

SENATE BILL NO. 686

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

3881S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 313, RSMo, by adding thereto six new sections relating to video lottery, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 313, RSMo, is amended by adding thereto
2 six new sections, to be known as sections 313.425, 313.427,
3 313.429, 313.431, 313.433, and 313.435, to read as follows:

**313.425. Sections 313.425 to 313.435 shall be known
2 and may be cited as the "Missouri Video Lottery Control Act"
3 and shall establish the regulatory framework for the use of
4 player-activated video terminals for the conduct of lottery
5 games.**

**313.427. As used in sections 313.425 to 313.435, the
2 following words and phrases shall mean:**

- 3 (1) "Centralized computer system", a computerized
4 system developed or procured by the commission that video
5 lottery game terminals are connected to using standard
6 industry protocols that can activate or deactivate a
7 particular video lottery game terminal from a remote
8 location, and that is capable of monitoring and auditing
9 video lottery game plays;
- 10 (2) "Commission" or "lottery commission", the five-
11 member body appointed by the governor to manage and oversee
12 the lottery under section 313.215;

13 (3) "Establishment", any establishment registered to
14 do business in this state by a person licensed as a video
15 lottery game retailer that is or becomes licensed under
16 chapter 311 to sell liquor at retail, and that is one or
17 more of the following:

18 (a) A fraternal organization or veterans' organization
19 that maintains a license issued under chapter 311 to sell
20 intoxicating liquor, and that obtains and maintains a
21 license issued by the commission to offer lottery games
22 played on video lottery game terminals;

23 (b) A truck stop equipped for fueling commercial
24 vehicles, that has sold on average ten thousand gallons of
25 diesel or biodiesel fuel each month for the previous twelve
26 months or is projected to sell an average of ten thousand
27 gallons of diesel or biodiesel fuel each month for the next
28 twelve months, that is situated on more than two acres of
29 land adjacent to a major state or federal highway, that
30 maintains a license issued under chapter 311 to sell
31 intoxicating liquor, and that obtains and maintains a
32 license issued by the commission to offer lottery games
33 played on video lottery game terminals;

34 (c) A bar, tavern, or restaurant that maintains a
35 license issued under chapter 311 to sell intoxicating
36 liquor, and that obtains and maintains a license issued by
37 the commission to offer lottery games played on video
38 lottery game terminals;

39 (d) A liquor store that maintains a license issued
40 under chapter 311 to sell intoxicating liquor, and that
41 obtains and maintains a license issued by the commission to
42 offer lottery games played on video lottery game terminals;

43 (4) "Fraternal organization", any organization within
44 this state operating under the lodge system which exists for

45 the common benefit, brotherhood, or other interest of its
46 members, except college fraternities and sororities, of
47 which no part of the net earnings inures to the benefit of
48 any private shareholder or any individual member of such
49 organization, which has been exempted from the payment of
50 federal income tax, and which derives its charter from a
51 national fraternal organization which regularly meets;

52 (5) "Veterans' organization", a post or organization
53 of veterans, or an auxiliary unit or society of, or a trust
54 or foundation for, any such post or organization organized
55 in the United States or any of its possessions in which at
56 least seventy-five percent of the members are veterans of
57 the United States armed forces and substantially all of the
58 other members are individuals who are veterans or are
59 cadets, or are spouses, widows or widowers of war veterans
60 of such individuals, in which no part of the net earnings
61 inures to the benefit of any private shareholder or
62 individual, and which has been exempted from payment of
63 federal income taxes;

64 (6) "Video lottery game", any lottery game approved by
65 the commission for play on a video lottery game terminal
66 using video lottery game terminal credits that have been
67 purchased with cash, cash equivalents, or by a winning video
68 lottery game terminal ticket;

69 (7) "Video lottery game adjusted gross receipts", the
70 total of cash or cash equivalents used for the play of a
71 video lottery game on a video lottery game terminal minus
72 cash or cash equivalent paid to players as a result of
73 playing video lottery games on a video lottery game terminal;

74 (8) "Video lottery game distributor", a person
75 licensed by the commission to buy, sell, lease, rent,
76 finance or otherwise provide, distribute or service video

