



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2459

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

New Act

Creates the Location-based Video Game Protection Act. Provides that within 4 business days of receiving a request from the real property owner, manager, or custodian, the developer of a location-based video game shall remove from its location-based video game an ecologically sensitive site or location, historically significant site or location, site or location on private property, or site or location otherwise deemed as dangerous by the real property owner, manager, or custodian. Requires the developer of a location-based video game to provide an easily accessible procedure for removal of ecologically sensitive sites or locations, historically significant sites or locations, sites or locations on private property, or sites or locations otherwise deemed as dangerous by the real property owner, manager, or custodian from its location-based video game. Allows for civil enforcement of the Act by a real property owner, manager, or custodian, and a civil fine of up to \$100 for each day a developer of a location-based video game is in violation of the Act. Defines terms. Effective immediately.

LRB100 08277 MRW 18379 b

1 AN ACT concerning business.

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

4 Section 1. This Act may be referred to as the
5 Location-based Video Game Protection Act.

6 Section 5. Definitions. For the purposes of this Act:

7 "Developer of a location-based video game" means any person
8 or business entity which has made or developed and owns the
9 rights to a location-based video game, including any person or
10 business entity which acquires the controlling intellectual
11 property rights to the location-based video game from another
12 person or business entity.

13 "Ecologically sensitive site or location" means any area
14 designated by federal, State, or unit of local government for
15 protection from development or damage due to the presence of
16 endangered species or threatened species as defined in Section
17 2 of the Illinois Endangered Species Protection Act.

18 "Historically significant site or location" means any site
19 or location that has been designated by federal, State, or unit
20 of local government for preservation as a landmark, or any
21 other site or location that the federal, State, or unit of
22 local government may designate as historically significant.

23 "Location-based video game" means a game primarily played

1 on a mobile device, including, but not limited to, smartphones
2 and tablets, that encourages users to travel to specific real
3 property sites, locations, or coordinates for the purpose of
4 achieving specific goals within the game.

5 Section 10. Site or location removal.

6 (a) Within 4 business days of receiving a request from the
7 real property owner, manager, or custodian, the developer of a
8 location-based video game shall remove from its location-based
9 video game an ecologically sensitive site or location,
10 historically significant site or location, site or location on
11 private property, or site or location otherwise deemed as
12 dangerous by the real property owner, manager, or custodian.

13 (b) In requesting that a site or location be removed from
14 the location-based video game, the requesting property owner,
15 manager, or custodian shall submit a request to the developer
16 of a location-based video game that specifies in sufficient
17 detail the site or location to be removed from the game, and
18 reason for the requested removal.

19 Section 15. Removal procedure. The developer of a
20 location-based video game shall provide an easily accessible
21 procedure for removal of ecologically sensitive sites or
22 locations, historically significant sites or locations, sites
23 or locations on private property, or sites or locations
24 otherwise deemed as dangerous by the real property owner,

1 manager, or custodian from its location-based video game.

2 Section 20. Enforcement.

3 (a) A real property owner, manager, or custodian may bring
4 a civil action to enforce the provisions of this Act.

5 (b) A developer of a location-based video game who
6 knowingly violates this Act is subject to a civil fine of up to
7 \$100 for each day of violation.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.