

HOUSE BILL No. 1290

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-32.3-1-1; IC 4-39.5; IC 6-8.1-1-1; IC 35-45-5-15; IC 35-52-4.

Synopsis: Video gaming terminals. Authorizes wagering on video gaming terminals in certain establishments. Establishes a licensing structure for participants in video gaming. Imposes a video gaming wagering tax of 30% of adjusted gross receipts.

Effective: July 1, 2024.

Judy, Bartels, Moed

January 9, 2024, read first time and referred to Committee on Public Policy.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1290

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-32.3-1-1, AS ADDED BY P.L.58-2019,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 1. (a) This article applies only to a qualified
4 organization.
5 (b) This article applies only to the following approved gambling
6 activities conducted as fundraising activities by qualified organizations:
7 (1) Bingo events, casino game nights, raffles, festivals, and other
8 gaming activities approved by the commission.
9 (2) The sale of pull tabs, punchboards, and tip boards:
10 (A) at bingo events, casino game nights, raffles, and festivals
11 conducted by qualified organizations; or
12 (B) at any time on the premises owned or leased by qualified
13 organizations and regularly used for the activities of qualified
14 organizations.
15 This article does not apply to any other sale of pull tabs,
16 punchboards, and tip boards.
17 (c) This article does not apply to a promotion offer subject to



- 1 IC 24-8.
- 2 (d) This article does not apply to the following:
- 3 (1) A type II gambling game authorized by IC 4-36.
- 4 (2) A raffle or other gambling game authorized by IC 4-36-5-1(b).
- 5 **(3) Video gaming authorized by IC 4-39.5.**
- 6 (e) This article does not apply to a prize linked savings program
- 7 that:
- 8 (1) is offered or conducted by an eligible financial institution
- 9 under IC 28-1-23.2;
- 10 (2) is:
- 11 (A) offered or conducted by a credit union organized or
- 12 reorganized under United States law; and
- 13 (B) conducted in the same manner as a prize linked savings
- 14 program under IC 28-1-23.2; or
- 15 (3) is:
- 16 (A) offered or conducted by an insured depository institution
- 17 (as defined in 12 U.S.C. 1813) that is:
- 18 (i) a national bank formed under 12 U.S.C. 21;
- 19 (ii) a state member bank (as defined in 12 U.S.C. 1813);
- 20 (iii) a state nonmember bank (as defined in 12 U.S.C. 1813);
- 21 or
- 22 (iv) a savings association (as defined in 12 U.S.C. 1813);
- 23 and
- 24 (B) conducted in the same manner as a prize linked savings
- 25 program under IC 28-1-23.2.
- 26 SECTION 2. IC 4-39.5 IS ADDED TO THE INDIANA CODE AS
- 27 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 28 2024]:
- 29 **ARTICLE 39.5. VIDEO GAMING TERMINALS IN**
- 30 **ESTABLISHMENTS**
- 31 **Chapter 1. General Provisions**
- 32 **Sec. 1. This article applies only to wagering on video gaming**
- 33 **terminals located in licensed establishments under a video gaming**
- 34 **terminal installation contract described in IC 4-39.5-8.**
- 35 **Sec. 2. All shipments of video gaming terminals to a**
- 36 **manufacturer, distributor, supplier, operator, or establishment in**
- 37 **Indiana, the registering, recording, and labeling of which have**
- 38 **been completed by the manufacturer or dealer in accordance with**
- 39 **15 U.S.C. 1171 through 15 U.S.C. 1178, are legal shipments of**
- 40 **gambling devices into Indiana.**
- 41 **Sec. 3. Under 15 U.S.C. 1172, approved January 2, 1951, the**
- 42 **state of Indiana, acting by and through elected and qualified**



1 members of the general assembly, declares that the state is exempt
2 from 15 U.S.C. 1172.

3 **Sec. 4. (a) This section does not apply to real or personal**
4 **property taxes imposed by a local taxing unit.**

5 **(b) Except as provided in subsection (e), local governmental**
6 **authority concerning all matters relating to video gaming**
7 **conducted under this article is preempted by the state.**

8 **(c) No tax or fee, except as provided in this article, may be**
9 **assessed or collected from a licensee by a political subdivision**
10 **having the power to assess or collect a tax or fee. This section does**
11 **not prohibit the assessment and levying of property taxes otherwise**
12 **authorized by law or the imposing of a special assessment**
13 **(including a ditch or drainage assessment, Barrett Law assessment,**
14 **improvement assessment, sewer assessment, or sewage assessment)**
15 **otherwise authorized by law to be imposed on property to be**
16 **benefitted by an improvement.**

17 **(d) A political subdivision may not enter into an agreement with**
18 **a licensee that requires any financial commitments from the**
19 **licensee that are in addition to the fees and taxes imposed under**
20 **this article.**

21 **(e) An ordinance prohibiting video gaming in existence on June**
22 **30, 2024, is preempted by this article. However, the legislative body**
23 **of:**

24 **(1) a city or town may pass an ordinance to prohibit video**
25 **gaming within the corporate limits of the city or town; or**

26 **(2) a county may pass an ordinance to prohibit video gaming**
27 **in the unincorporated area of the county;**

28 **after June 30, 2024.**

29 **Sec. 5. This article will maintain the public's confidence and**
30 **trust through:**

31 **(1) comprehensive law enforcement supervision; and**

32 **(2) the strict regulation of facilities, persons, associations, and**
33 **video gaming at establishments.**

34 **Chapter 2. Definitions**

35 **Sec. 1. The definitions in this chapter apply throughout this**
36 **article.**

37 **Sec. 2. "Adjusted gross receipts" means the difference between:**

38 **(1) a person's gross receipts; minus**

39 **(2) prizes paid out to patrons by the person.**

40 **Sec. 3. "Commission" refers to the Indiana gaming commission**
41 **established by IC 4-33-3-1.**

42 **Sec. 4. "Convenience store" refers to a store or food mart that**



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is primarily engaged in:

- (1) the retail sale of a line of goods that may include milk, bread, soda, and snacks; or
- (2) the retail sale of automotive fuels and the retail sale of a line of goods that may include milk, bread, soda, and snacks.

Sec. 5. "Department" refers to the department of state revenue.

Sec. 6. "Distributor" means a person licensed under this article to:

- (1) buy a video gaming terminal from a manufacturer; and
- (2) sell, lease, or otherwise distribute a video gaming terminal or major components or parts of a video gaming terminal to an operator.

Sec. 7. "Establishment" means any of the following locations licensed to have video gaming terminals on the premises:

- (1) A veterans organization establishment.
- (2) A fraternal organization establishment.
- (3) Subject to IC 4-39.5-5-13(b)(5), an establishment licensed under IC 7.1-3 to sell alcoholic beverages to customers for consumption on the premises of the establishment.
- (4) A truck stop establishment.

