



Sen. Dave Syverson

**Filed: 3/15/2017**

10000SB0620sam001

LRB100 07992 MJP 23404 a

1 AMENDMENT TO SENATE BILL 620

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 620 by replacing  
3 everything after the enacting clause with the following:

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

6 (230 ILCS 40/25)

7 Sec. 25. Restriction of licensees.

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

14 (b) Distributor. A person may not sell, distribute, or  
15 lease or market a video gaming terminal in Illinois unless the  
16 person has a valid distributor's license issued under this Act.

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

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

24 (d) Licensed technician. A person may not service,  
25 maintain, or repair a video gaming terminal in this State  
26 unless he or she (1) has a valid technician's license issued

1 under this Act, (2) is a terminal operator, or (3) is employed  
2 by a terminal operator, distributor, or manufacturer.

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

11 (e) Licensed establishment. No video gaming terminal may be  
12 placed in any licensed establishment, licensed veterans  
13 establishment, licensed truck stop establishment, or licensed  
14 fraternal establishment unless the owner or agent of the owner  
15 of the licensed establishment, licensed veterans  
16 establishment, licensed truck stop establishment, or licensed  
17 fraternal establishment has entered into a written use  
18 agreement with the terminal operator for placement of the  
19 terminals. A copy of the use agreement shall be on file in the  
20 terminal operator's place of business and available for  
21 inspection by individuals authorized by the Board. A licensed  
22 establishment, ~~licensed truck stop establishment,~~ licensed  
23 veterans establishment, or licensed fraternal establishment  
24 may operate up to 5 video gaming terminals on its premises at  
25 any time. A licensed truck stop establishment that is located  
26 within 3 road miles from a freeway interchange, as measured in

1 accordance with the Illinois Department of Transportation's  
2 rules regarding the criteria for the installation of business  
3 signs, and that sells at retail more than 50,000 gallons of  
4 diesel or biodiesel fuel per month may operate up to 10 video  
5 gaming terminals on its premises at any time. A licensed truck  
6 stop establishment may meet the fuel sales requirement by  
7 showing that estimated future sales or past sales average at  
8 least 50,000 gallons per month. All other licensed truck stop  
9 establishments may operate no more than 5 video gaming  
10 terminals at any time.

11 (f) (Blank).

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

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

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

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

1 corporation; or

2 (D) When, with respect to an organization not covered  
3 in (A), (B) or (C) above, an individual or his or her  
4 spouse is an officer or manages the business affairs, or  
5 the individual or his or her spouse is the owner of or  
6 otherwise controls 10% or more of the assets of the  
7 organization; or

8 (E) When an individual or his or her spouse furnishes  
9 5% or more of the capital, whether in cash, goods, or  
10 services, for the operation of any business, association,  
11 or organization during any calendar year; or

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

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

23 (h) Location restriction. A licensed establishment,  
24 licensed truck stop establishment, licensed fraternal  
25 establishment, or licensed veterans establishment that is (i)  
26 located within 1,000 feet of a facility operated by an

1 organization licensee licensed under the Illinois Horse Racing  
2 Act of 1975 or the home dock of a riverboat licensed under the  
3 Riverboat Gambling Act or (ii) located within 100 feet of a  
4 school or a place of worship under the Religious Corporation  
5 Act, is ineligible to operate a video gaming terminal. The  
6 location restrictions in this subsection (h) do not apply if  
7 (A) a facility operated by an organization licensee, a school,  
8 or a place of worship moves to or is established within the  
9 restricted area after a licensed establishment, licensed truck  
10 stop establishment, licensed fraternal establishment, or  
11 licensed veterans establishment becomes licensed under this  
12 Act or (B) a school or place of worship moves to or is  
13 established within the restricted area after a licensed  
14 establishment, licensed truck stop establishment, licensed  
15 fraternal establishment, or licensed veterans establishment  
16 obtains its original liquor license. For the purpose of this  
17 subsection, "school" means an elementary or secondary public  
18 school, or an elementary or secondary private school registered  
19 with or recognized by the State Board of Education.

20 Notwithstanding the provisions of this subsection (h), the  
21 Board may waive the requirement that a licensed establishment,  
22 licensed truck stop establishment, licensed fraternal  
23 establishment, or licensed veterans establishment not be  
24 located within 1,000 feet from a facility operated by an  
25 organization licensee licensed under the Illinois Horse Racing  
26 Act of 1975 or the home dock of a riverboat licensed under the

1 Riverboat Gambling Act. The Board shall not grant such waiver  
2 if there is any common ownership or control, shared business  
3 activity, or contractual arrangement of any type between the  
4 establishment and the organization licensee or owners licensee  
5 of a riverboat. The Board shall adopt rules to implement the  
6 provisions of this paragraph.

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

18 (1) substantially impede or suppress competition among  
19 terminal operators;

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

22 (3) negatively impact the purposes of the Video Gaming  
23 Act.

24 The Board shall adopt rules concerning undue economic  
25 concentration with respect to the operation of video gaming  
26 terminals in Illinois. The rules shall include, but not be

1 limited to, (i) limitations on the number of video gaming  
2 terminals operated by any terminal operator within a defined  
3 geographic radius and (ii) guidelines on the discontinuation of  
4 operation of any such video gaming terminals the Board  
5 determines will cause undue economic concentration.

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

9 (Source: P.A. 97-333, eff. 8-12-11; 98-31, eff. 6-24-13; 98-77,  
10 eff. 7-15-13; 98-112, eff. 7-26-13; 98-756, eff. 7-16-14.)".