

HOUSE BILL No. 1335

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-32.3-1-1; IC 4-39; 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, 2021.

Judy, Bartels, Baird

January 14, 2021, read first time and referred to Committee on Public Policy.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1335

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, 2021]: 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.**
- 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 IS ADDED TO THE INDIANA CODE AS A
- 27 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 28 2021]:
- 29 **ARTICLE 39. VIDEO GAMING IN ESTABLISHMENTS**
- 30 **Chapter 1. General Provisions**
- 31 **Sec. 1. This article applies only to wagering on video gaming**
- 32 **terminals located in licensed establishments under a video gaming**
- 33 **terminal installation contract described in IC 4-39-8.**
- 34 **Sec. 2. All shipments of video gaming terminals to a**
- 35 **manufacturer, distributor, supplier, operator, or establishment in**
- 36 **Indiana, the registering, recording, and labeling of which have**
- 37 **been completed by the manufacturer or dealer in accordance with**
- 38 **15 U.S.C. 1171 through 15 U.S.C. 1178, are legal shipments of**
- 39 **gambling devices into Indiana.**
- 40 **Sec. 3. Under 15 U.S.C. 1172, approved January 2, 1951, the**
- 41 **state of Indiana, acting by and through elected and qualified**
- 42 **members of the general assembly, declares that the state is exempt**



1 from 15 U.S.C. 1172.

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

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

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

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

20 **(e) An ordinance prohibiting video gaming in existence on June**
 21 **30, 2021, is preempted by this article. However, the legislative body**
 22 **of:**

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

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

27 **after June 30, 2021.**

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

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

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

33 **Chapter 2. Definitions**

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

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

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

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

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

41 **Sec. 4. "Convenience store" refers to a store or food mart that**
 42 **is primarily engaged in:**



- 1 (1) the retail sale of a line of goods that may include milk,
2 bread, soda, and snacks; or
3 (2) the retail sale of automotive fuels and the retail sale of a
4 line of goods that may include milk, bread, soda, and snacks.
5 **Sec. 5. "Department"** refers to the department of state revenue.
6 **Sec. 6. "Distributor"** means a person licensed under this article
7 to:
8 (1) buy a video gaming terminal from a manufacturer; and
9 (2) sell, lease, or otherwise distribute a video gaming terminal
10 or major components or parts of a video gaming terminal to
11 an operator.
12 **Sec. 7. "Establishment"** means either of the following locations
13 licensed to have video gaming terminals on the premises:
14 (1) A veterans organization establishment.
15 (2) A fraternal organization establishment.
16 **Sec. 8. "Fraternal organization establishment"** means the
17 premises on which an organization or institution that:
18 (1) is organized and conducted on a nonprofit basis;
19 (2) is exempt from federal income taxation under Section
20 501(c) of the Internal Revenue Code;
21 (3) is a branch, lodge, or chapter of a national organization;
22 and
23 (4) exists for the common charitable purposes, brotherhood,
24 and other interests of its members.
25 **Sec. 9. "Gambling game"** means a game played on a video
26 gaming terminal approved for wagering under this article by the
27 commission.
28 **Sec. 10. "Gross receipts"** means the total amount of money
29 wagered, either by cash or ticket, by patrons on a video gaming
30 terminal in an establishment.
31 **Sec. 11. "Licensee"** means a person holding a license issued
32 under this article.
33 **Sec. 12. "Manufacturer"** means a person that is licensed under
34 this article to:
35 (1) manufacture or assemble video gaming terminals; and
36 (2) sell video gaming terminals to a distributor.
37 **Sec. 13. "Operator"** means a person that is licensed under this
38 article to own or lease, install, maintain, and operate video gaming
39 terminals at an establishment located in Indiana.
40 **Sec. 14. "Patron"** means an individual who wagers on gambling
41 games played on a video gaming terminal.
42 **Sec. 15. "Payment ticket"** means a ticket dispensed by a video



1 gaming terminal in exchange for credits accumulated on a video
2 gaming terminal.

3 **Sec. 16. "Payout device" means a device that redeems a**
4 **payment ticket with cash.**

5 **Sec. 17. "Person" means an individual, a sole proprietorship, a**
6 **partnership, an association, a fiduciary, a corporation, a limited**
7 **liability company, or any other business entity.**

8 **Sec. 18. "Supplier" means a person that is licensed under this**
9 **article to supply major components or parts to video gaming**
10 **terminals and payout devices.**

11 **Sec. 19. "Vendor" means a person that provides or proposes to**
12 **provide goods or services to the commission. The term does not**
13 **include an employee of the commission, a licensed establishment,**
14 **a licensee, or a state agency.**

15 **Sec. 20. "Veterans organization establishment" means the**
16 **premises on which an organization or institution that is:**

- 17 (1) organized and conducted on a nonprofit basis;
- 18 (2) exempt from federal income taxation under Section 501(c)
- 19 of the Internal Revenue Code; and
- 20 (3) is a branch or chapter of a national veterans organization.

21 **Sec. 21. "Video gaming terminal" means an electronic video**
22 **gaming machine that:**

- 23 (1) is available for consideration in the form of cash or a ticket
- 24 to play or simulate the play of a gambling game, including
- 25 poker, line up, and blackjack, using a video display and
- 26 microprocessors; and
- 27 (2) awards winning players with free games or credits that
- 28 may be redeemed for cash.