Sec. 8. "Fraternal organization establishment" means an organization or institution that:

- (1) is organized and conducted on a nonprofit basis;
- (2) is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code;
- (3) is a branch, lodge, or chapter of a national organization; and
- (4) exists for the common charitable purposes, brotherhood, and other interests of its members.

Sec. 9. "Gambling game" means a game played on a video gaming terminal approved for wagering under this article by the commission.

Sec. 10. "Gross receipts" means the total amount of money wagered, either by cash or ticket, by patrons on a video gaming terminal in an establishment.

Sec. 11. "Licensee" means a person holding a license issued under this article.

Sec. 12. "Manufacturer" means a person that is licensed under this article to:

- (1) manufacture or assemble video gaming terminals; and
- (2) sell video gaming terminals to a distributor.

Sec. 13. "Operator" means a person that is licensed under this



1 article to own or lease, install, maintain, and operate video gaming
2 terminals at an establishment located in Indiana.

3 Sec. 14. "Patron" means an individual who wagers on gambling
4 games played on a video gaming terminal.

5 Sec. 15. "Payment ticket" means a ticket dispensed by a video
6 gaming terminal in exchange for credits accumulated on a video
7 gaming terminal.

8 Sec. 16. "Payout device" means a device that redeems a
9 payment ticket with cash.

10 Sec. 17. "Person" means an individual, a sole proprietorship, a
11 partnership, an association, a fiduciary, a corporation, a limited
12 liability company, or any other business entity.

13 Sec. 18. "Supplier" means a person that is licensed under this
14 article to supply major components or parts for video gaming
15 terminals and payout devices.

16 Sec. 19. "Truck stop establishment" means a premises that:

17 (1) is equipped with diesel islands designated for fueling
18 commercial motor vehicles (as defined in IC 9-13-2-31);

19 (2) has sold at retail on average more than fifty thousand
20 (50,000) gallons of diesel or biodiesel fuel each month over the
21 previous twelve (12) months, or, in the case of an
22 establishment that has been open for less than twelve (12)
23 months, is expected to average more than fifty thousand
24 (50,000) gallons in retail sales of diesel or biodiesel fuel each
25 month;

26 (3) has parking spaces designated for commercial motor
27 vehicles (as defined in IC 9-13-2-31); and

28 (4) has a convenience store.

29 Sec. 20. "Vendor" means a person that provides or proposes to
30 provide goods or services to the commission. The term does not
31 include an employee of the commission, a licensed establishment,
32 a licensee, or a state agency.

33 Sec. 21. "Veterans organization establishment" means an
34 organization or institution that is:

35 (1) organized and conducted on a nonprofit basis;

36 (2) exempt from federal income taxation under Section 501(c)
37 of the Internal Revenue Code; and

38 (3) a branch or chapter of a national veterans organization.

39 Sec. 22. "Video gaming terminal" means an electronic video
40 gaming machine that:

41 (1) is available for consideration in the form of cash or a ticket
42 to play or simulate the play of a gambling game, including



1 poker, line up, and blackjack, using a video display and
2 microprocessors; and

3 (2) awards winning players with free games or credits that
4 may be redeemed for cash.

5 The term does not include a machine that directly dispenses coins,
6 cash, or tokens or is for amusement purposes only.

7 Sec. 23. "Video gaming terminal installation contract" means
8 a contractual agreement between:

9 (1) an operator or a person eligible to apply for an operator's
10 license; and

11 (2) an establishment or a person eligible to apply for an
12 establishment license;

13 that sets forth the terms and conditions for the placement,
14 installation, and operation of video gaming terminals on the
15 premises of the establishment.

16 Chapter 3. Powers and Duties of the Indiana Gaming
17 Commission

18 Sec. 1. The commission has jurisdiction and supervision over the
19 following:

20 (1) All video gaming operations in Indiana.

21 (2) All patrons in establishments.

22 Sec. 2. (a) The commission has the following powers for the
23 purpose of administering, regulating, and enforcing the system of
24 video gaming established under this article:

25 (1) All powers and duties specified in this article.

26 (2) All powers necessary and proper to fully and effectively
27 execute this article.

28 (3) The power to conduct hearings and to issue subpoenas for
29 the attendance of witnesses and subpoenas duces tecum for
30 the production of books, records, and other relevant
31 documents.

32 (4) The power to administer oaths and affirmations to
33 witnesses.

34 (5) The power to revoke, suspend, or renew licenses issued
35 under this article.

36 (6) The power to hire employees, gather information, conduct
37 investigations, and carry out other tasks under this article.

38 (b) The commission has the following duties for the purpose of
39 administering, regulating, and enforcing the system of video
40 gaming established under this article:

41 (1) To investigate and reinvestigate applicants, vendors,
42 suppliers, establishments, and licensees.



- 1 (2) To take appropriate administrative enforcement or
2 disciplinary action against a person regulated under this
3 article.
4 (3) To investigate alleged violations of this article.
5 (4) To take any reasonable or appropriate action to enforce
6 this article.
- 7 **Sec. 3. (a) The commission shall adopt rules under IC 4-22-2 for**
8 **the following purposes:**
9 (1) Administering this article.
10 (2) Establishing the conditions under which video gaming in
11 Indiana may be conducted.
12 (3) Providing for the prevention of practices detrimental to
13 the public interest and providing for the best interests of video
14 gaming in Indiana.
15 (4) Imposing penalties for noncriminal violations of this
16 article.
- 17 (b) The commission shall adopt rules in the manner provided
18 under IC 4-22-2 for the purposes described in subsection (a) to
19 enable video gaming in Indiana to commence as soon as possible
20 after June 30, 2024.
- 21 **Sec. 4. The commission shall do the following:**
22 (1) Conduct all hearings concerning civil violations of this
23 article.
24 (2) Levy and collect penalties for noncriminal violations of
25 this article.
26 (3) Deposit the penalties in the state general fund.
- 27 **Sec. 5. The commission shall adopt standards for the licensing**
28 **of the following:**
29 (1) Persons regulated under this article.
30 (2) Equipment necessary to conduct video gaming.
- 31 **Sec. 6. The commission shall issue a request for proposals for a**
32 **central communications system vendor and enter into a contract**
33 **with a central communications system vendor.**
- 34 **Sec. 7. The commission shall issue a request for proposals for an**
35 **independent outside testing laboratory for the examination of video**
36 **gaming terminals and associated equipment as required by this**
37 **article. The commission shall enter into contracts with at least two**
38 **(2) independent outside testing laboratories.**
- 39 **Sec. 8. If a licensee or an employee of a licensee violates this**
40 **article or engages in a fraudulent act, the commission may do any**
41 **combination of the following:**
42 (1) Suspend, revoke, or restrict the license of the licensee.



