

SECOND REGULAR SESSION

SENATE BILL NO. 1148

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

5832S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 313.055 and 313.057, RSMo, and to enact in lieu thereof one new section relating to taxes imposed on the sale of bingo cards.

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

Section A. Sections 313.055 and 313.057, RSMo, are
2 repealed and one new section enacted in lieu thereof, to be
3 known as section 313.057, to read as follows:

313.057. 1. It is unlawful for any person, either as
2 an owner, lessee or employee, to operate, carry on, conduct
3 or maintain any form of manufacturing, selling, leasing or
4 distribution of any bingo equipment or supplies without
5 having first procured and maintained a Missouri bingo
6 equipment and supplies manufacturer or supplier license.

7 2. The commission shall submit two sets of
8 fingerprints for each key person, as defined in commission
9 rules and regulations, of an entity or organization seeking
10 issuance or renewal of a Missouri bingo equipment and
11 supplies manufacturer or supplier license, for the purpose
12 of checking the person's prior criminal history when the
13 commission determines a nationwide check is warranted. The
14 fingerprint cards and any required fees shall be sent to the
15 Missouri state highway patrol's criminal records division.
16 The first set of fingerprints shall be used for searching
17 the state repository of criminal history information. The

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 second set of fingerprints shall be forwarded to the Federal
19 Bureau of Investigation, Identification Division, for the
20 searching of the federal criminal history files. The patrol
21 shall notify the commission of any criminal history
22 information or lack of criminal history information
23 discovered on the individual. Notwithstanding the
24 provisions of section 610.120, all records related to any
25 criminal history information discovered shall be accessible
26 and available to the commission.

27 3. The holder of a state bingo license may, within two
28 years of cessation of conducting bingo or upon specific
29 approval by the commission, dispose of by sale in a manner
30 approved by the commission, any or all of his bingo
31 equipment and supplies, without a supplier's license. In
32 case of foreclosure of a lien by a bank or other person
33 holding a security interest for which bingo equipment is
34 security in whole or in part for the lien, the commission
35 may authorize the disposition of the bingo equipment without
36 requiring a supplier's license.

37 4. Any person whom the commission determines to be a
38 suitable person to receive a license pursuant to the
39 provisions of this section may be issued a manufacturer's or
40 supplier's license. The commission may require suppliers to
41 post a bond with the commission in an amount and in the
42 manner prescribed by the commission. The burden of proving
43 his qualification to receive or hold a license pursuant to
44 this section is at all times on the applicant or licensee.

45 5. The commission shall charge and collect from each
46 applicant for a supplier's license a one-time application
47 fee set by the commission, not to exceed five thousand
48 dollars. The commission shall charge and collect an annual
49 renewal fee for each supplier licensee not to exceed one

50 thousand dollars. The applicant shall be responsible for
51 the total cost of the criminal history investigation. If
52 the cost of the investigation exceeds the total amount of
53 fees filed by the applicant in this subsection, the
54 commission may assess additional fees as it deems
55 appropriate.

56 6. The commission shall charge and collect from each
57 applicant for a manufacturer's license a one-time
58 application fee set by the commission, not to exceed five
59 thousand dollars. The commission shall charge and collect
60 an annual renewal fee for each manufacturer licensee not to
61 exceed one thousand dollars. The applicant shall be
62 responsible for the total cost of the criminal history
63 investigation. If the cost of the investigation exceeds the
64 total amount of fees filed by the applicant in this
65 subsection, the commission may assess additional fees as it
66 deems appropriate.

67 7. The commission shall charge and collect from each
68 applicant for a hall provider's license a one-time
69 application fee set by the commission, not to exceed seven
70 hundred fifty dollars. The commission shall charge and
71 collect an annual renewal fee for each hall provider
72 licensee not to exceed five hundred dollars.

