

SECOND REGULAR SESSION

# SENATE BILL NO. 851

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR MAY.

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KRISTINA MARTIN, Secretary

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### AN ACT

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

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

Section A. Chapter 313, RSMo, is amended by adding thereto seven new sections, to be known as sections 313.425, 313.427, 313.429, 313.431, 313.433, 313.435, and 313.440, to read as follows:

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

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

(1) "Centralized computer system", a computerized system developed or procured by the commission that video lottery game terminals are connected to using standard industry protocols that can activate or deactivate a particular video lottery game terminal from a remote location, and that is capable of monitoring and auditing 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;

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;

34 (c) A convenience store that has sold on average ten  
35 thousand gallons of fuel each month for the previous twelve  
36 months or is projected to sell an average of ten thousand  
37 gallons of fuel each month for the next twelve months, that  
38 maintains a license issued under chapter 311 to sell  
39 intoxicating liquor, and that obtains and maintains a  
40 license issued by the commission to offer lottery games  
41 played on video lottery game terminals;

42 (d) A bar, tavern, or restaurant that maintains a  
43 license issued under chapter 311 to sell intoxicating  
44 liquor, and that obtains and maintains a license issued by  
45 the commission to offer lottery games played on video  
46 lottery game terminals;

47 (e) A liquor store that maintains a license issued  
48 under chapter 311 to sell intoxicating liquor, and that  
49 obtains and maintains a license issued by the commission to  
50 offer lottery games played on video lottery game terminals;

51 (f) A grocery store that maintains a license issued  
52 under chapter 311 to sell intoxicating liquor, and that  
53 obtains and maintains a license issued by the commission to  
54 offer lottery games played on video lottery game terminals;

55 (4) "Fraternal organization", any organization within  
56 this state operating under the lodge system which exists for  
57 the common benefit, brotherhood, or other interest of its  
58 members, except college fraternities and sororities, of  
59 which no part of the net earnings inures to the benefit of  
60 any private shareholder or any individual member of such  
61 organization, which has been exempted from the payment of  
62 federal income tax, and which derives its charter from a  
63 national fraternal organization which regularly meets;

64 (5) "Veterans' organization", a post or organization  
65 of veterans, or an auxiliary unit or society of, or a trust  
66 or foundation for, any such post or organization organized  
67 in the United States or any of its possessions in which at  
68 least seventy-five percent of the members are veterans of  
69 the United States Armed Forces and substantially all of the  
70 other members are individuals who are veterans or are  
71 cadets, or are spouses, widows, or widowers of war veterans  
72 of such individuals, in which no part of the net earnings  
73 inures to the benefit of any private shareholder or

74 individual, and which has been exempted from payment of  
75 federal income taxes;

76 (6) "Video lottery game", any lottery game approved by  
77 the commission for play on a video lottery game terminal  
78 using video lottery game terminal credits that have been  
79 purchased with cash, cash equivalents, or by a winning video  
80 lottery game terminal ticket;

81 (7) "Video lottery game adjusted gross receipts", the  
82 total of cash or cash equivalents used for the play of a  
83 video lottery game on a video lottery game terminal minus  
84 cash or cash equivalent paid to players as a result of  
85 playing video lottery games on a video lottery game terminal;

86 (8) "Video lottery game distributor", a person  
87 licensed by the commission to buy, sell, lease, rent,  
88 finance or otherwise provide, distribute, or service video  
89 lottery game terminals or major parts and components of  
90 video lottery game terminals, including used or refurbished  
91 video lottery game terminals to and from licensed video  
92 lottery game manufacturers and licensed video lottery game  
93 operators;

94 (9) "Video lottery game handler", a person employed by  
95 a licensed video lottery game operator to handle, place,  
96 operate, and service video lottery game terminals and  
97 associated equipment;

98 (10) "Video lottery game manufacturer", any person  
99 that manufactures video lottery game terminals or major  
100 parts and components for video lottery game terminals as  
101 approved by the lottery commission;

102 (11) "Video lottery game operator", a person licensed  
103 by the commission that owns, rents, or leases and services  
104 or maintains video lottery game terminals for placement in  
105 licensed video lottery game retailer establishments;

106 (12) "Video lottery game retailer", a person meeting  
107 the requirements of a lottery game retailer under section  
108 313.260, possessing a video lottery game retailer's license,  
109 and possessing a license to sell liquor, and with whom a  
110 licensed video lottery game operator has contracted for the  
111 placement of a video lottery game terminal or terminals,  
112 provided the video lottery game retailer and video lottery  
113 game operator do not have identical ownership;