- 1 (2) Require the removal of the licensee or employee of a
2 licensee.
- 3 (3) Impose a civil penalty or fine upon the licensee or
4 employee.
- 5 **Sec. 9. (a) The commission shall employ investigators.**
- 6 **(b) An investigator employed by the commission is vested with**
7 **full police powers and duties to enforce this article.**
- 8 **(c) An investigator may issue a summons for an infraction or a**
9 **misdemeanor violation if the defendant promises to appear by**
10 **signing the summons. A defendant who signs a summons issued**
11 **under this subsection but fails to appear is subject to the penalties**
12 **provided by IC 35-44.1-2-10. Upon the defendant's failure to**
13 **appear, the court shall issue a warrant for the arrest of the**
14 **defendant.**
- 15 **(d) In addition to the powers and duties vested under subsection**
16 **(b), an investigator may act as an officer for the arrest of offenders**
17 **who violate the laws of Indiana if the investigator reasonably**
18 **believes that a crime has been, is being, or is about to be committed**
19 **or attempted in the investigator's presence.**
- 20 **Sec. 10. The commission shall establish the minimum amount of**
21 **insurance that must be maintained by an operator or an**
22 **establishment.**
- 23 **Chapter 4. Applicant Information**
- 24 **Sec. 1. This chapter applies to an applicant for any of the**
25 **following:**
- 26 (1) A manufacturer license.
- 27 (2) A distributor license.
- 28 (3) A supplier license.
- 29 (4) An operator license.
- 30 (5) An establishment license.
- 31 **Sec. 2. (a) Except as provided in subsection (b), an applicant for**
32 **a manufacturer license, distributor license, supplier license,**
33 **operator license, or establishment license must provide the**
34 **following information:**
- 35 (1) The name, business address, and business telephone
36 number of the applicant.
- 37 (2) The following information for an applicant that is not an
38 individual:
- 39 (A) The state of the applicant's incorporation or
40 registration.
- 41 (B) The names of all directors and officers.
- 42 (3) The identity of the following:



- 1 (A) Any person in which the applicant has an equity
 2 interest of at least one percent (1%) of all shares. The
 3 identification must include the state of incorporation or
 4 registration, if applicable. However, an applicant that has
 5 a pending registration statement filed with the Securities
 6 and Exchange Commission is not required to provide
 7 information under this clause.
- 8 (B) The shareholders or participants in the applicant. An
 9 applicant whose interests are publicly traded is required to
 10 provide only the names of the persons holding an equity
 11 interest of more than five percent (5%).
- 12 (4) An identification of any business, including the state of
 13 incorporation or registration, if applicable, in which an
 14 applicant, the spouse of the applicant, or a child of the
 15 applicant has an equity interest of more than five percent
 16 (5%).
- 17 (5) If the applicant has been indicted or convicted, has
 18 pleaded guilty or nolo contendere, or has forfeited bail
 19 concerning a criminal offense under the laws of any
 20 jurisdiction, the applicant must include the following
 21 information:
- 22 (A) The name and location of the following:
- 23 (i) The court.
- 24 (ii) The arresting law enforcement agency.
- 25 (iii) The prosecuting attorney.
- 26 (B) The case number.
- 27 (C) The date and type of the criminal offense.
- 28 (D) The disposition of the case.
- 29 (E) The location and duration of any periods of
 30 incarceration served by the applicant.
- 31 (6) If the applicant has had a license or a certificate issued by
 32 a licensing authority in Indiana or any other jurisdiction
 33 denied, restricted, suspended, revoked, or not renewed, the
 34 applicant must provide the following information:
- 35 (A) A statement describing the facts and circumstances
 36 concerning the authority's actions concerning the
 37 applicant's license or certificate.
- 38 (B) The date of the authority's action concerning the
 39 applicant's license or certificate.
- 40 (C) The reason for the authority's action concerning the
 41 applicant's license or certificate.
- 42 (7) If the applicant:



1 (A) has filed or has had filed against the applicant a
 2 proceeding in bankruptcy; or
 3 (B) has been involved in a formal process to adjust, defer,
 4 suspend, or work out the payment of a debt;
 5 the applicant must provide the date of filing, the name and
 6 location of the court, the case number of the proceeding, and
 7 the disposition of the proceeding.
 8 (8) If the applicant has filed or been served with a complaint
 9 or notice filed with a public body concerning:
 10 (A) a delinquency in the payment of; or
 11 (B) a dispute over the filing of;
 12 a return or the payment of a tax under federal, state, or local
 13 law, the applicant must include the amount of the disputed
 14 tax, the type of the disputed tax, the name of the taxing agency
 15 involved, and the time involved in the tax dispute.
 16 (9) A statement listing the names and positions of public
 17 officials, public officers, and the relatives of public officials
 18 and public officers who directly or indirectly:
 19 (A) have a financial interest in;
 20 (B) have a beneficial interest in;
 21 (C) are the creditors of;
 22 (D) hold a debt instrument issued by; or
 23 (E) have an interest in a contractual or service relationship
 24 with;
 25 the applicant.
 26 (10) Except as provided in subsection (b), if the applicant has
 27 directly or indirectly made a political contribution, loan,
 28 donation, or other payment to a candidate or an officeholder
 29 in Indiana in the five (5) years before the date of the
 30 application, the applicant must provide the amount and
 31 method of the payment.
 32 (11) The name and business telephone number of the attorney
 33 who will represent the applicant in matters before the
 34 commission.
 35 (12) A description of the product or service to be
 36 manufactured, distributed, or supplied by the applicant if the
 37 applicant is applying for a manufacturer, distributor, or
 38 supplier license.
 39 (b) Subsection (a)(10) does not apply to an applicant for an
 40 establishment license.
 41 Sec. 3. (a) The following information that may be submitted,
 42 collected, or gathered as part of an application for a license under



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this article is confidential for purposes of IC 5-14-3-4:

- (1) Any information concerning a minor child of the applicant.**
- (2) The Social Security number of the applicant or the applicant's spouse.**
- (3) The home telephone number of the applicant, the applicant's spouse, or the children of the applicant.**
- (4) The applicant's birth certificate.**
- (5) The driver's license number of the applicant or the applicant's spouse.**
- (6) The name or address of any former spouse of the applicant.**
- (7) The date of birth of the applicant's spouse.**
- (8) The place of birth of the applicant's spouse.**
- (9) The personal financial records of the applicant, the applicant's spouse, or a minor child of the applicant.**
- (10) Any information concerning the applicant being a victim of domestic violence, sexual assault, or stalking.**
- (11) The electronic mail address of the applicant, the spouse of an applicant, or a family member of an applicant.**