77 lottery game terminals or major parts and components of
78 video lottery game terminals, including used or refurbished
79 video lottery game terminals to and from licensed video
80 lottery game manufacturers and licensed video lottery game
81 operators;

82 (9) "Video lottery game handler", a person employed by
83 a licensed video lottery game operator to handle, place,
84 operate, and service video lottery game terminals and
85 associated equipment;

86 (10) "Video lottery game manufacturer", any person
87 that manufactures video lottery game terminals or major
88 parts and components for video lottery game terminals as
89 approved by the lottery commission;

90 (11) "Video lottery game operator", a person licensed
91 by the commission that owns, rents, or leases and services
92 or maintains video lottery game terminals for placement in
93 licensed video lottery game retailer establishments;

94 (12) "Video lottery game retailer", a person meeting
95 the requirements of a lottery game retailer under section
96 313.260, possessing a video lottery game retailer's license,
97 and possessing a license to sell liquor, and with whom a
98 licensed video lottery game operator has contracted for the
99 placement of a video lottery game terminal or terminals,
100 provided the video lottery game retailer and video lottery
101 game operator do not have identical ownership;

102 (13) "Video lottery game terminal", player-activated
103 terminal that exchanges coins, currency, tickets, ticket
104 vouchers, or other electronic payment methods approved by
105 the commission for video lottery game terminal credits used
106 to play video lottery games approved by the commission.
107 Such video lottery game terminals shall use a video display
108 and microprocessor capable of randomly generating the

109 outcome of video lottery games and be capable of printing a
110 ticket at the conclusion of any video lottery game play that
111 is redeemable at a video lottery game ticket redemption
112 terminal or reinserted into a video lottery game terminal
113 for video lottery game credit. All video lottery games
114 approved by the commission for play on a video lottery game
115 terminal shall have a minimum theoretical payout of eighty-
116 five percent;

117 (14) "Video lottery game terminal credit", one cent,
118 five cents, ten cents, or twenty-five cents either won or
119 purchased by a player on a video lottery game terminal that
120 is used to play video lottery games and that may be
121 converted into a video lottery game ticket;

122 (15) "Video lottery game ticket" or "ticket", a
123 document printed at the conclusion of any lottery game play
124 or group of plays on a video lottery game terminal that is
125 redeemable for cash utilizing a video lottery game ticket
126 redemption terminal or that may be reinserted into a video
127 lottery game terminal in the establishment for which it was
128 issued for video lottery terminal game play credit;

129 (16) "Video lottery game ticket redemption terminal",
130 the collective hardware, software, communications
131 technology, and other ancillary equipment used to facilitate
132 the payment of tickets cashed out by players as a result of
133 playing a video lottery game terminal.

313.429. 1. The commission shall implement a system
2 of video lottery game terminals utilizing a licensing
3 structure for processing license applications and issuing
4 licenses to video lottery game manufacturers, video lottery
5 game distributors, video lottery game operators, video
6 lottery game handlers, and video lottery game retailers for
7 the conduct of lottery games utilizing video lottery game

8 terminals within the state; except that, a person licensed
9 as a:

10 (1) Video lottery game manufacturer or a video lottery
11 game distributor shall not be issued a license as a video
12 lottery game operator or a video lottery game retailer;

13 (2) Video lottery game operator shall not be issued a
14 license as a video lottery game manufacturer or a video
15 lottery game distributor; and

16 (3) Video lottery game retailer shall not be issued a
17 license as a video lottery game manufacturer or a video
18 lottery game distributor.

19 Nothing in this subsection shall prevent a video lottery
20 game manufacturer from obtaining a video lottery game
21 manufacturer's license and a video lottery game
22 distributor's license and providing and operating the
23 centralized computer system for monitoring video lottery
24 game terminals, and nothing in this subsection shall prevent
25 a video lottery game operator from obtaining a video lottery
26 game retailer's license or a video lottery game retailer
27 from obtaining a video lottery game operator's license,
28 provided the applicant meets the requirements for all such
29 licenses.

30 2. Under no circumstances shall the commission:

31 (1) Authorize or allow a single vendor or licensee to
32 implement the system of video lottery game terminals created
33 under this section; or

34 (2) Allow a single licensed video lottery game
35 operator to control or operate more than twenty-five percent
36 of video lottery game terminals in the state.

