



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB0494

Introduced 2/23/2021, by Sen. Dave Syverson

#### SYNOPSIS AS INTRODUCED:

230 ILCS 40/65  
230 ILCS 40/90 new

Amends the Video Gaming Act. Provides that a home rule municipality may not impose a fee for the operation of a video gaming terminal in excess of \$250 per year; however, a home rule municipality that imposed a fee on the operation of a video gaming terminal on or before January 1, 2021 may retain its fee structure in place before January 1, 2021 but may not increase fees beyond the limit provided. Provides that the cost of any fee for the operation of a video gaming terminal shall be shared equally between the terminal operator and the applicable establishment authorized to conduct video gaming under the Act. Provides that the licensure, registration, regulation of video gaming, and the imposition of fees and other charges under the Act in connection with licensure, registration, and regulation, are exclusive powers and functions of the State. Provides that no home rule municipality or non-home rule unit may license, register, or otherwise regulate, or impose any type of fee or any other charge upon, a manufacturer, distributor, terminal operator, licensed technician, licensed terminal handler, licensed establishment, licensed veterans establishment, licensed truck stop establishment, licensed large truck stop establishment, or licensed fraternal establishment. Prohibits a home rule municipality or non-home rule unit from imposing any type of tax upon licensees, occupations, and other activities authorized under the Act.

LRB102 16125 SMS 21501 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

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 Video Gaming Act is amended by changing  
5 Section 65 and by adding Section 90 as follows:

6 (230 ILCS 40/65)

7 Sec. 65. Fees. Except as provided in this Section, a  
8 non-home rule unit of government may not impose any fee for the  
9 operation of a video gaming terminal in excess of \$25 per year.  
10 The City of Rockford may not impose any fee for the operation  
11 of a video gaming terminal in excess of \$250 per year. Except  
12 as otherwise provided in this Section, a home rule  
13 municipality may not impose a fee for the operation of a video  
14 gaming terminal in excess of \$250 per year; however, a home  
15 rule municipality that imposed a fee on the operation of a  
16 video gaming terminal on or before January 1, 2021 may retain  
17 its fee structure in place before January 1, 2021 but may not  
18 increase fees beyond the limit provided in this Section. This  
19 Section is a limitation under subsection (i) of Section 6 of  
20 Article VII of the Illinois Constitution on the concurrent  
21 exercise by home rule units of powers and functions exercised  
22 by the State.

23 The cost of any fee imposed under to this Section shall be

1 shared equally between the terminal operator and the  
2 applicable licensed establishment, licensed veterans  
3 establishment, licensed truck stop establishment, licensed  
4 large truck stop establishment, or licensed fraternal  
5 establishment under this Act.

6 (Source: P.A. 101-337, eff. 1-1-20.)

7 (230 ILCS 40/90 new)

8 Sec. 90. Exclusive regulation by State.

9 (a) The licensure, registration, and regulation of  
10 manufacturers, distributors, terminal operators, licensed  
11 technicians, licensed terminal handlers, licensed  
12 establishments, licensed veterans establishments, licensed  
13 truck stop establishments, licensed large truck stop  
14 establishments, and licensed fraternal establishments under  
15 this Act, and the imposition of fees and other charges under  
16 this Act in connection with such licensure, registration, and  
17 regulation, are exclusive powers and functions of the State.  
18 No home rule municipality or non-home rule unit may license,  
19 register, or otherwise regulate, or impose any type of fee or  
20 any other charge upon, a manufacturer, distributor, terminal  
21 operator, licensed technician, licensed terminal handler,  
22 licensed establishment, licensed veterans establishment,  
23 licensed truck stop establishment, licensed large truck stop  
24 establishment, or licensed fraternal establishment. This  
25 subsection (a) is a denial and limitation of home rule powers

1 and functions under subsection (h) of Section 6 of Article VII  
2 of the Illinois Constitution.

3 (b) The licensure, registration, and regulation of video  
4 gaming terminals under this Act are exclusive powers and  
5 functions of the State. No home rule municipality or non-home  
6 rule unit may license, register, or otherwise regulate video  
7 gaming terminals. This subsection (b) is a denial and  
8 limitation of home rule powers and functions under subsection  
9 (h) of Section 6 of Article VII of the Illinois Constitution.

10 (c) No home rule municipality or non-home rule unit may  
11 impose any type of tax upon a: (i) manufacturer, distributor,  
12 terminal operator, licensed technician, licensed terminal  
13 handler, licensed establishment, licensed veterans  
14 establishment, licensed truck stop establishment, licensed  
15 large truck stop establishment, or licensed fraternal  
16 establishment or their respective authorized activities under  
17 this Act; (ii) video gaming terminal; (iii) user or player of  
18 any video gaming terminals; or (iv) other use, play, or  
19 operation of video gaming terminals authorized under this Act  
20 by any person or entity. This subsection (c) is a denial and  
21 limitation of home rule powers and functions under subsection  
22 (g) of Section 6 of Article VII of the Illinois Constitution.