114 (13) "Video lottery game terminal", a player-activated  
115 terminal that exchanges coins, currency, tickets, ticket  
116 vouchers, or other electronic payment methods approved by  
117 the commission for video lottery game terminal credits used  
118 to play video lottery games approved by the commission.  
119 Such video lottery game terminals shall use a video display  
120 and microprocessor capable of randomly generating the  
121 outcome of video lottery games and be capable of printing a  
122 ticket at the conclusion of any video lottery game play that  
123 is redeemable at a video lottery game ticket redemption  
124 terminal or reinserted into a video lottery game terminal  
125 for video lottery game credit. All video lottery games  
126 approved by the commission for play on a video lottery game  
127 terminal shall have a minimum theoretical payout of eighty-  
128 five percent;

129 (14) "Video lottery game terminal credit", one cent,  
130 five cents, ten cents, or twenty-five cents either won or  
131 purchased by a player on a video lottery game terminal that  
132 is used to play video lottery games and that may be  
133 converted into a video lottery game ticket;

134 (15) "Video lottery game ticket" or "ticket", a  
135 document printed at the conclusion of any lottery game play  
136 or group of plays on a video lottery game terminal that is  
137 redeemable for cash utilizing a video lottery game ticket

138 redemption terminal or that may be reinserted into a video  
139 lottery game terminal in the establishment for which it was  
140 issued for video lottery terminal game play credit;

141 (16) "Video lottery game ticket redemption terminal",  
142 the collective hardware, software, communications  
143 technology, and other ancillary equipment used to facilitate  
144 the payment of tickets cashed out by players as a result of  
145 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.

150 lottery game retailers that are also video lottery game  
151 operators and licensed video lottery game operators that are  
152 also video lottery game retailers shall only be required to  
153 submit an agreement pursuant to this subdivision if the  
154 ownership is not identical in both entities. Nothing in  
155 this subdivision shall prohibit a licensed video lottery  
156 game operator from entering into an agreement with a sales  
157 agent for retailer agreements, provided such agreement is in  
158 writing and approved by the commission. No video lottery  
159 game operator or its sales agents, employees, or affiliates  
160 may offer, promise, or tender any property or personal  
161 advantage to any employee or agent of any video lottery game  
162 retailer with the intent to influence such video lottery  
163 game retailer with respect to locating any video gaming  
164 terminal in the video lottery game retailer's  
165 establishment. Video lottery game operators and video  
166 lottery game retailers may allocate costs related to the  
167 operation, promotion, and maintenance of video lottery game  
168 terminals in any manner that has been mutually agreed to.  
169 An agreement for the placement of video lottery game  
170 terminals, or any similar agreement, entered into prior to  
171 the enactment of sections 313.425 to 313.435 shall be  
172 invalid and unenforceable. Persons violating this  
173 subdivision are subject to the loss or prohibition of their  
174 video lottery game operator's license.

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

182        8. No licensed video lottery game operator shall:

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

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

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

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

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

227       "YOU MUST BE AT LEAST 21 YEARS OF AGE TO PLAY VIDEO  
228       LOTTERY GAMES"

229       In addition to the placement and supervision requirements of  
230 this subsection, a video lottery game operator shall provide  
231 video surveillance in the immediate area of the video  
232 lottery game retailer's establishment where video lottery  
233 game terminals are located. Recorded video from such  
234 surveillance system shall be made available to the  
235 commission upon request and shall be reviewed by video  
236 lottery game operators as reasonably and specifically  
237 requested by the commission for any violation of law, rules,  
238 or regulations governing the conduct of video lottery  
239 games. A video lottery game operator that fails to review  
240 such surveillance video and report any known violation of  
241 law, rules, or regulations governing the conduct of video  
242 lottery games in conformance with established commission

243 procedures may be subject to an administrative fine not to  
244 exceed five thousand dollars. Any video lottery game  
245 retailer that fails to report any known violation of law,  
246 rules, or regulations governing the conduct of video lottery  
247 games in conformance with established commission procedures  
248 may be subject to an administrative fine not to exceed five  
249 thousand dollars. In the event a video lottery game  
250 operator or retailer is found to have knowingly committed a  
251 violation governing the conduct of video lottery games, the  
252 commission may impose an administrative fine not to exceed  
253 five thousand dollars, suspend such operator's or retailer's  
254 license for up to thirty days, or in the case of repeated  
255 violations revoke such operator's or retailer's license for  
256 a period of one year. Any video lottery game operator or  
257 retailer aggrieved by the commission's decision in any  
258 disciplinary action that results in the suspension or  
259 revocation of such operator's or retailer's video lottery  
260 game license may appeal such decision by filing an action in  
261 circuit court. The commission shall refer a violation of  
262 the criminal code, with any evidence thereof, to the  
263 appropriate law enforcement officials. Video lottery game  
264 retailers shall provide an intrusion detection system  
265 capable of detecting unauthorized entrance of the video  
266 lottery game retailer's establishment during nonbusiness  
267 hours and shall report to the commission any unauthorized  
268 entrance of the video lottery game retailer's  
269 establishment. Such surveillance and intrusion detection  
270 system shall meet specifications as defined by the  
271 commission.