37 3. (1) The video lottery game system authorized by
38 this section shall allow for multiple video lottery game

39 manufacturers, video lottery game distributors, and video
40 lottery game operators to encourage private sector
41 investment and job opportunities for Missouri citizens.
42 Video lottery game terminals shall be connected to a
43 centralized computer system developed or procured by the
44 commission. The commission shall provide licensed video
45 lottery game operators with the necessary protocols to
46 connect the operators' video lottery game terminal or
47 terminals to the centralized computer system after such
48 terminal or terminals have been approved by the commission.
49 No video lottery game terminal shall be placed in operation
50 without first connecting to the centralized computer system
51 after such terminal or terminals have been approved by the
52 commission. A vendor that provides the centralized computer
53 system authorized under this subsection shall not be
54 eligible to be licensed as a video lottery game operator or
55 video lottery game retailer. The commission may impose an
56 initial nonrefundable license application fee as follows:

57 (a) For video lottery game manufacturers, video
58 lottery game distributors, and video lottery game operators,
59 no more than fifty thousand dollars;

60 (b) For video lottery game retailer establishments, no
61 more than five hundred dollars; or

62 (c) For video lottery game handlers, no more than one
63 hundred dollars.

64 (2) The initial license and first subsequent license
65 renewal shall be for a period of one year. Thereafter,
66 license renewal periods shall be four years with the
67 applicable annual renewal fee paid for each year such
68 license is renewed. Annual license renewal fees for anyone
69 licensed pursuant to this subsection shall be as follows:

70 (a) Five thousand dollars for video lottery game
71 manufacturers and video lottery game distributors;

72 (b) Five thousand dollars for video lottery game
73 operators;

74 (c) Fifty dollars for video lottery game handlers; and

75 (d) Five hundred dollars for each video lottery game
76 retailer's establishment.

77 (3) In addition to the license fees required in
78 subdivisions (1) and (2) of this subsection, video lottery
79 game operators shall pay the commission an annual license
80 fee of two hundred dollars for each video lottery game
81 terminal placed in service. Such video lottery game
82 terminal license shall be renewed each year and cost two
83 hundred dollars. A license issued under this subsection is
84 nontransferable.

85 (4) Nothing in this subsection shall be construed to
86 relieve the licensee of the affirmative duty to notify the
87 commission of any change relating to the status of the
88 license or to any other information contained in the
89 application materials on file with the commission.

90 4. No license shall be issued to any person, and no
91 person shall be allowed to serve as a sales agent, who has
92 been convicted of a felony or a crime involving illegal
93 gambling.

94 5. No license requirement, sticker fee, or tax shall
95 be imposed by any local jurisdiction upon a video lottery
96 game manufacturer, video lottery game distributor, video
97 lottery game operator, video lottery game retailer, video
98 lottery game handler, or video lottery game terminal or an
99 establishment relating to the operation of video lottery
100 games, video lottery game terminals, or associated equipment.

101 6. (1) Video lottery game terminals shall meet
102 independent testing standards approved by the commission, as
103 tested by one or more approved independent test labs, and be
104 capable of randomly generating the outcome of video lottery
105 games approved by the commission. Video lottery game
106 terminals shall be capable of printing a ticket redeemable
107 for winning video lottery game plays. Such video lottery
108 game terminals shall be inspected and approved by the
109 commission prior to being sold, leased, or transferred.

110 (2) Licensed video lottery game manufacturers may buy,
111 sell, or lease new or refurbished video lottery game
112 terminals to and from licensed video lottery game
113 distributors.

114 (3) Licensed video lottery game distributors may buy,
115 sell, or lease new or refurbished video lottery game
116 terminals to or from licensed video lottery game
117 manufacturers or licensed video lottery game operators.

