

SENATE BILL NO. 851

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

4409S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 313, RSMo, by adding thereto seven 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 seven new sections, to be known as sections 313.425, 313.427,
3 313.429, 313.431, 313.433, 313.435, and 313.440, to read as
4 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 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

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

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

313.429. 1. The commission shall implement a system of video lottery game terminals utilizing a licensing structure for processing license applications and issuing licenses to video lottery game manufacturers, video lottery game distributors, video lottery game operators, video lottery game handlers, and video lottery game retailers for the conduct of lottery games utilizing video lottery game terminals within the state; except that, a person licensed as a:

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

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

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

Nothing in this subsection shall prevent a video lottery game manufacturer from obtaining a video lottery game manufacturer's license and a video lottery game distributor's license and providing and operating the centralized computer system for monitoring video lottery

game terminals, and nothing in this subsection shall prevent a video lottery game operator from obtaining a video lottery game retailer's license or a video lottery game retailer from obtaining a video lottery game operator's license, provided the applicant meets the requirements for all such licenses.

2. Under no circumstances shall the commission:

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

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

3. (1) The video lottery game system authorized by this section shall allow for multiple video lottery game manufacturers, video lottery game distributors, and video lottery game operators to encourage private sector investment and job opportunities for Missouri citizens. Video lottery game terminals shall be connected to a centralized computer system developed or procured by the commission. The commission shall provide licensed video lottery game operators with the necessary protocols to connect the operators' video lottery game terminal or terminals to the centralized computer system after such terminal or terminals have been approved by the commission. No video lottery game terminal shall be placed in operation without first connecting to the centralized computer system after such terminal or terminals have been approved by the commission. A vendor that provides the centralized computer system authorized under this subsection shall not be 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 a freely negotiated and agreed
144 upon division of adjusted gross receipts between the video
145 lottery game operator and the video lottery game retailer
146 after adjustments for taxes and administrative fees are
147 made. A video lottery game operator shall be responsible
148 for remitting to the commission and the video lottery game
149 retailer its share of adjusted gross receipts. Video

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

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

procedures may be subject to an administrative fine not to exceed five thousand dollars. Any video lottery game retailer that fails to report any known violation of law, rules, or regulations governing the conduct of video lottery games in conformance with established commission procedures may be subject to an administrative fine not to exceed five thousand dollars. In the event a video lottery game operator or retailer is found to have knowingly committed a violation governing the conduct of video lottery games, the commission may impose an administrative fine not to exceed five thousand dollars, suspend such operator's or retailer's license for up to thirty days, or in the case of repeated violations revoke such operator's or retailer's license for a period of one year. Any video lottery game operator or retailer aggrieved by the commission's decision in any disciplinary action that results in the suspension or revocation of such operator's or retailer's video lottery game license may appeal such decision by filing an action in circuit court. The commission shall refer a violation of the criminal code, with any evidence thereof, to the appropriate law enforcement officials. Video lottery game retailers shall provide an intrusion detection system capable of detecting unauthorized entrance of the video lottery game retailer's establishment during nonbusiness hours and shall report to the commission any unauthorized entrance of the video lottery game retailer's establishment. Such surveillance and intrusion detection system shall meet specifications as defined by the commission.

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

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

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

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

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

11. All revenues received by the commission from license fees and any reimbursements associated with the administration of the provisions of sections 313.425 to 313.435, and all interest earned thereon, shall be considered administrative expenses and shall be deposited in the state lottery fund. Moneys deposited into the state lottery fund from license fees and any reimbursements of commission administrative expenses to administer sections 313.425 to 313.435 shall be considered administrative expenses and shall not be considered net proceeds pursuant to Article III, Section 39(b) of the Constitution of Missouri. Subject to appropriation, up to one percent of such license fees and reimbursements deposited to the credit of the state lottery fund may be deposited to the credit of the compulsive gamblers fund created under section 313.842. The remainder of the money deposited in the state lottery fund from video lottery game license fees and any reimbursements of commission administrative expenses to enforce sections 313.425 to 313.435 shall, subject to appropriation, be used for administrative expenses associated with supervising and enforcing the provisions of 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

all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2026, shall be invalid and void.

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

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

(2) Make license applications for video lottery game manufacturers, video lottery game distributors, video lottery game operators, video lottery game retailers, and video lottery game handlers available to applicants and promulgate any emergency or regular rules and regulations needed for the implementation of the video lottery system authorized under sections 313.425 to 313.435 within one hundred twenty days of the effective date of this section;

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

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

(b) The applicant has submitted a complete application 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.

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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