



Rep. Robert "Bob" Rita

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1 AMENDMENT TO HOUSE BILL 3729

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3729 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Video Gaming Act is amended by changing  
5 Sections 5 and 25 and by adding Section 79.3 as follows:

6 (230 ILCS 40/5)

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

8 "Board" means the Illinois Gaming Board.

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

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

16 "Electronic card" means a card purchased from a licensed

1 establishment, licensed fraternal establishment, licensed  
2 veterans establishment, licensed truck stop establishment, or  
3 licensed large truck stop establishment for use in that  
4 establishment as a substitute for cash in the conduct of  
5 gaming on a video gaming terminal.

6 "Electronic voucher" means a voucher printed by an  
7 electronic video game machine that is redeemable in the  
8 licensed establishment for which it was issued.

9 "Immediate family" means a spouse, other than a spouse who  
10 is legally separated from the individual under a decree of  
11 divorce or separate maintenance, parent, grandparent, sibling,  
12 child whether by blood, marriage, or adoption, grandchild, and  
13 step-child, whether by blood, marriage, or adoption.

14 "In-location bonus jackpot" means one or more video gaming  
15 terminals at a single licensed establishment that allows for  
16 wagers placed on such video gaming terminals to contribute to  
17 a cumulative maximum jackpot of up to \$10,000.

18 "Full-time basis" means an individual who is employed for  
19 a basic wage for at least 35 hours each week or who renders any  
20 other standard of service generally accepted by industry  
21 customs or practice as full-time employment. "Full-time basis"  
22 includes an individual for whom a W-2 is issued by a  
23 professional employer organization and is a full-time employee  
24 if he or she is employed in the service of the applicant for a  
25 basic wage for at least 35 hours each week.

26 "Terminal operator" means an individual, partnership,

1 corporation, or limited liability company that is licensed  
2 under this Act and that owns, services, and maintains video  
3 gaming terminals for placement in licensed establishments,  
4 licensed truck stop establishments, licensed large truck stop  
5 establishments, licensed fraternal establishments, or licensed  
6 veterans establishments.

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

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

20 "Manufacturer" means an individual, partnership,  
21 corporation, or limited liability company that is licensed  
22 under this Act and that manufactures or assembles video gaming  
23 terminals.

24 "Supplier" means an individual, partnership, corporation,  
25 or limited liability company that is licensed under this Act  
26 to supply major components or parts to video gaming terminals

1 to licensed terminal operators.

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

4 "Video gaming terminal" means any electronic video game  
5 machine that, upon insertion of cash, electronic cards or  
6 vouchers, or any combination thereof, is available to play or  
7 simulate the play of a video game, including but not limited to  
8 video poker, line up, and blackjack, as authorized by the  
9 Board utilizing a video display and microprocessors in which  
10 the player may receive free games or credits that can be  
11 redeemed for cash. The term does not include a machine that  
12 directly dispenses coins, cash, or tokens or is for amusement  
13 purposes only.

14 "Licensed establishment" means any licensed retail  
15 establishment where alcoholic liquor is drawn, poured, mixed,  
16 or otherwise served for consumption on the premises, whether  
17 the establishment operates on a nonprofit or for-profit basis.

18 "Licensed establishment" includes any such establishment that  
19 has a contractual relationship with an inter-track wagering  
20 location licensee licensed under the Illinois Horse Racing Act  
21 of 1975, provided any contractual relationship shall not  
22 include any transfer or offer of revenue from the operation of  
23 video gaming under this Act to any licensee licensed under the  
24 Illinois Horse Racing Act of 1975. Provided, however, that the  
25 licensed establishment that has such a contractual  
26 relationship with an inter-track wagering location licensee

1 may not, itself, be (i) an inter-track wagering location  
2 licensee, (ii) the corporate parent or subsidiary of any  
3 licensee licensed under the Illinois Horse Racing Act of 1975,  
4 or (iii) the corporate subsidiary of a corporation that is  
5 also the corporate parent or subsidiary of any licensee  
6 licensed under the Illinois Horse Racing Act of 1975.

