1479, eff. 8-23-10; 97-333, eff.
22 8-12-11.)

23 (230 ILCS 40/25)

24 Sec. 25. Restriction of licensees.

25 (a) Manufacturer. A person may not be licensed as a

1 manufacturer of a video gaming terminal in Illinois unless the
2 person has a valid manufacturer's license issued under this
3 Act. A manufacturer may only sell video gaming terminals for
4 use in Illinois to persons having a valid distributor's
5 license.

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

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

1 establishment, or licensed veterans establishment,
2 notwithstanding any agreement to the contrary. A video terminal
3 operator that violates one or more requirements of this
4 subsection is guilty of a Class 4 felony and is subject to
5 termination of his or her license by the Board.

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

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

19 (e) Licensed establishment. No video gaming terminal may be
20 placed in any licensed establishment, licensed veterans
21 establishment, licensed truck stop establishment, or licensed
22 fraternal establishment unless the owner or agent of the owner
23 of the licensed establishment, licensed veterans
24 establishment, licensed truck stop establishment, or licensed
25 fraternal establishment has entered into a written use
26 agreement with the terminal operator for placement of the

1 terminals. A copy of the use agreement shall be on file in the
2 terminal operator's place of business and available for
3 inspection by individuals authorized by the Board. A licensed
4 establishment, licensed truck stop establishment, licensed
5 veterans establishment, or licensed fraternal establishment
6 may operate up to 5 video gaming terminals on its premises at
7 any time.

8 (f) (Blank).

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

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

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

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

25 (D) When, with respect to an organization not covered
26 in (A), (B) or (C) above, an individual or his or her

1 spouse is an officer or manages the business affairs, or
2 the individual or his or her spouse is the owner of or
3 otherwise controls 10% or more of the assets of the
4 organization; or

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

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

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

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

1 ~~Riverboat Gambling~~ Act or (ii) located within 100 feet of a
2 school or a place of worship under the Religious Corporation
3 Act, is ineligible to operate a video gaming terminal. The
4 location restrictions in this subsection (h) do not apply if a
5 facility operated by an organization licensee, an inter-track
6 wagering licensee, or an inter-track wagering location
7 licensee, a school, or a place of worship moves to or is
8 established within the restricted area after a licensed
9 establishment, licensed truck stop establishment, licensed
10 fraternal establishment, or licensed veterans establishment
11 becomes licensed under this Act. For the purpose of this
12 subsection, "school" means an elementary or secondary public
13 school, or an elementary or secondary private school registered
14 with or recognized by the State Board of Education.

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

1 and the organization licensee, inter-track wagering licensee,
2 inter-track wagering location licensee, or owners licensee of a
3 riverboat. The Board shall adopt rules to implement the
4 provisions of this paragraph.

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

16 (1) substantially impede or suppress competition among
17 terminal operators;

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

20 (3) negatively impact the purposes of the Video Gaming
21 Act.

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

1 geographic radius and (ii) guidelines on the discontinuation of
2 operation of any such video gaming terminals the Board
3 determines will cause undue economic concentration.

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

7 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
8 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1410, eff. 7-30-10;
9 96-1479, eff. 8-23-10; 97-333, eff. 8-12-11.)

10 (230 ILCS 40/45)

11 Sec. 45. Issuance of license.

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

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

1 the use of coin-operated amusement devices for gambling
2 purposes" means that the person has been convicted of any
3 violation of Article 28 of the Criminal Code of 1961 or the
4 Criminal Code of 2012. If there is pending legal action against
5 a person for any such violation, then the Board shall delay the
6 licensure of that person until the legal action is resolved.

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

21 (c) Each person seeking and possessing a license as a video
22 gaming terminal manufacturer, distributor, supplier, operator,
23 handler, licensed establishment, licensed truck stop
24 establishment, licensed fraternal establishment, or licensed
25 veterans establishment shall disclose the identity of every
26 person, association, trust, corporation, or limited liability

1 company having a greater than 1% direct or indirect pecuniary
2 interest in the video gaming terminal operation for which the
3 license is sought. If the disclosed entity is a trust, the
4 application shall disclose the names and addresses of the
5 beneficiaries; if a corporation, the names and addresses of all
6 stockholders and directors; if a limited liability company, the
7 names and addresses of all members; or if a partnership, the
8 names and addresses of all partners, both general and limited.

