

SENATE BILL NO. 192

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

0365S.01I

KRISTINA MARTIN, Secretary

AN ACT

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

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

Section A. Chapter 313, RSMo, is amended by adding thereto
2 six new sections, to be known as sections 313.425, 313.427,
3 313.429, 313.431, 313.433, and 313.435, to read as follows:

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

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

- 3 (1) "Centralized computer system", a computerized
4 system developed or procured by the commission that video
5 lottery game terminals are connected to using standard
6 industry protocols that can activate or deactivate a
7 particular video lottery game terminal from a remote
8 location, and that is capable of monitoring and auditing
9 video lottery game plays;
- 10 (2) "Commission" or "lottery commission", the five-
11 member body appointed by the governor to manage and oversee
12 the lottery under section 313.215;

13 (3) "Establishment", any establishment registered to
14 do business in this state by a person licensed as a video
15 lottery game retailer that is or becomes licensed under
16 chapter 311 to sell liquor at retail, and that is one or
17 more of the following:

18 (a) A fraternal organization or veterans' organization
19 that maintains a license issued under chapter 311 to sell
20 intoxicating liquor, and that obtains and maintains a
21 license issued by the commission to offer lottery games
22 played on video lottery game terminals;

23 (b) A truck stop equipped for fueling commercial
24 vehicles, that has sold on average ten thousand gallons of
25 diesel or biodiesel fuel each month for the previous twelve
26 months or is projected to sell an average of ten thousand
27 gallons of diesel or biodiesel fuel each month for the next
28 twelve months, that is situated on more than two acres of
29 land adjacent to a major state or federal highway, that
30 maintains a license issued under chapter 311 to sell
31 intoxicating liquor, and that obtains and maintains a
32 license issued by the commission to offer lottery games
33 played on video lottery game terminals;

34 (c) A bar, tavern, or restaurant that maintains a
35 license issued under chapter 311 to sell intoxicating
36 liquor, and that obtains and maintains a license issued by
37 the commission to offer lottery games played on video
38 lottery game terminals;

39 (d) A liquor store that maintains a license issued
40 under chapter 311 to sell intoxicating liquor, and that
41 obtains and maintains a license issued by the commission to
42 offer lottery games played on video lottery game terminals;

43 (4) "Fraternal organization", any organization within
44 this state operating under the lodge system which exists for

45 the common benefit, brotherhood, or other interest of its
46 members, except college fraternities and sororities, of
47 which no part of the net earnings inures to the benefit of
48 any private shareholder or any individual member of such
49 organization, which has been exempted from the payment of
50 federal income tax, and which derives its charter from a
51 national fraternal organization which regularly meets;

52 (5) "Veterans' organization", a post or organization
53 of veterans, or an auxiliary unit or society of, or a trust
54 or foundation for, any such post or organization organized
55 in the United States or any of its possessions in which at
56 least seventy-five percent of the members are veterans of
57 the United States armed forces and substantially all of the
58 other members are individuals who are veterans or are
59 cadets, or are spouses, widows, or widowers of war veterans
60 of such individuals, in which no part of the net earnings
61 inures to the benefit of any private shareholder or
62 individual, and which has been exempted from payment of
63 federal income taxes;

64 (6) "Video lottery game", any lottery game approved by
65 the commission for play on a video lottery game terminal
66 using video lottery game terminal credits that have been
67 purchased with cash, cash equivalents, or by a winning video
68 lottery game terminal ticket;

69 (7) "Video lottery game adjusted gross receipts", the
70 total of cash or cash equivalents used for the play of a
71 video lottery game on a video lottery game terminal minus
72 cash or cash equivalent paid to players as a result of
73 playing video lottery games on a video lottery game terminal;

74 (8) "Video lottery game distributor", a person
75 licensed by the commission to buy, sell, lease, rent,
76 finance or otherwise provide, distribute or service video

77 lottery game terminals or major parts and components of
78 video lottery game terminals, including used or refurbished
79 video lottery game terminals to and from licensed video
80 lottery game manufacturers and licensed video lottery game
81 operators;

82 (9) "Video lottery game handler", a person employed by
83 a licensed video lottery game operator to handle, place,
84 operate, and service video lottery game terminals and
85 associated equipment;

86 (10) "Video lottery game manufacturer", any person
87 that manufactures video lottery game terminals or major
88 parts and components for video lottery game terminals as
89 approved by the lottery commission;

90 (11) "Video lottery game operator", a person licensed
91 by the commission that owns, rents, or leases and services
92 or maintains video lottery game terminals for placement in
93 licensed video lottery game retailer establishments;