7 "Licensed establishment" does not include a facility operated  
8 by an organization licensee, an inter-track wagering licensee,  
9 or an inter-track wagering location licensee licensed under  
10 the Illinois Horse Racing Act of 1975 or a riverboat licensed  
11 under the Illinois Gambling Act, except as provided in this  
12 paragraph. The changes made to this definition by Public Act  
13 98-587 are declarative of existing law.

14 "Licensed fraternal establishment" means the location  
15 where a qualified fraternal organization that derives its  
16 charter from a national fraternal organization regularly  
17 meets.

18 "Licensed veterans establishment" means the location where  
19 a qualified veterans organization that derives its charter  
20 from a national veterans organization regularly meets.

21 "Licensed truck stop establishment" means a facility (i)  
22 that is at least a 3-acre facility with a convenience store,  
23 (ii) with separate diesel islands for fueling commercial motor  
24 vehicles, (iii) that sells at retail more than 10,000 gallons  
25 of diesel or biodiesel fuel per month, and (iv) with parking  
26 spaces for commercial motor vehicles. "Commercial motor

1 vehicles" has the same meaning as defined in Section 18b-101  
2 of the Illinois Vehicle Code. The requirement of item (iii) of  
3 this paragraph may be met by showing that estimated future  
4 sales or past sales average at least 10,000 gallons per month.

5 "Licensed large truck stop establishment" means a facility  
6 located within 3 road miles from a freeway interchange, as  
7 measured in accordance with the Department of Transportation's  
8 rules regarding the criteria for the installation of business  
9 signs: (i) that is at least a 3-acre facility with a  
10 convenience store, (ii) with separate diesel islands for  
11 fueling commercial motor vehicles, (iii) that sells at retail  
12 more than 50,000 gallons of diesel or biodiesel fuel per  
13 month, and (iv) with parking spaces for commercial motor  
14 vehicles. "Commercial motor vehicles" has the same meaning as  
15 defined in Section 18b-101 of the Illinois Vehicle Code. The  
16 requirement of item (iii) of this paragraph may be met by  
17 showing that estimated future sales or past sales average at  
18 least 50,000 gallons per month.

19 "Person" means any individual or business entity.

20 "Sales agent and broker" means a person ~~an individual,~~  
21 ~~partnership, corporation, limited liability company, or other~~  
22 ~~business entity~~ engaged in the solicitation or receipt of  
23 business from current or potential licensed establishments,  
24 licensed fraternal establishments, licensed veterans  
25 establishments, licensed truck stop establishments, or  
26 licensed large truck stop establishments employed on a

1 full-time basis or engaged in an exclusive representation  
2 agreement with a terminal operator ~~either on an employment or~~  
3 ~~contractual basis.~~

4 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

5 (230 ILCS 40/25)

6 Sec. 25. Restriction of licensees.

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

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

19 (c) Terminal operator. A person may not own, maintain, or  
20 place a video gaming terminal unless he has a valid terminal  
21 operator's license issued under this Act. A terminal operator  
22 may only place video gaming terminals for use in Illinois in  
23 licensed establishments, licensed truck stop establishments,  
24 licensed large truck stop establishments, licensed fraternal  
25 establishments, and licensed veterans establishments. No

1 terminal operator may give anything of value, including but  
2 not limited to a loan or financing arrangement, to a licensed  
3 establishment, licensed truck stop establishment, licensed  
4 large truck stop establishment, licensed fraternal  
5 establishment, or licensed veterans establishment as any  
6 incentive or inducement to locate video terminals in that  
7 establishment. Of the after-tax profits from a video gaming  
8 terminal, 50% shall be paid to the terminal operator and 50%  
9 shall be paid to the licensed establishment, licensed truck  
10 stop establishment, licensed large truck stop establishment,  
11 licensed fraternal establishment, or licensed veterans  
12 establishment, notwithstanding any agreement to the contrary.

13 (1) No terminal operator shall compensate a sales  
14 agent and broker based on a (i) percentage of the  
15 after-tax profits from a video gaming terminal, (ii) the  
16 net terminal income from a video gaming terminal or  
17 attributed to licensed establishments, licensed truck stop  
18 establishments, licensed large truck stop establishments,  
19 licensed fraternal establishments, and licensed veterans  
20 establishments, or (iii) any other compensation metric  
21 based upon the performance of a video gaming terminal in a  
22 single, or series of, licensed establishments, licensed  
23 truck stop establishments, licensed large truck stop  
24 establishments, licensed fraternal establishments, and  
25 licensed veterans establishments that such sales agent or  
26 broker has procured on behalf of the terminal operator.

