



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3126

Introduced 2/2/2024, by Sen. Win Stoller

SYNOPSIS AS INTRODUCED:

15 ILCS 405/31 new
20 ILCS 2505/2505-815 new
230 ILCS 5/27.3 new
230 ILCS 5/34.4 new
230 ILCS 10/13.06 new
230 ILCS 10/13.3 new

Amends the Illinois Horse Racing Act of 1975 and the Illinois Gambling Act. Provides that from winnings required to be reported to the Internal Revenue Service and subject to withholding on Form W-2G, an organization licensee, an advance deposit wagering licensee, an owners licensee, or a licensee that operates one or more facilities or gaming locations at which lawful gambling is authorized shall withhold up to the full amount of winnings necessary to pay the winner's delinquent claims due and payable to the State as determined under the Illinois State Collection Act of 1986. Provides that for withholding of winnings, the licensee shall be entitled to an administrative fee not to exceed the lesser of 4% of the total amount of cash winnings paid to the gambling winner or \$150. Provides that the total amount withheld from the cash payout shall not exceed the total cash winnings claimed by the obligor. Provides that these provisions shall be operative on and after the date that rules are adopted by the Department of Revenue and the State Comptroller. Provides that the licensee shall post signs with a statement regarding withholding of delinquent claims due and payable to the State. Provides that the text of these signs shall be determined by rule by the Department of Revenue. Makes corresponding changes in the State Comptroller Act and the Department of Revenue Law of the Civil Administrative Code of Illinois.

LRB103 38298 CES 68433 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 State Comptroller Act is amended by adding
5 Section 31 as follows:

6 (15 ILCS 405/31 new)

7 Sec. 31. Certification of information to the State gaming
8 licensees.

9 (a) For purposes of this Section, "State gaming licensee"
10 means an organization licensee or advance deposit wagering
11 licensee licensed under the Illinois Horse Racing Act of 1975,
12 an owners licensee licensed under the Illinois Gambling Act,
13 or a licensee that operates, under any law of this State, one
14 or more facilities or gaming locations at which lawful
15 gambling is authorized and licensed as provided in the
16 Illinois Gambling Act.

17 (b) The Comptroller may provide, by rule, for
18 certification to any State gaming licensee of delinquent
19 claims due and payable to the State under the Illinois State
20 Collection Act of 1986. The State gaming licensee shall have
21 the ability to withhold from winnings required to be reported
22 to the Internal Revenue Service on Form W-2G, up to the full
23 amount of winnings necessary to pay the winner's delinquent

1 claims due and payable to the State. The rule shall provide for
2 notice to and an opportunity to be heard by the individual
3 affected and any final administrative decision rendered by the
4 Comptroller shall be reviewed only under and in accordance
5 with the Administrative Review Law.

6 (c) For withholding of winnings, the State gaming licensee
7 shall be entitled to an administrative fee not to exceed the
8 lesser of 4% of the total amount of cash winnings paid to the
9 gambling winner or \$150.

10 (d) The total amount withheld from the cash payout,
11 including the administrative fee, shall not exceed the total
12 cash winnings claimed by the obligor. If the cash payout
13 claimed is greater than the amount sufficient to satisfy the
14 obligor's delinquent child support payments, the State gaming
15 licensee shall pay the obligor the remaining balance of the
16 payout, less the administrative fee authorized by subsection
17 (c), at the time it is claimed.

18 (e) A State gaming licensee who in good faith complies
19 with the requirements of this Section shall not be liable to
20 the gaming winner or any other individual or entity.

21 Section 10. The Department of Revenue Law of the Civil
22 Administrative Code of Illinois is amended by adding Section
23 2505-815 as follows:

24 (20 ILCS 2505/2505-815 new)

1 Sec. 2505-815. Debt collection of delinquent claims due
2 and payable to the State.

3 (a) For purposes of this Section, "State gaming licensee"
4 means an organization licensee or advance deposit wagering
5 licensee licensed under the Illinois Horse Racing Act of 1975,
6 an owners licensee licensed under the Illinois Gambling Act,
7 or a licensee that operates, under any law of this State, one
8 or more facilities or gaming locations at which lawful
9 gambling is authorized and licensed as provided in the
10 Illinois Gambling Act.

11 (b) The Department shall provide debt collection duties as
12 determined under Section 10 of the Illinois State Collection
13 Act of 1986. The state gaming licensee shall pay to the
14 Department delinquent claims due and payable to the State.

15 (c) The Department may provide, by rule, for the
16 collection of debt made under this Section by the State gaming
17 licensee.

18 Section 15. The Illinois Horse Racing Act of 1975 is
19 amended by adding Sections 27.3 and 34.4 as follows:

20 (230 ILCS 5/27.3 new)

21 Sec. 27.3. Withholding of delinquent claims due and
22 payable to the State.

23 (a) From winnings required to be reported to the Internal
24 Revenue Service and subject to withholding on Form W-2G,

1 organization licensees and advance deposit wagering licensees
2 licensed under this Act shall withhold up to the full amount of
3 winnings necessary to pay the winner's delinquent claims due
4 and payable to the State as determined under the Illinois
5 State Collection Act of 1986, Section 2505-810 of the Civil
6 Administrative Code of Illinois (Department of Revenue Law),
7 and Section 31 of the State Comptroller Act. Amounts withheld
8 shall be paid to the Department of Revenue by the organization
9 licensee or the advance deposit wagering licensee, as
10 applicable.

11 (b) For withholding of winnings, the organization licensee
12 or advance deposit wagering licensee shall be entitled to an
13 administrative fee not to exceed the lesser of 4% of the total
14 amount of cash winnings paid to the gambling winner or \$150.