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

31 **Sec. 22. "Video gaming terminal installation contract" means**
32 **a contractual agreement between:**

- 33 (1) an operator or a person eligible to apply for an operator's
- 34 license; and
- 35 (2) an establishment or a person eligible to apply for an
- 36 establishment license;

37 **that sets forth the terms and conditions for the placement,**
38 **installation, and operation of video gaming terminals on the**
39 **premises of the establishment.**

40 **Chapter 3. Powers and Duties of the Indiana Gaming**
41 **Commission**

42 **Sec. 1. The commission has jurisdiction and supervision over the**



- 1 following:
- 2 (1) All video gaming operations in Indiana.
- 3 (2) All patrons in establishments.
- 4 Sec. 2. (a) The commission has the following powers for the
- 5 purpose of administering, regulating, and enforcing the system of
- 6 video gaming established under this article:
- 7 (1) All powers and duties specified in this article.
- 8 (2) All powers necessary and proper to fully and effectively
- 9 execute this article.
- 10 (3) The power to conduct hearings and to issue subpoenas for
- 11 the attendance of witnesses and subpoenas duces tecum for
- 12 the production of books, records, and other relevant
- 13 documents.
- 14 (4) The power to administer oaths and affirmations to
- 15 witnesses.
- 16 (5) The power to revoke, suspend, or renew licenses issued
- 17 under this article.
- 18 (6) The power to hire employees, gather information, conduct
- 19 investigations, and carry out other tasks under this article.
- 20 (b) The commission has the following duties for the purpose of
- 21 administering, regulating, and enforcing the system of video
- 22 gaming established under this article:
- 23 (1) To investigate and reinvestigate applicants, vendors,
- 24 suppliers, establishments, and licensees.
- 25 (2) To take appropriate administrative enforcement or
- 26 disciplinary action against a person regulated under this
- 27 article.
- 28 (3) To investigate alleged violations of this article.
- 29 (4) To take any reasonable or appropriate action to enforce
- 30 this article.
- 31 Sec. 3. (a) The commission shall adopt rules under IC 4-22-2 for
- 32 the following purposes:
- 33 (1) Administering this article.
- 34 (2) Establishing the conditions under which video gaming in
- 35 Indiana may be conducted.
- 36 (3) Providing for the prevention of practices detrimental to
- 37 the public interest and providing for the best interests of video
- 38 gaming in Indiana.
- 39 (4) Imposing penalties for noncriminal violations of this
- 40 article.
- 41 (b) The commission shall adopt emergency rules in the manner
- 42 provided under IC 4-22-2-37.1 for the purposes described in



1 subsection (a) to enable video gaming in Indiana to commence as
2 soon as possible after June 30, 2021.

3 **Sec. 4. The commission shall do the following:**

4 (1) Conduct all hearings concerning civil violations of this
5 article.

6 (2) Levy and collect penalties for noncriminal violations of
7 this article.

8 (3) Deposit the penalties in the state general fund.

9 **Sec. 5. The commission shall adopt standards for the licensing
10 of the following:**

11 (1) Persons regulated under this article.

12 (2) Equipment necessary to conduct video gaming.

13 **Sec. 6. The commission shall issue a request for proposals for a
14 central communications system vendor and enter into a contract
15 with a central communications system vendor.**

16 **Sec. 7. The commission shall issue a request for proposals for an
17 independent outside testing laboratory for the examination of video
18 gaming terminals and associated equipment as required by this
19 article. The commission shall enter into contracts with at least two
20 (2) independent outside testing laboratories.**

21 **Sec. 8. If a licensee or an employee of a licensee violates this
22 article or engages in a fraudulent act, the commission may do any
23 combination of the following:**

24 (1) Suspend, revoke, or restrict the license of the licensee.

25 (2) Require the removal of the licensee or employee of a
26 licensee.

27 (3) Impose a civil penalty or fine upon the licensee or
28 employee.

29 **Sec. 9. (a) The commission shall employ investigators.**

30 **(b) An investigator employed by the commission is vested with
31 full police powers and duties to enforce this article.**

32 **(c) An investigator may issue a summons for an infraction or a
33 misdemeanor violation if the defendant promises to appear by
34 signing the summons. A defendant who signs a summons issued
35 under this subsection but fails to appear is subject to the penalties
36 provided by IC 35-44.1-2-10. Upon the defendant's failure to
37 appear, the court shall issue a warrant for the arrest of the
38 defendant.**

39 **(d) In addition to the powers and duties vested under subsection
40 (b), an investigator may act as an officer for the arrest of offenders
41 who violate the laws of Indiana if the investigator reasonably
42 believes that a crime has been, is being, or is about to be committed**



1 or attempted in the investigator's presence.

2 **Sec. 10.** The commission shall establish the minimum amount of
3 insurance that must be maintained by an operator or an
4 establishment.

5 **Chapter 4. Applicant Information**

6 **Sec. 1.** This chapter applies to an applicant for any of the
7 following:

8 (1) A manufacturer license.

9 (2) A distributor license.