73 8. All licenses issued pursuant to this section shall
74 be issued for the calendar year and shall expire on December
75 thirty-first of each year. Regardless of the date of
76 application or issuance of the license, the fee to be
77 charged and collected pursuant to this section shall be the
78 full annual fee.

79 9. All license fees collected pursuant to this section
80 shall be paid over immediately to the state treasurer to be
81 deposited to the credit of the gaming commission fund.

10. All licensees pursuant to this section shall maintain for a period of not less than three years full and complete records of all business carried on in this state and shall make same available for inspection to any duly authorized representative of the commission. If a supplier does not receive payment in full from an organization within thirty days of the delivery of bingo supplies, the supplier shall notify the commission in writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the notice of delinquency, the commission shall notify all suppliers that until further notice from the commission, all sales of bingo supplies to the delinquent organizations shall be on a cash-only basis. Upon receipt of the notice from the commission, no supplier may extend credit to the delinquent organization until such time as the commission approves credit sales. If a manufacturer does not receive payment in full from a supplier within ninety days of the delivery of bingo supplies, the manufacturer shall notify the commission in writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the notice of delinquency, the commission shall notify all manufacturers that until further notice from the commission, all sales of bingo supplies to the delinquent supplier shall be on a cash-only basis. Upon receipt of the notice from the commission, no manufacturer may extend credit to the delinquent supplier until such time as the commission approves credit sales.

11. [Until January 1, 1995, all suppliers shall pay a tax on all pull-tab cards distributed by them in the amount of ten dollars per box when sold by any organization licensed to conduct bingo pursuant to the provisions of

114 sections 313.005 to 313.080. No box sold shall contain more
115 than twenty-four hundred pull-tab cards. Beginning January
116 1, 1995, a tax is hereby imposed in the amount of two
117 percent of the gross receipts of the retail sales value
118 charged for each pull-tab card sold in Missouri to be paid
119 by the supplier. The taxes, less two percent of the total
120 amount paid which may be retained by the supplier, if timely
121 filed and paid, shall be paid on a monthly basis to the
122 commission by each supplier of pull-tabs and shall be due on
123 the last day of each month following the month in which the
124 pull-tabs were sold. The taxes shall be deposited in the
125 state treasury, credited to the bingo proceeds for education
126 fund.] All pull-tab cards sold by suppliers in this state
127 shall bear on the face thereof the amount for which such
128 pull-tab cards will be sold. Each unit container shall
129 contain cards printed in such a manner as to ensure that at
130 least sixty percent of the gross revenues generated by the
131 ultimate sale of such cards shall be returned to the final
132 purchasers of such cards. [Any supplier who fails to pay
133 the tax imposed pursuant to this subsection shall have his
134 license issued pursuant to this section revoked and shall be
135 guilty of a class A misdemeanor.]

2 [313.055. 1. A tax is hereby imposed on
3 each organization conducting the game of bingo
4 which awards to winners of bingo games prizes or
5 merchandise having an aggregate retail value of
6 more than five thousand dollars annually and
7 more than one hundred dollars in any single
8 day. The tax shall be in the amount of two-
9 tenths of one cent upon each bingo card and
10 progressive bingo game card sold in Missouri to
11 be paid by the supplier. The taxes, less two
12 percent of the total amount paid which may be
13 retained by the supplier, shall be paid on a
monthly basis to the commission, by each

supplier of bingo supplies and shall be due on the last day of the month following the month in which the bingo card was sold, with the date of sale being the date on the invoice evidencing the sale, along with such reports as may be required by the commission. The taxes shall be deposited in the state treasury, credited to the bingo proceeds for education fund.

2. All taxes not paid to the commission by the person or licensee required to remit the same on the date when the same becomes due and payable to the commission under the provisions of sections 313.005 to 313.085 shall bear interest at the rate to be set by the commission not to exceed two percent per calendar month, or fraction thereof, from and after such date until paid. In addition, the commission may impose a penalty not to exceed three times the amount of taxes due for failure to submit the reports required by this section and pay the taxes due.]

✓