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

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

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

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

25 (e) Any applicant for any license under this Act has the
26 burden of proving his or her qualifications to the satisfaction

1 of the Board. The Board may adopt rules to establish additional
2 qualifications and requirements to preserve the integrity and
3 security of video gaming in this State.

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

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

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

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

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

1 97-1150, eff. 1-25-13.)

2 (230 ILCS 40/79)

3 Sec. 79. Investigators. Investigators appointed by the
4 Board pursuant to the powers conferred upon the Board by
5 paragraph (20.6) of subsection (c) of Section 5 of the Casino
6 Gaming Riverboat Gambling Act and Section 80 of this Act shall
7 have authority to conduct investigations, searches, seizures,
8 arrests, and other duties imposed under this Act and the Casino
9 Gaming Riverboat Gambling Act, as deemed necessary by the
10 Board. These investigators have and may exercise all of the
11 rights and powers of peace officers, provided that these powers
12 shall be (1) limited to offenses or violations occurring or
13 committed in connection with conduct subject to this Act,
14 including, but not limited to, the manufacture, distribution,
15 supply, operation, placement, service, maintenance, or play of
16 video gaming terminals and the distribution of profits and
17 collection of revenues resulting from such play, and (2)
18 exercised, to the fullest extent practicable, in cooperation
19 with the local police department of the applicable municipality
20 or, if these powers are exercised outside the boundaries of an
21 incorporated municipality or within a municipality that does
22 not have its own police department, in cooperation with the
23 police department whose jurisdiction encompasses the
24 applicable locality.

25 (Source: P.A. 97-809, eff. 7-13-12.)

1 (230 ILCS 40/80)

2 Sec. 80. Applicability of the Casino Gaming Illinois
3 ~~Riverboat Gambling~~ Act. The provisions of the Casino Gaming
4 ~~Illinois Riverboat Gambling~~ Act, and all rules promulgated
5 thereunder, shall apply to the Video Gaming Act, except where
6 there is a conflict between the 2 Acts. All provisions of the
7 Uniform Penalty and Interest Act shall apply, as far as
8 practicable, to the subject matter of this Act to the same
9 extent as if such provisions were included herein.
10 (Source: P.A. 96-37, eff. 7-13-09.)

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

13 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

22 (b) Distributor's license,

23 (c) Importing Distributor's license,

- 1 (d) Retailer's license,
- 2 (e) Special Event Retailer's license (not-for-profit),
- 3 (f) Railroad license,
- 4 (g) Boat license,
- 5 (h) Non-Beverage User's license,
- 6 (i) Wine-maker's premises license,
- 7 (j) Airplane license,
- 8 (k) Foreign importer's license,
- 9 (l) Broker's license,
- 10 (m) Non-resident dealer's license,
- 11 (n) Brew Pub license,
- 12 (o) Auction liquor license,
- 13 (p) Caterer retailer license,
- 14 (q) Special use permit license,
- 15 (r) Winery shipper's license.

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

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

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

1 other licensees.

2 Class 2. A Rectifier, who is not a distiller, as defined
3 herein, may make sales and deliveries of alcoholic liquor to
4 rectifiers, importing distributors, distributors, retailers
5 and non-beverage users and to no other licensees.

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

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

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

17 Class 6. A first-class wine-maker's license shall allow the
18 manufacture of up to 50,000 gallons of wine per year, and the
19 storage and sale of such wine to distributors in the State and
20 to persons without the State, as may be permitted by law. A
21 person who, prior to the effective date of this amendatory Act
22 of the 95th General Assembly, is a holder of a first-class
23 wine-maker's license and annually produces more than 25,000
24 gallons of its own wine and who distributes its wine to
25 licensed retailers shall cease this practice on or before July
26 1, 2008 in compliance with this amendatory Act of the 95th

1 General Assembly.

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

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

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

25 Any craft distiller licensed under this Act who on the
26 effective date of this amendatory Act of the 96th General

1 Assembly was licensed as a distiller and manufactured no more
2 spirits than permitted by this Section shall not be required to
3 pay the initial licensing fee.