118 7. (1) Licensed video lottery game operators:

119 (a) May buy, lease, or rent video lottery game
120 terminals from licensed video lottery game manufacturers,
121 operators, or distributors;

122 (b) May handle, place, and service video lottery game
123 terminals;

124 (c) Shall connect such video lottery game terminals to
125 the centralized computer system approved by the commission;
126 and

127 (d) Shall pay winning tickets using a video lottery
128 game ticket redemption terminal. Such video lottery ticket
129 redemption terminal shall be located within the video
130 lottery game retailer's establishment in direct proximity of
131 where such video lottery games are offered. Video lottery
132 game operators shall pay the commission thirty-two percent

133 of any unclaimed cash prize associated with a winning ticket
134 that has not been redeemed within one year of issue.

135 Rents or leases for video lottery game terminals shall be
136 written at a flat rate and shall not include revenue
137 splitting as a method used in the calculation of the lease
138 or rent.

139 (2) Licensed video lottery game operators and licensed
140 video lottery game retailers shall enter into a written
141 agreement for the placement of video lottery game
142 terminals. The agreement shall be on a form approved by the
143 commission and shall specify the division of adjusted gross
144 receipts between the video lottery game operator and the
145 video lottery game retailer after adjustments for taxes and
146 administrative fees are made. A video lottery game operator
147 shall be responsible for remitting to the commission and the
148 video lottery game retailer its share of adjusted gross
149 receipts. Video lottery game retailers that are also video
150 lottery game operators and licensed video lottery game
151 operators that are also video lottery game retailers shall
152 only be required to submit an agreement pursuant to this
153 subdivision if the ownership is not identical in both
154 entities. Nothing in this subdivision shall prohibit a
155 licensed video lottery game operator from entering into an
156 agreement with a sales agent for retailer agreements
157 provided such agreement is in writing and approved by the
158 commission. No video lottery game operator or its sales
159 agents, employees, or affiliates may offer, promise, or
160 tender any property or personal advantage to any employee or
161 agent of any video lottery game retailer with the intent to
162 influence such video lottery game retailer with respect to
163 locating any video gaming terminal in the video lottery game

164 retailer's establishment. Video lottery game operators and
165 video lottery game retailers may allocate costs related to
166 the operation, promotion, and maintenance of video lottery
167 game terminals in any manner that has been mutually agreed
168 to. An agreement for the placement of video lottery game
169 terminals, or any similar agreement, entered into prior to
170 the enactment of sections 313.425 to 313.435 shall be
171 invalid and unenforceable. Persons violating this
172 subdivision are subject to the loss or prohibition of their
173 video lottery game operator's license.

174 (3) Nothing in this section shall be construed to
175 prevent a video lottery game operator or a video lottery
176 retailer from using a player rewards system as approved by
177 the commission. No player shall be required to enroll in a
178 rewards program offered by a video lottery game operator or
179 video lottery game retailer as a condition to play video
180 lottery games.

181 8. No licensed video lottery game operator shall:

182 (1) Offer video lottery gaming terminals that directly
183 dispense anything of value except for tickets for winning
184 plays. Tickets shall be dispensed by pressing the ticket
185 dispensing button on the video lottery gaming terminal at
186 the end of any video lottery game play. The ticket shall
187 indicate the total amount of video lottery game terminal
188 credits and the cash award, the time of day in a 24-hour
189 format showing hours and minutes, the date, the terminal
190 serial number, the sequential number of the ticket, and an
191 encrypted validation number from which the validity of the
192 prize may be determined. The cost of the video lottery game
193 terminal credits shall be one cent, five cents, ten cents,
194 or twenty-five cents, and the maximum wager played per video
195 lottery game shall not exceed five dollars. No cash award

196 for the maximum wager played on any individual video lottery
197 game shall exceed one thousand dollars;

198 (2) Operate in a retail establishment that is not also
199 licensed to sell liquor, except if the business of the
200 establishment is a truck stop where any state or local
201 ordinance prohibits the sale of intoxicating liquor;

202 (3) Operate more than five video lottery game
203 terminals at one video lottery game retailer establishment;
204 except if the establishment is a veterans' organization,
205 fraternal organization, or truck stop, such establishment
206 may operate up to ten video lottery game terminals as
207 approved by the commission;

208 (4) Allow video lottery games to be played at any time
209 when the video lottery game retailer's establishment is
210 closed for business.