1           (2) A terminal operator shall not enter into any  
2           contract or agreement for the sharing, splitting, or  
3           payment of net terminal income with any other person,  
4           except as stated in paragraph (4). Any contract or  
5           agreement for the sharing, splitting, or payment of net  
6           terminal income with any other person executed before  
7           January 1, 2025 shall not be amended, modified, or  
8           extended.

9           (3) No terminal operator shall compensate any person  
10           other than its owner based on a (i) percentage of the  
11           after-tax profits from a video gaming terminal, (ii) the  
12           net terminal income from a video gaming terminal or  
13           attributed to licensed establishments, licensed truck stop  
14           establishments, licensed large truck stop establishments,  
15           licensed fraternal establishments, and licensed veterans  
16           establishments, or (iii) any other compensation metric  
17           based upon the performance of a video gaming terminal in a  
18           single, or series of, licensed establishments, licensed  
19           truck stop establishments, licensed large truck stop  
20           establishments, licensed fraternal establishments, and  
21           licensed veterans establishments, except as stated in  
22           paragraph (4).

23           (4) A terminal operator may enter into a contract or  
24           agreement for the sharing, splitting, or payment of net  
25           terminal income with any other person if such contract is  
26           approved by the Board pursuant to rules adopted by the

1       Board.

2           (5) A video terminal operator that violates one or  
3       more requirements of this subsection is guilty of a Class  
4       4 felony and is subject to termination of his or her  
5       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      (d-10) Solicitation of use agreements.

20           (1) A person may not solicit the signing of a use  
21      agreement on behalf of a terminal operator or enter into a  
22      use agreement as agent of a terminal operator unless that  
23      person either has a valid sales agent and broker license  
24      issued under this Act or owns, manages, or significantly  
25      influences or controls the terminal operator.

26           (2) No sales agent and broker may give anything of

1 value, including, but not limited to, a loan or financing  
2 arrangement, to a current or potential licensed  
3 establishments, licensed truck stop establishments,  
4 licensed large truck stop establishments, licensed  
5 fraternal establishments, and licensed veterans  
6 establishments as any incentive or inducement to locate  
7 video terminals in that licensed establishments, licensed  
8 truck stop establishments, licensed large truck stop  
9 establishments, licensed fraternal establishments, and  
10 licensed veterans establishments. No sales agent and  
11 broker shall be compensated based on a (i) percentage of  
12 the after-tax profits from a video gaming terminal, (ii)  
13 the net terminal income from a video gaming terminal or  
14 attributed to licensed establishments, licensed truck stop  
15 establishments, licensed large truck stop establishments,  
16 licensed fraternal establishments, and licensed veterans  
17 establishments, or (iii) any other compensation metric  
18 based upon the performance of a video gaming terminal in a  
19 single, or series of, licensed establishments, licensed  
20 truck stop establishments, licensed large truck stop  
21 establishments, licensed fraternal establishments, and  
22 licensed veterans establishments that such sales agent or  
23 broker has procured on behalf of a terminal operator. A  
24 sales agent and broker that violates this paragraph is  
25 guilty of a Class 4 felony and is subject to termination of  
26 his or her license by the Board.

1           (3) No sales agent and broker may solicit or procure a  
2           use agreement or any other contract or agreement that  
3           purports to control or authorize the placement or  
4           operation of a video gaming terminal on behalf of a  
5           terminal operator from a current or potential licensed  
6           establishments, licensed truck stop establishments,  
7           licensed large truck stop establishments, licensed  
8           fraternal establishments, and licensed veterans  
9           establishments if that person is an immediate family  
10           member of (i) a direct or indirect owner, (ii) officer,  
11           (iii) director, (iv) manager, (v) employee, or (vi) a  
12           person who otherwise significantly influences or controls  
13           the licensed establishments, licensed truck stop  
14           establishments, licensed large truck stop establishments,  
15           licensed fraternal establishments, and licensed veterans  
16           establishments. Any use agreement that does not comply  
17           with this paragraph shall be null and void.