10 (3) A supplier license.

11 (4) An operator license.

12 (5) An establishment license.

13 **Sec. 2. (a)** Except as provided in subsection (b), an applicant for
14 a manufacturer license, distributor license, supplier license,
15 operator license, or establishment license must provide the
16 following information:

17 (1) The name, business address, and business telephone
18 number of the applicant.

19 (2) The following information for an applicant that is not an
20 individual:

21 (A) The state of the applicant's incorporation or
22 registration.

23 (B) The names of all directors and officers.

24 (3) The identity of the following:

25 (A) Any person in which the applicant has an equity
26 interest of at least one percent (1%) of all shares. The
27 identification must include the state of incorporation or
28 registration, if applicable. However, an applicant that has
29 a pending registration statement filed with the Securities
30 and Exchange Commission is not required to provide
31 information under this clause.

32 (B) The shareholders or participants in the applicant. An
33 applicant whose interests are publicly traded is required to
34 provide only the names of the persons holding an equity
35 interest of more than five percent (5%).

36 (4) An identification of any business, including the state of
37 incorporation or registration, if applicable, in which an
38 applicant, the spouse of the applicant, or a child of the
39 applicant has an equity interest of more than five percent
40 (5%).

41 (5) If the applicant has been indicted or convicted, has
42 pleaded guilty or nolo contendere, or has forfeited bail



1 concerning a criminal offense under the laws of any
 2 jurisdiction, the applicant must include the following
 3 information:

4 (A) The name and location of the following:

5 (i) The court.

6 (ii) The arresting law enforcement agency.

7 (iii) The prosecuting attorney.

8 (B) The case number.

9 (C) The date and type of the criminal offense.

10 (D) The disposition of the case.

11 (E) The location and duration of any periods of
 12 incarceration served by the applicant.

13 (6) If the applicant has had a license or a certificate issued by
 14 a licensing authority in Indiana or any other jurisdiction
 15 denied, restricted, suspended, revoked, or not renewed, the
 16 applicant must provide the following information:

17 (A) A statement describing the facts and circumstances
 18 concerning the authority's actions concerning the
 19 applicant's license or certificate.

20 (B) The date of the authority's action concerning the
 21 applicant's license or certificate.

22 (C) The reason for the authority's action concerning the
 23 applicant's license or certificate.

24 (7) If the applicant:

25 (A) has filed or has had filed against the applicant a
 26 proceeding in bankruptcy; or

27 (B) has been involved in a formal process to adjust, defer,
 28 suspend, or work out the payment of a debt;

29 the applicant must provide the date of filing, the name and
 30 location of the court, the case number of the proceeding, and
 31 the disposition of the proceeding.

32 (8) If the applicant has filed or been served with a complaint
 33 or notice filed with a public body concerning:

34 (A) a delinquency in the payment of; or

35 (B) a dispute over the filing of;

36 a return or the payment of a tax under federal, state, or local
 37 law, the applicant must include the amount of the disputed
 38 tax, the type of the disputed tax, the name of the taxing agency
 39 involved, and the time involved in the tax dispute.

40 (9) A statement listing the names and positions of public
 41 officials, public officers, and the relatives of public officials
 42 and public officers who directly or indirectly:



- 1 **(A) have a financial interest in;**
- 2 **(B) have a beneficial interest in;**
- 3 **(C) are the creditors of;**
- 4 **(D) hold a debt instrument issued by; or**
- 5 **(E) have an interest in a contractual or service relationship**
- 6 **with;**
- 7 **the applicant.**
- 8 **(10) Except as provided in subsection (b), if the applicant has**
- 9 **directly or indirectly made a political contribution, loan,**
- 10 **donation, or other payment to a candidate or an officeholder**
- 11 **in Indiana in the five (5) years before the date of the**
- 12 **application, the applicant must provide the amount and**
- 13 **method of the payment.**
- 14 **(11) The name and business telephone number of the attorney**
- 15 **who will represent the applicant in matters before the**
- 16 **commission.**
- 17 **(12) A description of the product or service to be**
- 18 **manufactured, distributed, or supplied by the applicant if the**
- 19 **applicant is applying for a manufacturer, distributor, or**
- 20 **supplier license.**
- 21 **(b) Subsection (a)(10) does not apply to an applicant for an**
- 22 **establishment license.**
- 23 **Sec. 3. (a) The following information that may be submitted,**
- 24 **collected, or gathered as part of an application for a license under**
- 25 **this article is confidential for purposes of IC 5-14-3-4:**
- 26 **(1) Any information concerning a minor child of the**
- 27 **applicant.**
- 28 **(2) The Social Security number of the applicant or the**
- 29 **applicant's spouse.**
- 30 **(3) The home telephone number of the applicant, the**
- 31 **applicant's spouse, or the children of the applicant.**
- 32 **(4) The applicant's birth certificate.**
- 33 **(5) The driver's license number of the applicant or the**
- 34 **applicant's spouse.**
- 35 **(6) The name or address of any former spouse of the**
- 36 **applicant.**
- 37 **(7) The date of birth of the applicant's spouse.**
- 38 **(8) The place of birth of the applicant's spouse.**
- 39 **(9) The personal financial records of the applicant, the**
- 40 **applicant's spouse, or a minor child of the applicant.**
- 41 **(10) Any information concerning the applicant being a victim**
- 42 **of domestic violence, sexual assault, or stalking.**



1 (11) The electronic mail address of the applicant, the spouse
2 of an applicant, or a family member of an applicant.