(b) In addition to information that is confidential under subsection (a), all information maintained by the commission concerning an applicant who holds, has held, or has applied for a license under this article:

- (1) is confidential for purposes of IC 5-14-3; and**
- (2) may be released by the commission only for law enforcement purposes or to a state agency.**

Sec. 4. Notwithstanding any other law, the commission shall provide upon written request the following information:

- (1) The information provided under section 2 of this chapter concerning a licensee or an applicant.**
- (2) The aggregate amount of tax paid to the state by all of the establishments located in each municipality or county.**
- (3) A copy of any documentation from the commission providing the reasons for the denial, revocation, suspension, or nonrenewal of a license.**
- (4) A copy of any documentation from the commission providing the reasons for the commission's refusal to allow an applicant to withdraw the applicant's application.**

Chapter 5. Licensing of Persons

Sec. 1. (a) The commission may issue the following licenses under this chapter to qualified applicants:



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- (1) A manufacturer license.
- (2) A distributor license.
- (3) A supplier license.
- (4) An operator license.
- (5) An establishment license.

(b) To obtain a license, a person must submit an application form, an application fee, and any information requested by the commission under this article.

(c) The commission shall, promptly and in reasonable order, approve or reject all license applications received under this article.

Sec. 2. The burden is on each applicant to demonstrate the applicant's suitability for a license issued under this article. The commission may issue or deny a license as provided by this article.

Sec. 3. An applicant for a license under this article must submit to a background investigation conducted by the commission with the assistance of the state police department or another law enforcement agency.

Sec. 4. A person may not be licensed under this article if any of the following apply:

- (1) The applicant has knowingly made a false statement of material fact to the commission.
- (2) The applicant is found by the commission to lack the necessary financial stability or responsibility to hold an establishment license issued under this article.
- (3) The applicant, if an individual, is less than twenty-one (21) years of age on the date on which the application is received by the commission.
- (4) The applicant is on the most recent tax warrant list.
- (5) The applicant, if an individual, has been convicted of or entered a plea of guilty or nolo contendere to a crime set forth in IC 35-45-5 or a crime of moral turpitude.
- (6) The applicant, if an individual, has been convicted of or entered a plea of guilty or nolo contendere to a felony under Indiana law, the laws of any other state, or the laws of the United States within the ten (10) years preceding the date of the license application.
- (7) The applicant, if an individual, has been convicted of or entered a plea of guilty or nolo contendere to a felony under Indiana law, the laws of any other state, or the laws of the United States more than ten (10) years preceding the date of the license application, unless the commission determines



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that:

(A) the individual has been pardoned or the individual's civil rights have been restored;

(B) after the conviction or entry of the plea, the individual has engaged in the kind of law abiding commerce and good citizenship that would reflect well upon the integrity of the commission; or

(C) the individual has terminated a relationship with a person whose actions directly contributed to the conviction or entry of the plea.

(8) The applicant fails to provide all materials requested by the commission.

(9) The applicant has a background, including a criminal record, reputation, habits, social or business associations, or prior activities, that poses a threat to the public interests of the state or to the security and integrity of video gaming.

(10) The applicant may create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of video gaming.

(11) The applicant presents questionable business practices and financial arrangements incidental to the conduct of video gaming operations.

Sec. 5. The fact that an applicant:

(1) has faced charges of a crime described in section 4(5) or 4(6) of this chapter that were ultimately dismissed; or

(2) has been charged with a crime described in section 4(5) or 4(6) of this chapter, but not convicted of the crime;

is not sufficient grounds to disqualify the applicant for a license under this article in the absence of other facts determined by the commission to support a finding of unsuitability under section 4(9) through 4(11) of this chapter.

Sec. 6. The costs of investigating an applicant for a license under this chapter must be paid from the initial license fee paid by the applicant under IC 4-39.5-13.

Sec. 7. The commission shall conduct or cause to be conducted a background investigation of each applicant for a license issued under this chapter.

Sec. 8. Criminal history record information obtained during the investigation of an individual must be maintained by the commission for the term of the license and for any subsequent license term.

Sec. 9. The commission may require that an application or other



1 document submitted by an applicant or a licensee must be sworn
2 to or affirmed before a notary public.

3 **Sec. 10. An applicant must furnish all information requested by**
4 **the commission, including financial data and documents,**
5 **certifications, consents, waivers, and individual histories.**

6 **Sec. 11. (a) An initial license issued under this chapter is valid**
7 **for one (1) year. A person holding a manufacturer license, a**
8 **distributor license, a supplier license, or an operator license may**
9 **annually renew the license if:**

10 (1) the commission determines that the person satisfies the
11 conditions of this article; and

12 (2) the person pays the annual license renewal fee under
13 IC 4-39.5-13.

14 (b) A person holding a manufacturer license, a distributor
15 license, a supplier license, or an operator license is subject to a
16 complete investigation every three (3) years to determine that the
17 person is in compliance with this article. The costs of the
18 investigation must be paid from the license renewal fee paid under
19 IC 4-39.5-13.

20 (c) Notwithstanding subsection (b), the commission may
21 investigate a person holding a manufacturer license, a distributor
22 license, a supplier license, or an operator license at any time the
23 commission determines that an investigation is necessary to ensure
24 that the person remains in compliance with this article.

25 **Sec. 12. (a) The commission may issue an establishment license**
26 **to an applicant that satisfies the requirements of this article.**

27 (b) An establishment license allows the licensee to conduct video
28 gaming under a video gaming terminal installation contract at the
29 street address specified in the licensee's application for the
30 establishment license. A person must obtain a separate
31 establishment license for each premises at which the person wishes
32 to conduct video gaming under a video gaming terminal
33 installation contract.

34 (c) An establishment license issued under this chapter is valid
35 for one (1) year. An establishment may annually renew the license
36 if:

37 (1) the commission determines that the establishment satisfies
38 the conditions of this article; and

39 (2) the establishment pays the annual license renewal fee
40 under IC 4-39.5-13.