211 9. (1) A person under twenty-one years of age shall
212 not play video lottery games, and such video lottery game
213 terminals shall be under the supervision of a person that is
214 at least twenty-one years of age to prevent persons under
215 twenty-one years of age from playing video lottery games.
216 Video lottery game terminals shall not be visible from areas
217 normally occupied by minors and shall be placed within the
218 unobstructed line of sight of the sales counter unless
219 placed in an enclosed or partially enclosed area that is
220 continually monitored by video surveillance. A warning sign
221 shall be posted in a conspicuous location where such video
222 lottery game terminals are located, containing in red
223 lettering at least one-half inch high on a white background
224 the following:

225 "YOU MUST BE AT LEAST 21 YEARS OF AGE TO PLAY VIDEO LOTTERY
226 GAMES"

227 In addition to the placement and supervision requirements of
228 this subsection, a video lottery game operator shall provide
229 video surveillance in the immediate area of the video
230 lottery game retailer's establishment where video lottery
231 game terminals are located. Recorded video from such
232 surveillance system shall be made available to the
233 commission upon request and shall be reviewed by video
234 lottery game operators as reasonably and specifically
235 requested by the commission for any violation of law, rules,
236 or regulations governing the conduct of video lottery
237 games. A video lottery game operator that fails to review
238 such surveillance video and report any known violation of
239 law, rules, or regulations governing the conduct of video
240 lottery games in conformance with established commission
241 procedures may be subject to an administrative fine not to
242 exceed five thousand dollars. Any video lottery game
243 retailer that fails to report any known violation of law,
244 rules, or regulations governing the conduct of video lottery
245 games in conformance with established commission procedures
246 may be subject to an administrative fine not to exceed five
247 thousand dollars. In the event a video lottery game
248 operator or retailer is found to have knowingly committed a
249 violation governing the conduct of video lottery games the
250 commission may impose an administrative fine not to exceed
251 five thousand dollars, suspend such operator's or retailer's
252 license for up to thirty days, or in the case of repeated
253 violations revoke such operator's or retailer's license for
254 a period of one year. Any video lottery game operator or
255 retailer aggrieved by the commission's decision in any
256 disciplinary action that results in the suspension or
257 revocation of such operator's or retailer's video lottery
258 game license may appeal such decision by filing an action in

259 circuit court. The commission shall refer a violation of
260 the criminal code, with any evidence thereof, to the
261 appropriate law enforcement officials. Video lottery game
262 retailers shall provide an intrusion detection system
263 capable of detecting unauthorized entrance of the video
264 lottery game retailer's establishment during nonbusiness
265 hours and shall report to the commission any unauthorized
266 entrance of the video lottery game retailer's
267 establishment. Such surveillance and intrusion detection
268 system shall meet specifications as defined by the
269 commission.

270 (2) A video lottery game operator shall post a sign in
271 a conspicuous location where such video lottery game
272 terminals are located, containing in red lettering at least
273 one-half inch high on a white background a telephone contact
274 number (1-888-BETSOFF) for the problem gambling helpline.

275 10. (1) Video lottery game operators shall pay the
276 commission thirty-six percent of the video lottery game
277 adjusted gross receipts, which shall be deposited in the
278 state lottery fund. The commission shall transfer the
279 amount received from the operator from the lottery fund to
280 the lottery proceeds fund after administrative expenses
281 equal to four percent of the video lottery game adjusted
282 gross receipts are paid to the municipality where a licensed
283 video lottery game retailer maintains an establishment
284 licensed for the operation of video lottery game terminals,
285 or if such licensed establishment is not located within the
286 corporate boundaries of a municipality, then the county
287 where such licensed establishment is located to reimburse
288 such municipality or county for administrative expenses, and
289 any administrative expenses for the commission that are not
290 covered by reimbursements from operators are deducted. Net

291 proceeds transferred to the lottery proceeds fund shall be
292 appropriated to public elementary and secondary education
293 and public institutions of higher education with an emphasis
294 on programs to promote science, technology, engineering, and
295 mathematics (STEM) and programs to promote workforce
296 development.