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

7 (1) is confidential for purposes of IC 5-14-3; and

8 (2) may be released by the commission only for law
9 enforcement purposes or to a state agency.

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

12 (1) The information provided under section 2 of this chapter
13 concerning a licensee or an applicant.

14 (2) The aggregate amount of tax paid to the state by all of the
15 establishments located in each municipality or county.

16 (3) A copy of any documentation from the commission
17 providing the reasons for the denial, revocation, suspension,
18 or nonrenewal of a license.

19 (4) A copy of any documentation from the commission
20 providing the reasons for the commission's refusal to allow an
21 applicant to withdraw the applicant's application.

22 Chapter 5. Licensing of Persons

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

25 (1) A manufacturer license.

26 (2) A distributor license.

27 (3) A supplier license.

28 (4) An operator license.

29 (5) An establishment license.

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

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

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

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



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

3 **(1) The applicant has knowingly made a false statement of**
 4 **material fact to the commission.**

5 **(2) The applicant is found by the commission to lack the**
 6 **necessary financial stability or responsibility to hold an**
 7 **establishment license issued under this article.**

8 **(3) The applicant, if an individual, is less than twenty-one (21)**
 9 **years of age on the date on which the application is received**
 10 **by the commission.**

11 **(4) The applicant is on the most recent tax warrant list.**

12 **(5) The applicant, if an individual, has been convicted of or**
 13 **entered a plea of guilty or nolo contendere to a crime set forth**
 14 **in IC 35-45-5 or a crime of moral turpitude.**

15 **(6) The applicant, if an individual, has been convicted of or**
 16 **entered a plea of guilty or nolo contendere to a felony under**
 17 **Indiana law, the laws of any other state, or the laws of the**
 18 **United States within the ten (10) years preceding the date of**
 19 **the license application.**

20 **(7) The applicant, if an individual, has been convicted of or**
 21 **entered a plea of guilty or nolo contendere to a felony under**
 22 **Indiana law, the laws of any other state, or the laws of the**
 23 **United States more than ten (10) years preceding the date of**
 24 **the license application, unless the commission determines**
 25 **that:**

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

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

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

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

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

41 **(10) The applicant may create or enhance the dangers of**
 42 **unsuitable, unfair, or illegal practices, methods, and activities**



1 **in the conduct of video gaming.**

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

5 **Sec. 5. The fact that an applicant:**

6 **(1) has faced charges of a crime described in section 4(5) or**
 7 **4(6) of this chapter that were ultimately dismissed; or**

8 **(2) has been charged with a crime described in section 4(5) or**
 9 **4(6) of this chapter, but not convicted of the crime;**

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

14 **Sec. 6. The costs of investigating an applicant for a license under**
 15 **this chapter must be paid from the initial license fee paid by the**
 16 **applicant under IC 4-39-13.**

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

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

24 **Sec. 9. The commission may require that an application or other**
 25 **document submitted by an applicant or a licensee must be sworn**
 26 **to or affirmed before a notary public.**

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

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

34 **(1) the commission determines that the person satisfies the**
 35 **conditions of this article; and**

36 **(2) the person pays the annual renewal fee under IC 4-39-13.**

37 **(b) A person holding a manufacturer license, a distributor**
 38 **license, a supplier license, or an operator license is subject to a**
 39 **complete investigation every three (3) years to determine that the**
 40 **person is in compliance with this article. The costs of the**
 41 **investigation must be paid from the renewal license fee paid under**
 42 **IC 4-39-13.**



1 (c) Notwithstanding subsection (b), the commission may
 2 investigate a person holding a manufacturer license, a distributor
 3 license, a supplier license, or an operator license at any time the
 4 commission determines that an investigation is necessary to ensure
 5 that the person remains in compliance with this article.

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

8 (b) An establishment license allows the licensee to conduct video
 9 gaming under a video gaming terminal installation contract at the
 10 street address specified in the licensee's application for the
 11 establishment license. A person must obtain a separate
 12 establishment license for each premises at which the person wishes
 13 to conduct video gaming under a video gaming terminal
 14 installation contract.

15 (c) An establishment license issued under this chapter is valid
 16 for one (1) year.

17 Sec. 13. (a) To qualify for an establishment license, a person
 18 must operate:

19 (1) a fraternal organization establishment, as defined by
 20 IC 4-39-2-8; or

21 (2) a veterans organization establishment, as defined by
 22 IC 4-39-2-20.

23 (b) The following may not apply for an establishment license
 24 under this article:

25 (1) A person holding a horse track permit under IC 7.1-3-17.7.

26 (2) A licensed owner of a riverboat licensed under IC 4-33.

27 (3) An operating agent who operates a riverboat in a historic
 28 hotel district under IC 4-33-6.5.

29 (4) A person holding a gambling game license issued under
 30 IC 4-35-5.