41 **Sec. 13. (a) To qualify for an establishment license, a person**
42 **must operate:**



- 1 (1) a fraternal organization establishment, as defined by
- 2 IC 4-39.5-2-8;
- 3 (2) a veterans organization establishment, as defined by
- 4 IC 4-39.5-2-21;
- 5 (3) except as provided in subsection (b)(5), an establishment
- 6 licensed under IC 7.1-3 to sell alcoholic beverages to
- 7 customers for consumption on the premises of the
- 8 establishment; or
- 9 (4) a truck stop establishment, as defined by IC 4-39.5-2-19.
- 10 (b) The following may not apply for an establishment license
- 11 under this article:
- 12 (1) A person holding a horse track permit under IC 7.1-3-17.7.
- 13 (2) A licensed owner of a riverboat licensed under IC 4-33.
- 14 (3) An operating agent who operates a riverboat in a historic
- 15 hotel district under IC 4-33-6.5.
- 16 (4) A person holding a gambling game license issued under
- 17 IC 4-35-5.
- 18 (5) A person holding a permit issued under IC 7.1-3 for any of
- 19 the following:
- 20 (A) A boat permit.
- 21 (B) A hotel permit.
- 22 (C) A resort hotel permit.
- 23 (D) An airport permit.
- 24 (E) A satellite facility permit.
- 25 (F) A microbrewery permit.
- 26 (G) A social club permit.
- 27 (H) A civic center permit.
- 28 (I) A catering hall permit.
- 29 (J) A dining car permit.
- 30 (K) A temporary event permit.
- 31 (L) A permit for any of the following facilities:
- 32 (i) A stadium.
- 33 (ii) An automobile race track.
- 34 (iii) A concert hall.
- 35 (6) A person (other than a truck stop establishment) operating
- 36 a convenience store.
- 37 **Sec. 14. If the commission proposes to revoke a license issued**
- 38 **under this chapter, the licensee may continue to operate under the**
- 39 **license until the commission has made a decision and all**
- 40 **administrative appeals have been exhausted by the licensee.**
- 41 **Chapter 6. Restrictions on Licensees and Other Persons**
- 42 **Sec. 1. A person holding a manufacturer license or a person**



1 holding an interest in a person holding a manufacturer license may
2 not:

- 3 (1) hold an operator license;
4 (2) hold an establishment license; or
5 (3) own an equity interest in a person holding an operator
6 license or establishment license.

7 Sec. 2. A person holding a distributor license or a person
8 holding an interest in a person holding a distributor license may
9 not:

- 10 (1) hold an operator license;
11 (2) hold an establishment license; or
12 (3) own an equity interest in a person holding an operator
13 license or establishment license.

14 Sec. 3. A person holding a supplier license or a person holding
15 an interest in a person holding a supplier license may not:

- 16 (1) hold an establishment license; or
17 (2) own an equity interest in a person holding an
18 establishment license.

19 Sec. 4. A person holding an operator license or a person holding
20 an interest in a person holding an operator license may not:

- 21 (1) hold a manufacturer license;
22 (2) hold a distributor license;
23 (3) hold an establishment license; or
24 (4) own an equity interest in a person holding a manufacturer
25 license, a distributor license, or an establishment license.

26 Sec. 5. A person holding an establishment license or an owner or
27 a manager of a person holding an establishment license may not:

- 28 (1) hold a manufacturer license;
29 (2) hold a distributor license;
30 (3) hold a supplier license;
31 (4) hold an operator license; or
32 (5) own an equity interest in a person holding a manufacturer
33 license, a distributor license, a supplier license, or an operator
34 license.

35 Sec. 6. Notwithstanding sections 1 through 5 of this chapter, a
36 licensee may hold an otherwise prohibited equity interest of not
37 more than five percent (5%) in another person holding a license
38 under this article if the other person is registered with the
39 Securities and Exchange Commission.

40 Sec. 7. A person may not assemble, sell, lease, or contract to sell
41 or lease a video gaming terminal to a distributor unless the person
42 holds a valid manufacturer license.



1 **Sec. 8. A person may not sell, lease, or contract to sell or lease**
 2 **a video gaming terminal to an operator unless the person holds a**
 3 **valid distributor license.**

4 **Sec. 9. A person may not place, install, or manage the operations**
 5 **of a video gaming terminal or the major components or parts of a**
 6 **video gaming terminal in an establishment unless the person holds**
 7 **a valid operator license. A person may not own or lease a video**
 8 **gaming terminal or major components or parts of a video gaming**
 9 **terminal unless the person holds a valid operator license.**

10 **Sec. 10. A person may not service, maintain, repair, possess,**
 11 **control, or have access to a video gaming terminal or major**
 12 **components or parts of a video gaming terminal unless the person**
 13 **holds a valid operator license under this article.**

14 **Sec. 11. (a) A manufacturer may not:**

- 15 (1) be licensed as an operator; or
- 16 (2) own, control, or manage an establishment.

17 **(b) A distributor may not:**

- 18 (1) be licensed as an operator; or
- 19 (2) own, control, or manage an establishment.

20 **(c) An operator may not:**

- 21 (1) be licensed as a manufacturer or distributor; or
- 22 (2) own, control, or manage an establishment.

23 **(d) An operator may contract only with other licensees under**
 24 **this article.**

25 **Sec. 12. (a) An operator may not give anything of value,**
 26 **including a loan or a financing arrangement, to any establishment**
 27 **as an incentive or inducement to locate video gaming terminals in**
 28 **that establishment.**

29 **(b) An establishment may not accept anything of value,**
 30 **including a loan or a financing arrangement, from any person as**
 31 **an incentive or inducement to locate video gaming terminals in that**
 32 **establishment.**

33 **Chapter 7. Video Gaming Terminal Standards**

34 **Sec. 1. A licensee may not install a video gaming terminal in a**
 35 **licensed establishment under a video gaming terminal installation**
 36 **contract unless the video gaming terminal has been approved by**
 37 **the commission.**

38 **Sec. 2. The commission may use the services of an independent**
 39 **testing laboratory to test video gaming terminals for compliance**
 40 **with this chapter.**

41 **Sec. 3. A video gaming terminal must do the following to satisfy**
 42 **the requirements for approval under this chapter:**



- 1 (1) Conform to all requirements of federal law, including
 2 Class A Emissions Standards imposed under 47 CFR 15.
 3 (2) Pay out a mathematically demonstrable percentage during
 4 the service life of the terminal of at least eighty percent
 5 (80%), but not more than ninety-five percent (95%).
 6 (3) Use a random selection process to determine the outcome
 7 of each play of a game.
 8 (4) Use a random selection process that meets ninety-nine
 9 percent (99%) confidence limits using a standard chi-square
 10 test for goodness of fit.
 11 (5) Display an accurate representation of the game outcome.
 12 (6) Be capable of detecting and displaying the following
 13 conditions during an idle state or on demand:
 14 (A) Power reset.
 15 (B) Door open.
 16 (C) Door just closed.
 17 (7) Be capable of displaying complete play history, including
 18 outcome, intermediate play steps, credits available, bets
 19 placed, credits paid, and credits cashed out, for the eleven (11)
 20 games most recently played on the terminal.
 21 (8) Allow for the replacement of parts or modules required
 22 for normal maintenance without requiring the replacement of
 23 the electromechanical meters.
 24 (9) House in a locked area of the terminal meters that:
 25 (A) are incapable of being reset; and
 26 (B) keep a permanent record of the value of any electronic
 27 card inserted into the terminal, all winnings made by the
 28 terminal printer, credits played, and credits won by video
 29 gaming players.
 30 (10) Allow on demand display of the information recorded in
 31 compliance with subdivision (9)(B).
 32 (11) Use accounting software that keeps an electronic record
 33 of at least the following information:
 34 (A) The total value of all electronic cards inserted into the
 35 terminal.
 36 (B) The value of winning tickets claimed by players.
 37 (C) The total credits played.
 38 (D) The total credits awarded by the terminal.
 39 (E) The payback percentage credited to the players of each
 40 game.
 41 (12) Link to a central communications system to provide
 42 auditing program information required by the commission.