272 (2) A video lottery game operator shall post a sign in  
273 a conspicuous location where such video lottery game  
274 terminals are located, containing in red lettering at least

275 one-half inch high on a white background a telephone contact  
276 number (1-888-BETSOFF) for the problem gambling helpline.

277 10. (1) Video lottery game operators shall pay the  
278 commission thirty-six percent of the video lottery game  
279 adjusted gross receipts, which shall be deposited in the  
280 state lottery fund. The commission shall transfer the  
281 amount received from the operator from the lottery fund to  
282 the lottery proceeds fund after administrative expenses  
283 equal to four percent of the video lottery game adjusted  
284 gross receipts are paid to the municipality where a licensed  
285 video lottery game retailer maintains an establishment  
286 licensed for the operation of video lottery game terminals,  
287 or if such licensed establishment is not located within the  
288 corporate boundaries of a municipality, then the county  
289 where such licensed establishment is located to reimburse  
290 such municipality or county for administrative expenses, and  
291 any administrative expenses for the commission that are not  
292 covered by reimbursements from operators are deducted. Net  
293 proceeds transferred to the lottery proceeds fund shall be  
294 appropriated to public elementary and secondary education  
295 and public institutions of higher education with an emphasis  
296 on programs to promote science, technology, engineering, and  
297 mathematics (STEM) and programs to promote workforce  
298 development.

299 (2) Video lottery game operators shall retain sixty-  
300 four percent of the video lottery game adjusted gross  
301 receipts, a portion of which shall be utilized to pay for  
302 administrative expenses which shall include the cost of the  
303 centralized computer system, which cost shall be paid by  
304 video lottery game operators in proportion to the number of  
305 video lottery game terminals operated and shall not be  
306 apportioned by the video lottery game operator among video

307 lottery game retailers to which it provides operations. The  
308 remainder, after the costs of the centralized computer  
309 system are paid, shall be divided between the video lottery  
310 game operator and video lottery game retailer as agreed to  
311 by the video lottery game operator and video lottery game  
312 retailer under the freely negotiated agreement made under  
313 subdivision (2) of subsection 7 of this section, unless the  
314 video lottery game operator and video lottery game retailer  
315 share the same ownership.

316 11. All revenues received by the commission from  
317 license fees and any reimbursements associated with the  
318 administration of the provisions of sections 313.425 to  
319 313.435, and all interest earned thereon, shall be  
320 considered administrative expenses and shall be deposited in  
321 the state lottery fund. Moneys deposited into the state  
322 lottery fund from license fees and any reimbursements of  
323 commission administrative expenses to administer sections  
324 313.425 to 313.435 shall be considered administrative  
325 expenses and shall not be considered net proceeds pursuant  
326 to Article III, Section 39(b) of the Constitution of  
327 Missouri. Subject to appropriation, up to one percent of  
328 such license fees and reimbursements deposited to the credit  
329 of the state lottery fund may be deposited to the credit of  
330 the compulsive gamblers fund created under section 313.842.  
331 The remainder of the money deposited in the state lottery  
332 fund from video lottery game license fees and any  
333 reimbursements of commission administrative expenses to  
334 enforce sections 313.425 to 313.435 shall, subject to  
335 appropriation, be used for administrative expenses  
336 associated with supervising and enforcing the provisions of  
337 sections 313.425 to 313.435.

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

353       13. The possession or use of any video lottery game  
354 terminal not authorized by the commission under the  
355 provisions of sections 313.425 to 313.435 may be prosecuted  
356 under the provisions of chapter 572. The commission shall  
357 have the power to investigate suspected violations by any  
358 video lottery license holder and to refer any violations or  
359 suspected violations to the appropriate law enforcement  
360 authority.

361       14. The commission shall adopt rules for the  
362 implementation of the video lottery game system authorized  
363 under sections 313.425 to 313.435, including, but not  
364 limited to, the placement of video lottery terminals within  
365 a retail establishment and for the active oversight of the  
366 conduct of video lottery games. Any rule or portion of a  
367 rule, as that term is defined in section 536.010 that is  
368 created under the authority delegated in this section shall  
369 become effective only if it complies with and is subject to

370 all of the provisions of chapter 536 and, if applicable,  
371 section 536.028. This section and chapter 536 are  
372 nonseverable and if any of the powers vested with the  
373 general assembly pursuant to chapter 536 to review, to delay  
374 the effective date, or to disapprove and annul a rule are  
375 subsequently held unconstitutional, then the grant of  
376 rulemaking authority and any rule proposed or adopted after  
377 August 28, 2026, 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;

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.

313.440. Notwithstanding any other provision of law to  
2 the contrary, the commission may incur fees when accepting  
3 debit cards or other electronic payment methods, except  
4 credit cards, for the sale of lottery game plays.

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