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

1 placement of the terminals. A copy of the use agreement shall  
2 be on file in the terminal operator's place of business and  
3 available for inspection by individuals authorized by the  
4 Board. A licensed establishment, licensed truck stop  
5 establishment, licensed veterans establishment, or licensed  
6 fraternal establishment may operate up to 6 video gaming  
7 terminals on its premises at any time. A licensed large truck  
8 stop establishment may operate up to 10 video gaming terminals  
9 on its premises at any time. No current or potential licensed  
10 establishments, licensed truck stop establishments, licensed  
11 large truck stop establishments, licensed fraternal  
12 establishments, and licensed veterans establishments shall  
13 accept anything of value from a terminal operator or sales  
14 agent and broker, as any incentive or inducement to locate  
15 video gaming terminals in that establishment and licensed  
16 establishments, licensed truck stop establishments, licensed  
17 large truck stop establishments, licensed fraternal  
18 establishments, and licensed veterans establishments. Any  
19 person who violates such prohibition is guilty of a Class 4  
20 felony and is subject to revocation of his or her license by  
21 the Board.

22 (f) (Blank).

23 (g) Financial interest restrictions. As used in this Act,  
24 "substantial interest" in a partnership, a corporation, an  
25 organization, an association, a business, or a limited  
26 liability company means:

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

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

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

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

20           (E) When an individual or his or her spouse furnishes  
21 5% or more of the capital, whether in cash, goods, or  
22 services, for the operation of any business, association,  
23 or organization during any calendar year; or

24           (F) When, with respect to a limited liability company,  
25 an individual or his or her spouse is a member, or the  
26 individual or his or her spouse is a holder, directly or

1           beneficially, of 5% or more of the membership interest of  
2           the limited liability company.

3           For purposes of this subsection (g), "individual" includes  
4           all individuals or their spouses whose combined interest would  
5           qualify as a substantial interest under this subsection (g)  
6           and whose activities with respect to an organization,  
7           association, or business are so closely aligned or coordinated  
8           as to constitute the activities of a single entity.

9           (h) Location restriction. A licensed establishment,  
10          licensed truck stop establishment, licensed large truck stop  
11          establishment, licensed fraternal establishment, or licensed  
12          veterans establishment that is (i) located within 1,000 feet  
13          of a facility operated by an organization licensee licensed  
14          under the Illinois Horse Racing Act of 1975 or the home dock of  
15          a riverboat licensed under the Illinois Gambling Act or (ii)  
16          located within 100 feet of a school or a place of worship under  
17          the Religious Corporation Act, is ineligible to operate a  
18          video gaming terminal. The location restrictions in this  
19          subsection (h) do not apply if (A) a facility operated by an  
20          organization licensee, a school, or a place of worship moves  
21          to or is established within the restricted area after a  
22          licensed establishment, licensed truck stop establishment,  
23          licensed large truck stop establishment, licensed fraternal  
24          establishment, or licensed veterans establishment becomes  
25          licensed under this Act or (B) a school or place of worship  
26          moves to or is established within the restricted area after a

1 licensed establishment, licensed truck stop establishment,  
2 licensed large truck stop establishment, licensed fraternal  
3 establishment, or licensed veterans establishment obtains its  
4 original liquor license. For the purpose of this subsection,  
5 "school" means an elementary or secondary public school, or an  
6 elementary or secondary private school registered with or  
7 recognized by the State Board of Education.

8 Notwithstanding the provisions of this subsection (h), the  
9 Board may waive the requirement that a licensed establishment,  
10 licensed truck stop establishment, licensed large truck stop  
11 establishment, licensed fraternal establishment, or licensed  
12 veterans establishment not be located within 1,000 feet from a  
13 facility operated by an organization licensee licensed under  
14 the Illinois Horse Racing Act of 1975 or the home dock of a  
15 riverboat licensed under the Illinois Gambling Act. The Board  
16 shall not grant such waiver if there is any common ownership or  
17 control, shared business activity, or contractual arrangement  
18 of any type between the establishment and the organization  
19 licensee or owners licensee of a riverboat. The Board shall  
20 adopt rules to implement the provisions of this paragraph.