1 **Sec. 4. The commission may not approve a video gaming**
2 **terminal:**

3 **(1) on which an automatic alteration of pay tables or any**
4 **function of the video gaming terminal through an internal**
5 **computation of hold percentage is possible;**

6 **(2) that is subject to any means of manipulation that affects**
7 **the random selection process or the probabilities of winning**
8 **a game; or**

9 **(3) that may be adversely affected by a static discharge or**
10 **other electromagnetic interference.**

11 **Sec. 5. The theoretical payback percentage of a video gaming**
12 **terminal may not be altered except by changing the hardware or**
13 **software of the video gaming terminal on site or through the**
14 **central communications system required by IC 4-39.5-9-5.**

15 **Sec. 6. The operator shall retain any electronically stored meter**
16 **information recorded in accordance with this chapter for at least**
17 **one hundred eighty (180) days after a loss of electric power to a**
18 **video gaming terminal in service at a licensed establishment.**

19 **Chapter 8. Video Gaming Terminal Installation Contract**

20 **Sec. 1. A video gaming terminal installation contract must**
21 **include the following terms and conditions:**

22 **(1) An affirmative statement that no inducement was offered**
23 **by the operator, the agent of the operator, or any other person**
24 **regarding the placement and operation of video gaming**
25 **terminals on the premises of the establishment.**

26 **(2) A provision prohibiting the operator from assigning the**
27 **contract to an unlicensed entity.**

28 **(3) A provision releasing the establishment from all**
29 **contractual obligations to the operator if the operator**
30 **surrenders its license, the license of the operator is revoked,**
31 **or the commission declines to renew the license of the**
32 **operator.**

33 **(4) A provision that indemnifies and holds harmless the state,**
34 **the commission, and any agent of the commission with respect**
35 **to a cause of action arising from the contract.**

36 **(5) A statement that the operator's obligation to place video**
37 **gaming terminals and the establishment's obligation to allow**
38 **the placement of video gaming terminals are both conditioned**
39 **upon the parties obtaining the necessary licenses to conduct**
40 **video gaming under this article.**

41 **Sec. 2. A video gaming terminal installation contract entered**
42 **into under this article must require the adjusted gross receipts**



1 derived from video gaming to be allocated as follows:

2 (1) Thirty percent (30%) to the state in the form of taxes
3 remitted under IC 4-39.5-12.

4 (2) Thirty-five percent (35%) to the operator.

5 (3) Thirty-five percent (35%) to the establishment.

6 **Chapter 9. Conduct of Video Gaming**

7 **Sec. 1. (a)** In the case of an establishment licensed for the
8 consumption of alcoholic beverages on the premises of the
9 establishment, a video gaming terminal may be played only during
10 the period beginning one (1) hour before the lawful consumption
11 of alcoholic beverages begins in the establishment and ending one
12 (1) hour after the lawful consumption of alcoholic beverages ends
13 in the establishment.

14 (b) An establishment that violates this section is subject to:

15 (1) the suspension, termination, or revocation of the
16 establishment's license; or

17 (2) other disciplinary action as determined by the commission.

18 **Sec. 2.** An operator must own or lease each video gaming
19 terminal installed under this article. An operator is responsible for
20 maintaining each video gaming terminal owned or leased by the
21 operator. An operator shall ensure that each video gaming
22 terminal owned or leased by the operator is in compliance with this
23 article and the requirements of the commission.

24 **Sec. 3. (a)** An operator must maintain liability insurance on any
25 video gaming terminal or equipment placed or installed in an
26 establishment by the operator.

27 (b) An establishment must maintain liability insurance on any
28 video gaming terminal or equipment placed or installed in the
29 establishment under a video gaming terminal installation contract
30 under IC 4-39.5-8.

31 (c) The commission shall determine the minimum amount of
32 insurance required by this section.

33 **Sec. 4.** An establishment shall conspicuously display the
34 following information on a poster or placard in the public area of
35 the establishment in which video gaming is conducted:

36 (1) The telephone number of the toll free telephone line
37 described in IC 4-33-12-9(c).

38 (2) That the area is restricted to individuals who are at least
39 twenty-one (21) years of age.

40 (3) The telephone number of the operator.

41 **Sec. 5. (a)** An operator must ensure that each video gaming
42 terminal in Indiana is linked to a central communications system.



1 **(b) The central communications system required by this section**
 2 **must:**

- 3 **(1) have a game to system communication protocol;**
 4 **(2) use a standard industry protocol approved by the**
 5 **commission; and**
 6 **(3) allow the commission or the operator to activate or**
 7 **deactivate a particular video gaming terminal from a remote**
 8 **location.**

9 **Sec. 6. An operator is liable for the video gaming wagering tax**
 10 **imposed under IC 4-39.5-12.**

11 **Sec. 7. An operator shall display the odds of winning each game**
 12 **on or near each video gaming terminal, including the manner in**
 13 **which the odds are calculated.**

14 **Sec. 8. Each video gaming terminal in an establishment must be**
 15 **installed in an area separated from the public spaces of the**
 16 **establishment in which a minor may be present. The entrance to**
 17 **the area must be within the view at all times of at least one (1)**
 18 **employee who is at least twenty-one (21) years of age. An**
 19 **establishment may comply with this section by erecting a physical**
 20 **barrier to the video gaming area, including a partition, gate, or**
 21 **rope that is secured to the floor or walls.**

22 **Sec. 9. A maximum of five (5) video gaming terminals may be**
 23 **installed in a particular licensed establishment.**

24 **Sec. 10. The cost of a credit must be one (1) of the following**
 25 **amounts:**

- 26 **(1) One cent (\$0.01).**
 27 **(2) Five cents (\$0.05).**
 28 **(3) Ten cents (\$0.10).**
 29 **(4) Twenty-five cents (\$0.25).**