31 (5) A person holding a permit issued under IC 7.1-3 for any of
 32 the following:

33 (A) A boat permit.

34 (B) A hotel permit.

35 (C) A resort hotel permit.

36 (D) An airport permit.

37 (E) A satellite facility permit.

38 (F) A microbrewery permit.

39 (G) A social club permit.

40 (H) A civic center permit.

41 (I) A catering hall permit.

42 (J) A dining car permit.



- 1 **(K) A temporary event permit.**
 2 **(L) A permit for any of the following facilities:**
 3 **(i) A stadium.**
 4 **(ii) An automobile race track.**
 5 **(iii) A concert hall.**
 6 **(6) A person operating a convenience store.**
 7 **Sec. 14. If the commission proposes to revoke a license issued**
 8 **under this chapter, the licensee may continue to operate under the**
 9 **license until the commission has made a decision and all**
 10 **administrative appeals have been exhausted by the licensee.**
 11 **Chapter 6. Restrictions on Licensees and Other Persons**
 12 **Sec. 1. A person holding a manufacturer license or a person**
 13 **holding an interest in a person holding a manufacturer license may**
 14 **not:**
 15 **(1) hold an operator license;**
 16 **(2) hold an establishment license; or**
 17 **(3) own an equity interest in a person holding an operator**
 18 **license or establishment license.**
 19 **Sec. 2. A person holding a distributor license or a person**
 20 **holding an interest in a person holding a distributor license may**
 21 **not:**
 22 **(1) hold an operator license;**
 23 **(2) hold an establishment license; or**
 24 **(3) own an equity interest in a person holding an operator**
 25 **license or establishment license.**
 26 **Sec. 3. A person holding a supplier license or a person holding**
 27 **an interest in a person holding a supplier license may not:**
 28 **(1) hold an establishment license; or**
 29 **(2) own an equity interest in a person holding an**
 30 **establishment license.**
 31 **Sec. 4. A person holding an operator license or a person holding**
 32 **an interest in a person holding an operator license may not:**
 33 **(1) hold a manufacturer license;**
 34 **(2) hold a distributor license;**
 35 **(3) hold an establishment license; or**
 36 **(4) own an equity interest in a person holding a manufacturer**
 37 **license, a distributor license, or an establishment license.**
 38 **Sec. 5. A person holding an establishment license or an owner or**
 39 **a manager of a person holding an establishment license may not:**
 40 **(1) hold a manufacturer license;**
 41 **(2) hold a distributor license;**
 42 **(3) hold a supplier license;**



- 1 **(4) hold an operator license; or**
 2 **(5) own an equity interest in a person holding a manufacturer**
 3 **license, a distributor license, a supplier license, or an operator**
 4 **license.**

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

10 **Sec. 7. A person may not assemble, sell, lease, or contract to sell**
 11 **or lease a video gaming terminal to a distributor unless the person**
 12 **holds a valid manufacturer license.**

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

16 **Sec. 9. A person may not place, install, or manage the operations**
 17 **of a video gaming terminal or the major components or parts of a**
 18 **video gaming terminal in an establishment unless the person holds**
 19 **a valid operator license. A person may not own or lease a video**
 20 **gaming terminal or major components or parts of a video gaming**
 21 **terminal unless the person holds a valid operator license.**

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

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

- 27 **(1) be licensed as an operator; or**
 28 **(2) own, control, or manage an establishment.**

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

- 30 **(1) be licensed as an operator; or**
 31 **(2) own, control, or manage an establishment.**

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

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

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

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

41 **(b) An establishment may not accept anything of value,**
 42 **including a loan or a financing arrangement, from any person as**



1 an incentive or inducement to locate video gaming terminals in that
2 establishment.

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

4 **Sec. 1. A licensee may not install a video gaming terminal in a**
5 **licensed establishment under a video gaming terminal installation**
6 **contract unless the video gaming terminal has been approved by**
7 **the commission.**

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

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

13 (1) **Conform to all requirements of federal law, including**
14 **Class A Emissions Standards imposed under 47 CFR 15.**

15 (2) **Pay out a mathematically demonstrable percentage during**
16 **the service life of the terminal of at least eighty percent**
17 **(80%), but not more than ninety-five percent (95%).**

18 (3) **Use a random selection process to determine the outcome**
19 **of each play of a game.**

20 (4) **Use a random selection process that meets ninety-nine**
21 **percent (99%) confidence limits using a standard chi-square**
22 **test for goodness of fit.**

23 (5) **Display an accurate representation of the game outcome.**

24 (6) **Be capable of detecting and displaying the following**
25 **conditions during an idle state or on demand:**

26 (A) **Power reset.**

27 (B) **Door open.**

28 (C) **Door just closed.**

29 (7) **Be capable of displaying complete play history, including**
30 **outcome, intermediate play steps, credits available, bets**
31 **placed, credits paid, and credits cashed out, for the eleven (11)**
32 **games most recently played on the terminal.**

33 (8) **Allow for the replacement of parts or modules required**
34 **for normal maintenance without requiring the replacement of**
35 **the electromechanical meters.**

36 (9) **House in a locked area of the terminal meters that:**

37 (A) **are incapable of being reset; and**

38 (B) **keep a permanent record of the value of any electronic**
39 **card inserted into the terminal, all winnings made by the**
40 **terminal printer, credits played, and credits won by video**
41 **gaming players.**

42 (10) **Allow on demand display of the information recorded in**



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- compliance with subdivision (9)(B).
- (11) Use accounting software that keeps an electronic record of at least the following information:
 - (A) The total value of all electronic cards inserted into the terminal.
 - (B) The value of winning tickets claimed by players.
 - (C) The total credits played.
 - (D) The total credits awarded by the terminal.
 - (E) The payback percentage credited to the players of each game.
- (12) Link to a central communications system to provide auditing program information required by the commission.