21 (h-5) Restrictions on licenses in malls. The Board shall  
22 not grant an application to become a licensed video gaming  
23 location if the Board determines that granting the application  
24 would more likely than not cause a terminal operator,  
25 individually or in combination with other terminal operators,  
26 licensed video gaming location, or other person or entity, to

1 operate the video gaming terminals in 2 or more licensed video  
2 gaming locations as a single video gaming operation.

3 (1) In making determinations under this subsection  
4 (h-5), factors to be considered by the Board shall  
5 include, but not be limited to, the following:

6 (A) the physical aspects of the location;

7 (B) the ownership, control, or management of the  
8 location;

9 (C) any arrangements, understandings, or  
10 agreements, written or otherwise, among or involving  
11 any persons or entities that involve the conducting of  
12 any video gaming business or the sharing of costs or  
13 revenues; and

14 (D) the manner in which any terminal operator or  
15 other related entity markets, advertises, or otherwise  
16 describes any location or locations to any other  
17 person or entity or to the public.

18 (2) The Board shall presume, subject to rebuttal, that  
19 the granting of an application to become a licensed video  
20 gaming location within a mall will cause a terminal  
21 operator, individually or in combination with other  
22 persons or entities, to operate the video gaming terminals  
23 in 2 or more licensed video gaming locations as a single  
24 video gaming operation if the Board determines that  
25 granting the license would create a local concentration of  
26 licensed video gaming locations.

1 For the purposes of this subsection (h-5):

2 "Mall" means a building, or adjoining or connected  
3 buildings, containing 4 or more separate locations.

4 "Video gaming operation" means the conducting of video  
5 gaming and all related activities.

6 "Location" means a space within a mall containing a  
7 separate business, a place for a separate business, or a place  
8 subject to a separate leasing arrangement by the mall owner.

9 "Licensed video gaming location" means a licensed  
10 establishment, licensed fraternal establishment, licensed  
11 veterans establishment, licensed truck stop establishment, or  
12 licensed large truck stop.

13 "Local concentration of licensed video gaming locations"  
14 means that the combined number of licensed video gaming  
15 locations within a mall exceed half of the separate locations  
16 within the mall.

17 (h-10) Public officer restriction. No public officer may  
18 be granted a license under this Act. For purposes of this  
19 subsection (h-10), "public officer" means a State, county, or  
20 municipality officer.

21 (i) Undue economic concentration. In addition to  
22 considering all other requirements under this Act, in deciding  
23 whether to approve the operation of video gaming terminals by  
24 a terminal operator in a location, the Board shall consider  
25 the impact of any economic concentration of such operation of  
26 video gaming terminals. The Board shall not allow a terminal

1 operator to operate video gaming terminals if the Board  
2 determines such operation will result in undue economic  
3 concentration. For purposes of this Section, "undue economic  
4 concentration" means that a terminal operator would have such  
5 actual or potential influence over video gaming terminals in  
6 Illinois as to:

7 (1) substantially impede or suppress competition among  
8 terminal operators;

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

11 (3) negatively impact the purposes of the Video Gaming  
12 Act.

13 The Board shall adopt rules concerning undue economic  
14 concentration with respect to the operation of video gaming  
15 terminals in Illinois. The rules shall include, but not be  
16 limited to, (i) limitations on the number of video gaming  
17 terminals operated by any terminal operator within a defined  
18 geographic radius and (ii) guidelines on the discontinuation  
19 of operation of any such video gaming terminals the Board  
20 determines will cause undue economic concentration.

21 (j) The provisions of the Illinois Antitrust Act are fully  
22 and equally applicable to the activities of any licensee under  
23 this Act.

24 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

1       Sec. 79.3. Investigation. The Board, upon receipt of a  
2 complaint or upon having knowledge that any person is engaged  
3 in suspected gambling activity involving a vending or other  
4 electronic machine or device not authorized or regulated by  
5 the Board, shall conduct an investigation. If, after  
6 conducting an investigation, the Board is satisfied that the  
7 alleged conduct occurred or is occurring, the Board may issue  
8 a cease and desist notice, issue civil penalties, notify the  
9 Department of Revenue, or file a complaint with the State's  
10 Attorney's office of the county where the incident occurred or  
11 with the Attorney General."