297 (2) Video lottery game operators shall retain sixty-
298 four percent of the video lottery game adjusted gross
299 receipts, a portion of which shall be utilized to pay for
300 administrative expenses which shall include the cost of the
301 centralized computer system, which cost shall be paid by
302 video lottery game operators in proportion to the number of
303 video lottery game terminals operated and shall not be
304 apportioned by the video lottery game operator among video
305 lottery game retailers to which it provides operations. The
306 remainder, after the costs of the centralized computer
307 system are paid, shall be divided between the video lottery
308 game operator and video lottery game retailer as agreed to
309 by the video lottery game operator and video lottery game
310 retailer under the freely negotiated agreement made under
311 subdivision (2) of subsection 7 of this section.

312 11. All revenues received by the commission from
313 license fees and any reimbursements associated with the
314 administration of the provisions of sections 313.425 to
315 313.435, and all interest earned thereon, shall be
316 considered administrative expenses and shall be deposited in
317 the state lottery fund. Moneys deposited into the state
318 lottery fund from license fees and any reimbursements of
319 commission administrative expenses to administer sections
320 313.425 to 313.435 shall be considered administrative
321 expenses and shall not be considered net proceeds pursuant
322 to article III, section 39(b) of the Missouri Constitution.

323 Subject to appropriation, up to one percent of such license
324 fees and reimbursements deposited to the credit of the state
325 lottery fund may be deposited to the credit of the
326 compulsive gamblers fund created under section 313.842. The
327 remainder of the money deposited in the state lottery fund
328 from video lottery game license fees and any reimbursements
329 of commission administrative expenses to enforce sections
330 313.425 to 313.435 shall, subject to appropriation, be used
331 for administrative expenses associated with supervising and
332 enforcing the provisions of sections 313.425 to 313.435.

333 12. The commission may contract with a state law
334 enforcement entity to assist in conducting investigations
335 into applicants for any video lottery game license and to
336 investigate violations by any video lottery game licensee of
337 any of the provisions of sections 313.425 to 313.435 or
338 state law regulating illegal gambling activities. A video
339 lottery game licensee suspected of a violation shall be
340 afforded an administrative hearing on the record and any
341 action taken to impose a fine on such licensee, or to
342 suspend or revoke the ability of a licensee to offer lottery
343 game products for sale, shall be appealed to the
344 commission. Any such administrative suspension or
345 revocation upheld by the commission may be appealed by the
346 video lottery game licensee in a state court of competent
347 jurisdiction.

348 13. The possession or use of any video lottery game
349 terminal not authorized by the commission under the
350 provisions of sections 313.425 to 313.435 may be prosecuted
351 under the provisions of chapter 572. The commission shall
352 have the power to investigate suspected violations by any
353 video lottery license holder and to refer any violations or

354 suspected violations to the appropriate law enforcement
355 authority.

356 14. The commission shall adopt rules for the
357 implementation of the video lottery game system authorized
358 under sections 313.425 to 313.435, including, but not
359 limited to, the placement of video lottery terminals within
360 a retail establishment and for the active oversight of the
361 conduct of video lottery games. Any rule or portion of a
362 rule, as that term is defined in section 536.010 that is
363 created under the authority delegated in this section shall
364 become effective only if it complies with and is subject to
365 all of the provisions of chapter 536, and if applicable,
366 section 536.028. This section and chapter 536 are
367 nonseverable and if any of the powers vested with the
368 general assembly pursuant to chapter 536 to review, to delay
369 the effective date, or to disapprove and annul a rule are
370 subsequently held unconstitutional, then the grant of
371 rulemaking authority and any rule proposed or adopted after
372 August 28, 2022, shall be invalid and void.

313.431. 1. In order to expedite the orderly
2 implementation of the video lottery game system authorized
3 under sections 313.425 to 313.435, the commission shall:

4 (1) Issue a request for proposal for the supply and
5 operation of a centralized computer system for video lottery
6 games within one hundred twenty days of the effective date
7 of this section;

8 (2) Make license applications for video lottery game
9 manufacturers, video lottery game distributors, video
10 lottery game operators, video lottery game retailers, and
11 video lottery game handlers available to applicants and
12 promulgate any emergency or regular rules and regulations
13 needed for the implementation of the video lottery system

14 authorized under sections 313.425 to 313.435 within one
15 hundred twenty days of the effective date of this section;