30 **Sec. 11. The maximum amount that a patron may wager on a**
 31 **particular game on any individual hand on a video gaming**
 32 **terminal is two dollars (\$2).**

33 **Sec. 12. The maximum amount that a patron may win on any**
 34 **individual hand on a video gaming terminal is five hundred**
 35 **ninety-nine dollars (\$599).**

36 **Sec. 13. A video gaming terminal may not directly dispense cash,**
 37 **coins, or any article of exchange or value other than a payment**
 38 **ticket.**

39 **Sec. 14. A patron must be able to obtain a payment ticket at the**
 40 **end of the patron's play by pressing a ticket dispensing button on**
 41 **the video gaming terminal.**

42 **Sec. 15. A payment ticket must include the following**



- 1 information:
- 2 (1) The total amount of credits and the amount of the cash
- 3 award, if any, won by the patron.
- 4 (2) The date and time that the payment ticket is dispensed.
- 5 (3) The serial number of the video gaming terminal.
- 6 (4) The sequential number of the payment ticket.
- 7 (5) An encrypted validation number from which the validity
- 8 of the cash award, if any, may be determined.
- 9 (6) The one (1) year expiration date of the payment ticket.
- 10 Sec. 16. A patron may collect any cash award won on a video
- 11 gaming terminal by submitting the payment ticket into a payout
- 12 device located in the establishment.
- 13 Sec. 17. The following persons may not wager on a video gaming
- 14 terminal:
- 15 (1) An employee of the commission.
- 16 (2) A person less than twenty-one (21) years of age.
- 17 Sec. 18. (a) Except as provided in subsection (c), video gaming
- 18 may not be conducted at an establishment located within one
- 19 hundred (100) feet of a school or place of worship.
- 20 (b) Except as provided in subsection (c), video gaming may not
- 21 be conducted at an establishment located within one thousand
- 22 (1,000) feet of a riverboat regulated under IC 4-33 or a gambling
- 23 game facility regulated under IC 4-35.
- 24 (c) The prohibitions on video gaming near facilities described in
- 25 subsections (a) and (b) do not apply if a facility described in
- 26 subsection (a) or (b) is opened within the minimum distance of an
- 27 establishment after video gaming has commenced at the
- 28 establishment.
- 29 Chapter 10. Crimes and Penalties
- 30 Sec. 1. A person who knowingly or intentionally:
- 31 (1) makes a false statement on an application submitted under
- 32 this article;
- 33 (2) conducts video gaming in a manner other than the manner
- 34 required by this article; or
- 35 (3) permits a person less than twenty-one (21) years of age to
- 36 make a wager on a video gaming terminal;
- 37 commits a Class A misdemeanor.
- 38 Sec. 2. A licensee who knowingly or intentionally violates
- 39 IC 4-39.5-6-12 commits a Level 6 felony.
- 40 Sec. 3. The commission may impose a civil penalty of not more
- 41 than five thousand dollars (\$5,000) upon a licensee that permits a
- 42 person barred from wagering under IC 4-39.5-9-17 to place a



1 wager on a video gaming terminal.

2 **Chapter 11. Judicial Review**

3 **Sec. 1. Except as provided in this article, IC 4-21.5 applies to**
4 **actions of the commission.**

5 **Sec. 2. An appeal of a final rule or order of the commission**
6 **issued under this article may be commenced under IC 4-21.5 in the**
7 **circuit court of the county containing an affected licensed**
8 **establishment.**

9 **Sec. 3. (a) The commission may require a licensee to suspend**
10 **video gaming operations without notice or hearing if the**
11 **commission determines that the safety or health of patrons or**
12 **employees would be threatened by the continued operation of video**
13 **gaming in the licensed establishment.**

14 **(b) The suspension of video gaming operations under this**
15 **section may remain in effect until the commission determines that**
16 **the cause for suspension has been abated. The commission may**
17 **revoke a license issued under this article if the commission**
18 **determines that the licensee has not made satisfactory progress**
19 **toward abating the hazard.**

20 **Chapter 12. Video Gaming Wagering Tax**

21 **Sec. 1. A tax is imposed on the adjusted gross receipts from**
22 **video gaming authorized under this article at the rate of thirty**
23 **percent (30%). Each operator owning or leasing a video gaming**
24 **terminal on which video gaming is conducted is liable for the tax**
25 **imposed by this section.**

26 **Sec. 2. An operator shall remit an amount equal to the thirty**
27 **percent (30%) tax imposed by section 1 of this chapter to the**
28 **department before the fifteenth day of the calendar month**
29 **following the calendar month in which the adjusted gross receipts**
30 **are received by the operator. The operator shall divide the**
31 **remaining seventy percent (70%) of the adjusted gross receipts as**
32 **provided in IC 4-39.5-8-2(2) and IC 4-39.5-8-2(3).**

33 **Sec. 3. The operator shall submit the following information to**
34 **the department on a form prescribed by the department before the**
35 **fifteenth day of each month:**

36 **(1) The total amount of adjusted gross receipts received from**
37 **video gaming in the previous month.**

38 **(2) The total amount of gross receipts received from video**
39 **gaming in the previous month.**

40 **(3) The total amount of taxes remitted under section 2 of this**
41 **chapter.**

42 **(4) The information required by subdivisions (1) through (3)**



1 for each licensed establishment conducting video gaming on
 2 video gaming terminals owned or leased by the operator in
 3 the previous month.

4 (5) The location of each establishment conducting video
 5 gaming on video gaming terminals owned or leased by the
 6 operator in the previous month, including whether the
 7 establishment is located in an unincorporated area of a
 8 county.

9 Sec. 4. The department shall require payment under this
 10 chapter to be made by electronic funds transfer (as defined by
 11 IC 4-8.1-2-7(f)).

12 Sec. 5. (a) Except as provided in subsection (b), the department
 13 shall do the following with the tax revenue remitted to the
 14 department each month under section 2 of this chapter:

15 (1) Set aside thirty-five percent (35%) of the tax revenue for
 16 a quarterly allocation to the municipality where the licensed
 17 establishment conducting video gaming on video gaming
 18 terminals owned or leased by the operator that submitted the
 19 taxes is located.

20 (2) Set aside thirty-five percent (35%) of the tax revenue for
 21 a quarterly allocation to the county where the licensed
 22 establishment conducting video gaming on video gaming
 23 terminals owned or leased by the operator that submitted the
 24 taxes is located.

25 (3) Deposit thirty percent (30%) of the tax revenue in the state
 26 general fund.