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

- (1) on which an automatic alteration of pay tables or any function of the video gaming terminal through an internal computation of hold percentage is possible;
- (2) that is subject to any means of manipulation that affects the random selection process or the probabilities of winning a game; or
- (3) that may be adversely affected by a static discharge or other electromagnetic interference.

Sec. 5. The theoretical payback percentage of a video gaming terminal may not be altered except by changing the hardware or software of the video gaming terminal on site or through the central communications system required by IC 4-39-9-5.

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

Chapter 8. Video Gaming Terminal Installation Contract

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

- (1) An affirmative statement that no inducement was offered by the operator, the agent of the operator, or any other person regarding the placement and operation of video gaming terminals on the premises of the establishment.
- (2) A provision prohibiting the operator from assigning the contract to an unlicensed entity.
- (3) A provision releasing the establishment from all contractual obligations to the operator if the operator surrenders its license, the license of the operator is revoked,



1 or the commission declines to renew the license of the
2 operator.

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

6 (5) A statement that the operator's obligation to place video
7 gaming terminals and the establishment's obligation to allow
8 the placement of video gaming terminals are both conditioned
9 upon the parties obtaining the necessary licenses to conduct
10 video gaming under this article.

11 **Sec. 2.** A video gaming terminal installation contract entered
12 into under this article must require the adjusted gross receipts
13 derived from video gaming to be allocated as follows:

14 (1) Thirty percent (30%) to the state in the form of taxes
15 remitted under IC 4-39-12.

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

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

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

19 **Sec. 1. (a)** An establishment may not allow a video gaming
20 terminal to be played except, in the case of an establishment
21 licensed for the consumption of alcoholic beverages on the
22 premises of the establishment, during the period beginning one (1)
23 hour before the lawful consumption of alcoholic beverages begins
24 in the establishment and ending one (1) hour after the lawful
25 consumption of alcoholic beverages ends in the establishment.

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

27 (1) the suspension, termination, or revocation of the
28 establishment's license; or

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

30 **Sec. 2.** An operator must own or lease each video gaming
31 terminal installed under this article. An operator is responsible for
32 maintaining each video gaming terminal owned or leased by the
33 operator. An operator shall ensure that each video gaming
34 terminal owned or leased by the operator is in compliance with this
35 article and the requirements of the commission.

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

39 (b) An establishment must maintain liability insurance on any
40 video gaming terminal or equipment placed or installed in the
41 establishment under a video gaming terminal installation contract
42 under IC 4-39-8.



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

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

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

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

10 (3) The telephone number of the operator.

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

13 (b) The central communications system required by this section
14 must:

15 (1) have game to system communication protocol;

16 (2) use a standard industry protocol approved by the
17 commission; and

18 (3) allow the commission or the operator to activate or
19 deactivate a particular video gaming terminal from a remote
20 location.

21 Sec. 6. An operator is liable for the video gaming wagering tax
22 imposed under IC 4-39-12.

23 Sec. 7. An operator shall display the odds of winning each game
24 on or near each video gaming terminal, including the manner in
25 which the odds are calculated.

26 Sec. 8. A licensed establishment conducting video gaming must
27 install a video gaming terminal in an area separated from the
28 public spaces of the licensed establishment in which a minor may
29 be present. The entrance to the area must be within the view at all
30 times of at least one (1) employee who is at least twenty-one (21)
31 years of age. An establishment may comply with this section by
32 erecting a physical barrier to the video gaming area, including a
33 partition, gate, or rope that is secured to the floor or walls.

34 Sec. 9. The maximum number of video gaming terminals that
35 may be installed in a licensed establishment is as follows:

36 (1) Five (5) in a fraternal organization establishment.

37 (2) Five (5) in a veterans organization establishment.

38 Sec. 10. The cost of a credit must be one (1) of the following
39 amounts:

40 (1) One cent (\$0.01).

41 (2) Five cents (\$0.05).

42 (3) Ten cents (\$0.10).