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

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

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

1 fact under oath in an application is guilty of a Class B
2 misdemeanor. Fraud, misrepresentation, false statements,
3 misleading statements, evasions, or suppression of material
4 facts in the securing of a registration are grounds for
5 suspension or revocation of the registration.

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

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

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

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

21 (e) A special event retailer's license (not-for-profit)
22 shall permit the licensee to purchase alcoholic liquors from an
23 Illinois licensed distributor (unless the licensee purchases
24 less than \$500 of alcoholic liquors for the special event, in
25 which case the licensee may purchase the alcoholic liquors from
26 a licensed retailer) and shall allow the licensee to sell and

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

24 (f) A railroad license shall permit the licensee to import
25 alcoholic liquors into this State from any point in the United
26 States outside this State and to store such alcoholic liquors

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

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

25 (h) A non-beverage user's license shall allow the licensee
26 to purchase alcoholic liquor from a licensed manufacturer or

1 importing distributor, without the imposition of any tax upon
 2 the business of such licensed manufacturer or importing
 3 distributor as to such alcoholic liquor to be used by such
 4 licensee solely for the non-beverage purposes set forth in
 5 subsection (a) of Section 8-1 of this Act, and such licenses
 6 shall be divided and classified and shall permit the purchase,
 7 possession and use of limited and stated quantities of
 8 alcoholic liquor as follows:

- 9 Class 1, not to exceed 500 gallons
- 10 Class 2, not to exceed 1,000 gallons
- 11 Class 3, not to exceed 5,000 gallons
- 12 Class 4, not to exceed 10,000 gallons
- 13 Class 5, not to exceed 50,000 gallons

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

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

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

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

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

25 (l) (i) A broker's license shall be required of all persons
26 who solicit orders for, offer to sell or offer to supply

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

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

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

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

1 promotes, solicits, or accepts orders for wine as specifically
2 authorized in Section 6-29 of this Act.

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

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

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

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

1 right to sell such brands at wholesale, and (iii) the
2 non-resident dealer shall comply with the provisions of
3 Sections 6-5 and 6-6 of this Act to the same extent that these
4 provisions apply to manufacturers.

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

25 (o) A caterer retailer license shall allow the holder to
26 serve alcoholic liquors as an incidental part of a food service

1 that serves prepared meals which excludes the serving of snacks
2 as the primary meal, either on or off-site whether licensed or
3 unlicensed.

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

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

26 (r) A winery shipper's license shall allow a person with a

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

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

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

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

19 (Source: P.A. 96-1367, eff. 7-28-10; 97-5, eff. 6-1-11; 97-455,
20 eff. 8-19-11; 97-813, eff. 7-13-12.)

21 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

22 Sec. 6-30. Notwithstanding any other provision of this Act,
23 the Illinois Gaming Board shall have exclusive authority to
24 establish the hours for sale and consumption of alcoholic
25 liquor on board a riverboat during riverboat gambling

1 excursions conducted in accordance with the Casino Gaming
2 ~~Riverboat Gambling~~ Act.

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

4 Section 45. The Criminal Code of 2012 is amended by
5 changing Sections 28-1, 28-1.1, 28-3, 28-5, and 28-7 as
6 follows:

7 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

8 Sec. 28-1. Gambling.

9 (a) A person commits gambling when he or she:

10 (1) knowingly plays a game of chance or skill for money
11 or other thing of value, unless excepted in subsection (b)
12 of this Section;

13 (2) knowingly makes a wager upon the result of any
14 game, contest, or any political nomination, appointment or
15 election;

16 (3) knowingly operates, keeps, owns, uses, purchases,
17 exhibits, rents, sells, bargains for the sale or lease of,
18 manufactures or distributes any gambling device;

19 (4) contracts to have or give himself or herself or
20 another the option to buy or sell, or contracts to buy or
21 sell, at a future time, any grain or other commodity
22 whatsoever, or any stock or security of any company, where
23 it is at the time of making such contract intended by both
24 parties thereto that the contract to buy or sell, or the