15 (c) The total amount withheld from the cash payout,
16 including the administrative fee, shall not exceed the total
17 cash winnings claimed by the obligor. If the cash payout
18 claimed is greater than the amount sufficient to satisfy the
19 obligor's delinquent child support payments, the organization
20 licensee or advance deposit wagering licensee shall pay the
21 obligor the remaining balance of the payout, less the
22 administrative fee authorized by subsection (b), at the time
23 it is claimed.

24 (d) An organization licensee or an advance deposit
25 wagering licensee that in good faith complies with the
26 requirements of this Section shall not be liable to the gaming

1 winner or any other individual or entity.

2 (e) For an organization licensee under this Act, an agent
3 of the Board (such as an employee of the Board) shall be
4 responsible for notifying the person identified as having
5 delinquent claims due and payable to the State that the
6 organization licensee is required by law to withhold all or a
7 portion of his or her winnings. This notification must be
8 provided at the time the winnings are withheld.

9 (f) The provisions of this Section shall be operative on
10 and after the date that rules are adopted by the Department of
11 Revenue pursuant to Section 2505-810 of the Civil
12 Administrative Code of Illinois (Department of Revenue Law)
13 and the State Comptroller pursuant to Section 31 of the State
14 Comptroller Act.

15 (g) The delinquent claims due and payable to the State
16 required to be withheld under this Section and the
17 administrative fee under subsection (b) have priority over any
18 secured or unsecured claim on cash winnings, except claims for
19 federal or State taxes that are required to be withheld under
20 federal or State law and claims of delinquent child support.

21 (230 ILCS 5/34.4 new)

22 Sec. 34.4. Withholding of delinquent claims due and
23 payable to the State; signs; statement.

24 (a) Each organization licensee shall post signs with a
25 statement regarding withholding of delinquent claims due and

1 payable to the State, the text of which shall be determined by
2 rule by the Department of Revenue, at the following locations
3 in each race track at which horse race meetings are conducted
4 by the organization licensee and in each inter-track wagering
5 facility and inter-track wagering location operated by the
6 organization licensee:

7 (1) each entrance and exit; and

8 (2) near each credit location.

9 The signs shall be provided by the Department of Revenue.

10 (b) Each organization licensee shall print a statement
11 regarding withholding of delinquent claims due and payable to
12 the State, the text of which shall be determined by rule by the
13 Department of Revenue, on all official racing programs that
14 the organization licensee provides to the general public.

15 Section 20. The Illinois Gambling Act is amended by adding
16 Sections 13.06 and 13.3 as follows:

17 (230 ILCS 10/13.06 new)

18 Sec. 13.06. Withholding of delinquent claims due and
19 payable to the State.

20 (a) From winnings required to be reported to the Internal
21 Revenue Service on Form W-2G, an owners licensee or a licensee
22 that operates one or more facilities or gaming locations at
23 which lawful gambling is authorized as provided in this Act
24 shall withhold up to the full amount of winnings necessary to

1 pay the winner's delinquent claims due and payable to the
2 State as determined under the Illinois State Collection Act of
3 1986, Section 2505-810 of the Civil Administrative Code of
4 Illinois (Department of Revenue Law), and Section 31 of the
5 State Comptroller Act. Amounts withheld shall be paid to the
6 Department of Revenue by the owners licensee or casino
7 operator licensee, as applicable.

8 (b) For withholding of winnings, the licensee shall be
9 entitled to an administrative fee not to exceed the lesser of
10 4% of the total amount of cash winnings paid to the gambling
11 winner or \$150.

12 (c) The total amount withheld from the cash payout,
13 including the administrative fee, shall not exceed the total
14 cash winnings claimed by the obligor. If the cash payout
15 claimed is greater than the amount sufficient to satisfy the
16 obligor's delinquent child support payments, the licensee
17 shall pay the obligor the remaining balance of the payout,
18 less the administrative fee authorized by subsection (b), at
19 the time it is claimed.

20 (d) A licensee who in good faith complies with the
21 requirements of this Section shall not be liable to the gaming
22 winner or any other individual or entity.

23 (e) Upon request of a licensed owner under this Act, an
24 agent of the Board (such as a gaming special agent employed by
25 the Board, a State police officer, or a revenue agent) shall be
26 responsible for notifying the person identified as having

1 delinquent claims due and payable to the State that the
2 licensed owner is required by law to withhold all or a portion
3 of his or her winnings. If given, this notification must be
4 provided at the time the winnings are withheld.

5 (f) The provisions of this Section shall be operative on
6 and after the date that rules are adopted by the Department of
7 Revenue pursuant to Section 2505-810 of the Civil
8 Administrative Code of Illinois (Department of Revenue Law)
9 and the State Comptroller pursuant to Section 31 of the State
10 Comptroller Act.

11 (g) The delinquent claims due and payable to the State
12 required to be withheld under this Section and the
13 administrative fee under subsection (b) have priority over any
14 secured or unsecured claim on cash winnings, except claims for
15 federal or State taxes that are required to be withheld under
16 federal or State law claims of delinquent child support.

17 (230 ILCS 10/13.3 new)

18 Sec. 13.3. Withholding of delinquent claims due and
19 payable to the State; signs; statement.

20 (a) Each licensed owner may post signs with a statement
21 regarding withholding of delinquent claims due and payable to
22 the State, the text of which shall be determined by rule by the
23 Department of Revenue, at the following locations in each
24 facility at which gambling is conducted by the licensed owner:

25 (1) each entrance and exit;

1 (2) near each credit location; and

2 (3) at each cashier's cage.

3 The signs shall be provided by the Department of Revenue.

4 (b) Each licensed owner may print a statement regarding
5 withholding of delinquent claims due and payable to the State,
6 the text of which shall be determined by rule by the Department
7 of Revenue, on all paper stock that the license owner provides
8 to the general public.