16 (3) Issue a provisional license to an applicant for a
17 video lottery game manufacturer's, video lottery game
18 distributor's, video lottery game operator's, video lottery
19 game retailer's, or video lottery game handler's license if
20 such applicant satisfies all of the following criteria to
21 the satisfaction of the commission:

22 (a) The applicant is current on all state taxes;

23 (b) The applicant has submitted a complete application
24 for licensure as a licensed video lottery game manufacturer,
25 video lottery game distributor, video lottery game operator,
26 video lottery game retailer, or video lottery game handler,
27 which shall be submitted concurrently with the applicant's
28 request for a provisional license;

29 (c) The applicant has never been convicted of any
30 felony or gambling law violation in any jurisdiction; and

31 (d) The applicant for a video lottery game retailer's
32 license has been issued and holds a valid license to sell
33 liquor under chapter 311.

34 A provisional license shall be issued by the commission
35 within sixty days from the date on which the application was
36 first received unless the commission shows cause that the
37 license application is deficient or such applicant does not
38 meet the criteria for licensure.

39 2. The commission may issue provisional licenses prior
40 to the completion of a background check to an applicant that
41 is currently licensed under sections 313.200 to 313.435 or
42 sections 313.800 to 313.850; holds or is an affiliate of any
43 entity that holds a license in good standing from a
44 regulatory body of another state to operate, handle, or

45 maintain video gaming terminals or video lottery game
46 terminals that are substantially similar to video lottery
47 game terminals authorized under sections 313.425 to 313.435;
48 or if such person has been in the business of locating and
49 operating amusement games within this state continuously for
50 a period of five years.

51 3. A provisional license shall be valid until:

52 (1) The commission either approves or denies the
53 applicant's application for licensure;

54 (2) The provisional license is terminated for a
55 violation of this section; or

56 (3) One calendar year has passed since the provisional
57 license was issued.

58 Nothing in this section shall prohibit an applicant for a
59 video lottery game manufacturer's, video lottery game
60 distributor's, video lottery game operator's, video lottery
61 game retailer's, or video lottery game handler's license
62 from applying for a renewal of the provisional license
63 issued under this section so long as the commission has not
64 made a final determination to award or deny the applicant a
65 license.

66 4. Each applicant shall attest by way of affidavit
67 under penalty of perjury that the applicant is not otherwise
68 prohibited from licensure according to the requirements of
69 this section.

70 5. All requests for provisional licensure under this
71 section shall include the following fee, which is in
72 addition to the applicable fee required for an application
73 for licensure and shall be retained by the commission:

74 (1) Five thousand dollars for a video lottery game
75 manufacturer and video lottery game distributor;

76 (2) Five thousand dollars for a video lottery game
77 operator;

78 (3) Five hundred dollars for a video lottery game
79 retailer's establishment; or

80 (4) One hundred dollars for a video lottery game
81 handler.

 313.433. 1. Notwithstanding any other provision of
2 law to the contrary, participation by a person, firm,
3 corporation, or organization in any aspect of the state
4 lottery under sections 313.425 to 313.435 shall not be
5 construed to be a lottery or gift enterprise in violation of
6 section 39 of article III of the Constitution of Missouri.

7 2. The sale of lottery tickets, shares, or lottery
8 game plays using a video lottery game terminal under
9 sections 313.425 to 313.435 shall not constitute a valid
10 reason to refuse to issue or renew or to revoke or suspend
11 any license or permit issued under the provisions of chapter
12 311.

 313.435. A municipality may adopt an ordinance
2 prohibiting video lottery game terminals within the
3 corporate limits of such municipality within one hundred
4 twenty days from the effective date of this act. A county
5 commission may, for the unincorporated area of the county,
6 adopt an ordinance prohibiting video lottery game terminals
7 within the unincorporated area of the county within one
8 hundred twenty days from the effective date of this act.
9 The commission shall not license video lottery game
10 retailers within such area covered by such ordinance. Any
11 such municipality or county that has opted to prohibit the
12 use of video lottery game terminals to play video lottery
13 games may repeal such ordinance and upon such repeal the

14 commission may license video lottery game retailers within
15 such municipality or county to conduct video lottery games.

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