1 option, whenever exercised, or the contract resulting
2 therefrom, shall be settled, not by the receipt or delivery
3 of such property, but by the payment only of differences in
4 prices thereof; however, the issuance, purchase, sale,
5 exercise, endorsement or guarantee, by or through a person
6 registered with the Secretary of State pursuant to Section
7 8 of the Illinois Securities Law of 1953, or by or through
8 a person exempt from such registration under said Section
9 8, of a put, call, or other option to buy or sell
10 securities which have been registered with the Secretary of
11 State or which are exempt from such registration under
12 Section 3 of the Illinois Securities Law of 1953 is not
13 gambling within the meaning of this paragraph (4);

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

19 (6) knowingly sells pools upon the result of any game
20 or contest of skill or chance, political nomination,
21 appointment or election;

22 (7) knowingly sets up or promotes any lottery or sells,
23 offers to sell or transfers any ticket or share for any
24 lottery;

25 (8) knowingly sets up or promotes any policy game or
26 sells, offers to sell or knowingly possesses or transfers

1 any policy ticket, slip, record, document or other similar
2 device;

3 (9) knowingly drafts, prints or publishes any lottery
4 ticket or share, or any policy ticket, slip, record,
5 document or similar device, except for such activity
6 related to lotteries, bingo games and raffles authorized by
7 and conducted in accordance with the laws of Illinois or
8 any other state or foreign government;

9 (10) knowingly advertises any lottery or policy game,
10 except for such activity related to lotteries, bingo games
11 and raffles authorized by and conducted in accordance with
12 the laws of Illinois or any other state;

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

21 (12) knowingly establishes, maintains, or operates an
22 Internet site that permits a person to play a game of
23 chance or skill for money or other thing of value by means
24 of the Internet or to make a wager upon the result of any
25 game, contest, political nomination, appointment, or
26 election by means of the Internet. This item (12) does not

1 apply to activities referenced in items (6) and (6.1) of
2 subsection (b) of this Section.

3 (b) Participants in any of the following activities shall
4 not be convicted of gambling:

5 (1) Agreements to compensate for loss caused by the
6 happening of chance including without limitation contracts
7 of indemnity or guaranty and life or health or accident
8 insurance.

9 (2) Offers of prizes, award or compensation to the
10 actual contestants in any bona fide contest for the
11 determination of skill, speed, strength or endurance or to
12 the owners of animals or vehicles entered in such contest.

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

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

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

26 (6) Lotteries when conducted by the State of Illinois

1 in accordance with the Illinois Lottery Law. This exemption
2 includes any activity conducted by the Department of
3 Revenue to sell lottery tickets pursuant to the provisions
4 of the Illinois Lottery Law and its rules.

5 (6.1) The purchase of lottery tickets through the
6 Internet for a lottery conducted by the State of Illinois
7 under the program established in Section 7.12 of the
8 Illinois Lottery Law.

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

14 (8) Raffles when conducted in accordance with the
15 Raffles Act.

16 (9) Charitable games when conducted in accordance with
17 the Charitable Games Act.

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

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

22 (12) Video gaming terminal games at a licensed
23 establishment, licensed truck stop establishment, licensed
24 fraternal establishment, or licensed veterans
25 establishment when conducted in accordance with the Video
26 Gaming Act.

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

4 (c) Sentence.

5 Gambling is a Class A misdemeanor. A second or subsequent
6 conviction under subsections (a) (3) through (a) (12), is a Class
7 4 felony.

8 (d) Circumstantial evidence.

9 In prosecutions under this Section circumstantial evidence
10 shall have the same validity and weight as in any criminal
11 prosecution.

12 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
13 96-1203, eff. 7-22-10; 97-1108, eff. 1-1-13.)

14 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

15 Sec. 28-1.1. Syndicated gambling.

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

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

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

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

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

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

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

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

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

26 (2) Offers of prizes, award or compensation to the

1 actual contestants in any bona fide contest for the
2 determination of skill, speed, strength or endurance or to
3 the owners of animals or vehicles entered in the contest;

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

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 the
10 transportation is not prohibited by any applicable Federal
11 law;

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

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; 97-1108, eff. 1-1-13.)

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.