- 1 **(4) Twenty-five cents (\$0.25).**
- 2 **Sec. 11. The maximum amount that a patron may wager on a**
 3 **particular game on a video gaming terminal is two dollars (\$2).**
- 4 **Sec. 12. The maximum amount that a patron may win on any**
 5 **individual hand on a video gaming terminal is five hundred**
 6 **ninety-nine dollars (\$599).**
- 7 **Sec. 13. A video gaming terminal may not directly dispense cash,**
 8 **coins, or any article of exchange or value other than a payment**
 9 **ticket.**
- 10 **Sec. 14. A patron must be able to obtain a payment ticket at the**
 11 **end of the patron's play by pressing a ticket dispensing button on**
 12 **the video gaming terminal.**
- 13 **Sec. 15. A payment ticket must include the following**
 14 **information:**
- 15 **(1) The total amount of credits and the amount of the cash**
 16 **award, if any, won by the patron.**
- 17 **(2) The date and time that the payment ticket is dispensed.**
- 18 **(3) The serial number of the video gaming terminal.**
- 19 **(4) The sequential number of the payment ticket.**
- 20 **(5) An encrypted validation number from which the validity**
 21 **of the cash award, if any, may be determined.**
- 22 **(6) The one (1) year expiration date of the payment ticket.**
- 23 **Sec. 16. A patron may collect any cash award won on a video**
 24 **gaming terminal by submitting the payment ticket into a payout**
 25 **device located in the establishment.**
- 26 **Sec. 17. The following persons may not wager on a video gaming**
 27 **terminal:**
- 28 **(1) An employee of the commission.**
- 29 **(2) A person less than twenty-one (21) years of age.**
- 30 **Sec. 18. (a) Except as provided in subsection (c), video gaming**
 31 **may not be conducted at an establishment located within one**
 32 **hundred (100) feet of a school or place of worship.**
- 33 **(b) Except as provided in subsection (c), video gaming may not**
 34 **be conducted at an establishment located within one thousand**
 35 **(1,000) feet of a casino regulated under IC 4-33 or IC 4-35.**
- 36 **(c) The prohibitions on video gaming near facilities described in**
 37 **subsections (a) and (b) do not apply if a facility described in**
 38 **subsection (a) or (b) is opened within the minimum distance of an**
 39 **establishment after video gaming has commenced at the**
 40 **establishment.**
- 41 **Chapter 10. Crimes and Penalties**
- 42 **Sec. 1. A person who knowingly or intentionally:**



1 (1) makes a false statement on an application submitted under
2 this article;

3 (2) conducts video gaming in a manner other than the manner
4 required by this article; or

5 (3) permits a person less than twenty-one (21) years of age to
6 make a wager on a video gaming terminal;

7 commits a Class A misdemeanor.

8 Sec. 2. A licensee who knowingly or intentionally violates
9 IC 4-39-6-12 commits a Level 6 felony.

10 Sec. 3. The commission may impose a civil penalty of not more
11 than five thousand dollars (\$5,000) upon a licensee that permits a
12 person barred from wagering under IC 4-39-9-17 to place a wager
13 on a video gaming terminal.

14 **Chapter 11. Judicial Review**

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

17 Sec. 2. An appeal of a final rule or order of the commission
18 issued under this article may be commenced under IC 4-21.5 in the
19 circuit court of the county containing an affected licensed
20 establishment.

21 Sec. 3. (a) The commission may require a licensee to suspend
22 video gaming operations without notice or hearing if the
23 commission determines that the safety or health of patrons or
24 employees would be threatened by the continued operation of video
25 gaming in the licensed establishment.

26 (b) The suspension of video gaming operations under this
27 section may remain in effect until the commission determines that
28 the cause for suspension has been abated. The commission may
29 revoke a license issued under this article if the commission
30 determines that the licensee has not made satisfactory progress
31 toward abating the hazard.

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

33 Sec. 1. A tax is imposed on the adjusted gross receipts from
34 video gaming authorized under this article at the rate of thirty
35 percent (30%). Each operator owning or leasing a video gaming
36 terminal on which video gaming is conducted is liable for the tax
37 imposed by this section.

38 Sec. 2. An operator shall remit the tax imposed by section 1 of
39 this chapter to the department before the fifteenth day of the
40 calendar month following the calendar month in which the
41 adjusted gross receipts are received by the operator.

42 Sec. 3. The operator shall submit the following information to



1 the department on a form prescribed by the department before the
2 fifteenth day of each month:

3 (1) The total amount of adjusted gross receipts received from
4 video gaming in the previous month.

5 (2) The total amount of gross receipts received from video
6 gaming in the previous month.

7 (3) The total amount of taxes remitted under section 2 of this
8 chapter.

9 (4) The information required by subdivisions (1) through (3)
10 for each licensed establishment conducting video gaming on
11 video gaming terminals owned or leased by the operator in
12 the previous month.

13 (5) The location of each establishment conducting video
14 gaming on video gaming terminals owned or leased by the
15 operator in the previous month, including whether the
16 establishment is located in an unincorporated area of a
17 county.

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

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

24 (1) Set aside thirty-five percent (35%) of the revenue for a
25 quarterly allocation to the municipality where the licensed
26 establishment conducting video gaming on video gaming
27 terminals owned or leased by the operator that submitted the
28 taxes is located.

29 (2) Set aside thirty-five percent (35%) of the revenue for a
30 quarterly allocation to the county where the licensed
31 establishment conducting video gaming on video gaming
32 terminals owned or leased by the operator that submitted the
33 taxes is located.

34 (3) Deposit thirty percent (30%) of the revenue in the state
35 general fund.