27 (b) If tax revenue is collected from an operator that operates in
 28 an unincorporated area of a county, the department shall do the
 29 following with the tax revenue remitted to the department each
 30 month under section 2 of this chapter:

31 (1) Set aside seventy percent (70%) of the tax revenue for a
 32 quarterly allocation to the county where the licensed
 33 establishment conducting video gaming on video gaming
 34 terminals owned or leased by the operator that submitted the
 35 taxes is located.

36 (2) Deposit thirty percent (30%) of the tax revenue in the state
 37 general fund.

38 (c) A county may use the tax revenue received under this section
 39 only for the following purposes:

40 (1) Mental health treatment for jail inmates.

41 (2) Addiction interventions for jail inmates.

42 (3) Contributions to the pension fund of the county's sheriff's



- 1 department.
- 2 (4) Training and equipment for the county's sheriff's
- 3 department.
- 4 (d) A municipality may use the tax revenue received under this
- 5 section only for the following purposes:
- 6 (1) Mental health treatment for jail inmates.
- 7 (2) Addiction interventions for jail inmates.
- 8 (3) Contributions to the 1977 police officers' and firefighters'
- 9 pension and disability fund established by IC 36-8-8-4.
- 10 (4) Training and equipment for the police department of the
- 11 municipality.

12 Chapter 13. License Fees

13 Sec. 1. The commission shall charge the following initial license
14 fees:

- 15 (1) Twenty-five thousand dollars (\$25,000) for an initial
- 16 manufacturer license, an initial distributor license, or an
- 17 initial supplier license issued to a person residing or domiciled
- 18 in Indiana.
- 19 (2) Thirty-five thousand dollars (\$35,000) for an initial
- 20 manufacturer license, an initial distributor license, or an
- 21 initial supplier license issued to a person residing or domiciled
- 22 in a state other than Indiana or a country other than the
- 23 United States.
- 24 (3) Fifteen thousand dollars (\$15,000) for an initial operator
- 25 license issued to a person residing or domiciled in Indiana.
- 26 (4) Twenty-five thousand dollars (\$25,000) for an initial
- 27 operator license issued to a person residing or domiciled in a
- 28 state other than Indiana or a country other than the United
- 29 States.
- 30 (5) Five hundred dollars (\$500) for an initial establishment
- 31 license.

32 Sec. 2. (a) A person holding a distributor license, a
33 manufacturer license, or a supplier license shall pay an annual
34 license renewal fee of ten thousand dollars (\$10,000).

35 (b) A person holding an operator license shall pay an annual
36 license renewal fee of five thousand dollars (\$5,000).

37 (c) The commission shall charge each person holding an
38 establishment license the following annual license renewal fees:

- 39 (1) One hundred dollars (\$100) for a licensed establishment
- 40 that had adjusted gross receipts of less than twenty-five
- 41 thousand dollars (\$25,000) in the previous twelve (12)
- 42 calendar months.



1 **(2) Two hundred fifty dollars (\$250) for a licensed**
 2 **establishment that had adjusted gross receipts of at least**
 3 **twenty-five thousand dollars (\$25,000) but less than fifty**
 4 **thousand dollars (\$50,000) in the previous twelve (12)**
 5 **calendar months.**

6 **(3) Five hundred dollars (\$500) for a licensed establishment**
 7 **that had adjusted gross receipts of at least fifty thousand**
 8 **dollars (\$50,000) but less than one hundred thousand dollars**
 9 **(\$100,000) in the previous twelve (12) calendar months.**

10 **(4) One thousand dollars (\$1,000) for a licensed establishment**
 11 **that had adjusted gross receipts of at least one hundred**
 12 **thousand dollars (\$100,000) in the previous twelve (12)**
 13 **calendar months.**

14 **Sec. 3. A licensee shall pay the annual license renewal fee due**
 15 **under section 2 of this chapter on the first day of the calendar**
 16 **month containing the anniversary date of the issuance of the**
 17 **licensee's establishment license.**

18 **Sec. 4. The commission shall deposit the following into the state**
 19 **general fund:**

20 **(1) All fees collected under this chapter.**

21 **(2) All application fees received under IC 4-39.5-5.**

22 SECTION 3. IC 6-8.1-1-1, AS AMENDED BY P.L.1-2023,
 23 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2024]: Sec. 1. "Listed taxes" or "taxes" includes only the
 25 pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the supplemental
 26 wagering tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the
 27 slot machine wagering tax (IC 4-35-8); the type II gambling game
 28 excise tax (IC 4-36-9); **the video gaming wagering tax (IC**
 29 **4-39.5-12)**; the gross income tax (IC 6-2.1) (repealed); the utility
 30 receipts and utility services use taxes (IC 6-2.3) (repealed); the state
 31 gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC
 32 6-3); the pass through entity tax (IC 6-3-2.1); the supplemental net
 33 income tax (IC 6-3-8) (repealed); the county adjusted gross income tax
 34 (IC 6-3.5-1.1) (repealed); the county option income tax (IC 6-3.5-6)
 35 (repealed); the county economic development income tax (IC 6-3.5-7)
 36 (repealed); the local income tax (IC 6-3.6); the auto rental excise tax
 37 (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC
 38 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC
 39 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under
 40 IC 6-8.1-3; the vehicle excise tax (IC 6-6-5); the aviation fuel excise
 41 tax (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the
 42 excise tax imposed on recreational vehicles and truck campers (IC



1 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) (repealed); the
 2 heavy equipment rental excise tax (IC 6-6-15); the vehicle sharing
 3 excise tax (IC 6-6-16); the cigarette tax (IC 6-7-1); the closed system
 4 cartridge tax (IC 6-7-2-7.5); the electronic cigarette tax (IC 6-7-4); the
 5 beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine
 6 excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the
 7 petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC
 8 6-9); the various food and beverage taxes (IC 6-9); the county
 9 admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC
 10 16-44-2); the penalties assessed for oversize vehicles (IC 9-20-3 and
 11 IC 9-20-18); the fees and penalties assessed for overweight vehicles (IC
 12 9-20-4 and IC 9-20-18); and any other tax or fee that the department is
 13 required to collect or administer.

14 SECTION 4. IC 35-45-5-15 IS ADDED TO THE INDIANA CODE
 15 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2024]: **Sec. 15. This chapter does not apply to video gaming
 17 authorized by IC 4-39.5.**

18 SECTION 5. IC 35-52-4-36 IS ADDED TO THE INDIANA CODE
 19 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2024]: **Sec. 36. IC 4-39.5-10-1 defines a crime concerning video
 21 gaming.**

22 SECTION 6. IC 35-52-4-37 IS ADDED TO THE INDIANA CODE
 23 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2024]: **Sec. 37. IC 4-39.5-10-2 defines a crime concerning video
 25 gaming.**