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

40 (1) Set aside seventy percent (70%) of the revenue for a
41 quarterly allocation to the county where the licensed
42 establishment conducting video gaming on video gaming



- 1 **terminals owned or leased by the operator that submitted the**
- 2 **taxes is located.**
- 3 **(2) Deposit thirty percent (30%) of the revenue in the state**
- 4 **general fund.**
- 5 **(c) A county may use the revenue received under this section**
- 6 **only for the following purposes:**
- 7 **(1) Mental health treatment for jail inmates.**
- 8 **(2) Addiction interventions for jail inmates.**
- 9 **(3) Contributions to the pension fund of the county's sheriff's**
- 10 **department.**
- 11 **(4) Training and equipment for the county's sheriff's**
- 12 **department.**
- 13 **(d) A municipality may use the revenue received under this**
- 14 **section only for the following purposes:**
- 15 **(1) Contributions to the 1977 police officers' and firefighters'**
- 16 **pension and disability fund established by IC 36-8-8-4.**
- 17 **(2) Training and equipment for the police department of the**
- 18 **municipality.**
- 19 **Chapter 13. License Fees**
- 20 **Sec. 1. The commission shall charge the following initial license**
- 21 **fees:**
- 22 **(1) Twenty-five thousand dollars (\$25,000) for an initial**
- 23 **manufacturer license, an initial distributor license, or an**
- 24 **initial supplier license issued to a person residing or domiciled**
- 25 **in Indiana.**
- 26 **(2) Thirty-five thousand dollars (\$35,000) for an initial**
- 27 **manufacturer license, an initial distributor license, or an**
- 28 **initial supplier license issued to a person residing or domiciled**
- 29 **in a state other than Indiana or a country other than the**
- 30 **United States.**
- 31 **(3) Fifteen thousand dollars (\$15,000) for an initial operator**
- 32 **license issued to a person residing or domiciled in Indiana.**
- 33 **(4) Twenty-five thousand dollars (\$25,000) for an initial**
- 34 **operator license issued to a person residing or domiciled in a**
- 35 **state other than Indiana or a country other than the United**
- 36 **States.**
- 37 **(5) Five hundred dollars (\$500) for an initial establishment**
- 38 **license.**
- 39 **Sec. 2. (a) A person holding a distributor license, a**
- 40 **manufacturer license, or a supplier license shall pay an annual**
- 41 **license renewal fee of ten thousand dollars (\$10,000).**
- 42 **(b) A person holding an operator license shall pay an annual**



1 license renewal fee of five thousand dollars (\$5,000).

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

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

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

13 (3) Five hundred dollars (\$500) for a licensed establishment
14 that had adjusted gross receipts of at least fifty thousand
15 dollars (\$50,000) but less than one hundred thousand dollars
16 (\$100,000) in the previous twelve (12) calendar months.

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

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

25 **Sec. 4.** The commission shall deposit the following into the state
26 general fund:

27 (1) All fees collected under this chapter.

28 (2) All application fees received under IC 4-39-5.

29 SECTION 3. IC 6-8.1-1-1, AS AMENDED BY P.L.156-2020,
30 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2021]: Sec. 1. "Listed taxes" or "taxes" includes only the
32 pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the supplemental
33 wagering tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the
34 slot machine wagering tax (IC 4-35-8); the type II gambling game
35 excise tax (IC 4-36-9); **the video gaming wagering tax (IC 4-39-12);**
36 the gross income tax (IC 6-2.1) (repealed); the utility receipts and
37 utility services use taxes (IC 6-2.3); the state gross retail and use taxes
38 (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net
39 income tax (IC 6-3-8) (repealed); the county adjusted gross income tax
40 (IC 6-3.5-1.1) (repealed); the county option income tax (IC 6-3.5-6)
41 (repealed); the county economic development income tax (IC 6-3.5-7)
42 (repealed); the local income tax (IC 6-3.6); the auto rental excise tax



1 (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC
 2 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC
 3 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under
 4 IC 6-8.1-3; the vehicle excise tax (IC 6-6-5); the aviation fuel excise
 5 tax (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the
 6 excise tax imposed on recreational vehicles and truck campers (IC
 7 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) (repealed); the
 8 heavy equipment rental excise tax (IC 6-6-15); the vehicle sharing
 9 excise tax (IC 6-6-16); the cigarette tax (IC 6-7-1); the beer excise tax
 10 (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC
 11 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the petroleum
 12 severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the
 13 various food and beverage taxes (IC 6-9); the county admissions tax
 14 (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the
 15 penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-20-18); the
 16 fees and penalties assessed for overweight vehicles (IC 9-20-4 and
 17 IC 9-20-18); and any other tax or fee that the department is required to
 18 collect or administer.

19 SECTION 4. IC 35-45-5-15 IS ADDED TO THE INDIANA CODE
 20 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2021]: **Sec. 15. This chapter does not apply to video gaming
 22 authorized by IC 4-39.**

23 SECTION 5. IC 35-52-4-36 IS ADDED TO THE INDIANA CODE
 24 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 2021]: **Sec. 36. IC 4-39-10-1 defines a crime concerning video
 26 gaming.**

27 SECTION 6. IC 35-52-4-37 IS ADDED TO THE INDIANA CODE
 28 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 2021]: **Sec. 37. IC 4-39-10-2 defines a crime concerning video
 30 gaming.**