94 (12) "Video lottery game retailer", a person meeting
95 the requirements of a lottery game retailer under section
96 313.260, possessing a video lottery game retailer's license,
97 and possessing a license to sell liquor, and with whom a
98 licensed video lottery game operator has contracted for the
99 placement of a video lottery game terminal or terminals,
100 provided the video lottery game retailer and video lottery
101 game operator do not have identical ownership;

102 (13) "Video lottery game terminal", player-activated
103 terminal that exchanges coins, currency, tickets, ticket
104 vouchers, or other electronic payment methods approved by
105 the commission for video lottery game terminal credits used
106 to play video lottery games approved by the commission.
107 Such video lottery game terminals shall use a video display
108 and microprocessor capable of randomly generating the

109 outcome of video lottery games and be capable of printing a
110 ticket at the conclusion of any video lottery game play that
111 is redeemable at a video lottery game ticket redemption
112 terminal or reinserted into a video lottery game terminal
113 for video lottery game credit. All video lottery games
114 approved by the commission for play on a video lottery game
115 terminal shall have a minimum theoretical payout of eighty-
116 five percent;

117 (14) "Video lottery game terminal credit", one cent,
118 five cents, ten cents, or twenty-five cents either won or
119 purchased by a player on a video lottery game terminal that
120 is used to play video lottery games and that may be
121 converted into a video lottery game ticket;

122 (15) "Video lottery game ticket" or "ticket", a
123 document printed at the conclusion of any lottery game play
124 or group of plays on a video lottery game terminal that is
125 redeemable for cash utilizing a video lottery game ticket
126 redemption terminal or that may be reinserted into a video
127 lottery game terminal in the establishment for which it was
128 issued for video lottery terminal game play credit;

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

313.429. 1. The commission shall implement a system
2 of video lottery game terminals utilizing a licensing
3 structure for processing license applications and issuing
4 licenses to video lottery game manufacturers, video lottery
5 game distributors, video lottery game operators, video
6 lottery game handlers, and video lottery game retailers for
7 the conduct of lottery games utilizing video lottery game

8 terminals within the state; except that, a person licensed
9 as a:

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

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

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

19 Nothing in this subsection shall prevent a video lottery
20 game manufacturer from obtaining a video lottery game
21 manufacturer's license and a video lottery game
22 distributor's license and providing and operating the
23 centralized computer system for monitoring video lottery
24 game terminals, and nothing in this subsection shall prevent
25 a video lottery game operator from obtaining a video lottery
26 game retailer's license or a video lottery game retailer
27 from obtaining a video lottery game operator's license,
28 provided the applicant meets the requirements for all such
29 licenses.

30 2. Under no circumstances shall the commission:

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

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

37 3. (1) The video lottery game system authorized by
38 this section shall allow for multiple video lottery game

39 manufacturers, video lottery game distributors, and video
40 lottery game operators to encourage private sector
41 investment and job opportunities for Missouri citizens.
42 Video lottery game terminals shall be connected to a
43 centralized computer system developed or procured by the
44 commission. The commission shall provide licensed video
45 lottery game operators with the necessary protocols to
46 connect the operators' video lottery game terminal or
47 terminals to the centralized computer system after such
48 terminal or terminals have been approved by the commission.
49 No video lottery game terminal shall be placed in operation
50 without first connecting to the centralized computer system
51 after such terminal or terminals have been approved by the
52 commission. A vendor that provides the centralized computer
53 system authorized under this subsection shall not be
54 eligible to be licensed as a video lottery game operator or
55 video lottery game retailer. The commission may impose an
56 initial nonrefundable license application fee as follows:

57 (a) For video lottery game manufacturers, video
58 lottery game distributors, and video lottery game operators,
59 no more than fifty thousand dollars;

60 (b) For video lottery game retailer establishments, no
61 more than five hundred dollars; or

62 (c) For video lottery game handlers, no more than one
63 hundred dollars.

64 (2) The initial license and first subsequent license
65 renewal shall be for a period of one year. Thereafter,
66 license renewal periods shall be four years with the
67 applicable annual renewal fee paid for each year such
68 license is renewed. Annual license renewal fees for anyone
69 licensed pursuant to this subsection shall be as follows:

70 (a) Five thousand dollars for video lottery game
71 manufacturers and video lottery game distributors;

72 (b) Five thousand dollars for video lottery game
73 operators;

74 (c) Fifty dollars for video lottery game handlers; and

75 (d) Five hundred dollars for each video lottery game
76 retailer's establishment.

77 (3) In addition to the license fees required in
78 subdivisions (1) and (2) of this subsection, video lottery
79 game operators shall pay the commission an annual license
80 fee of two hundred dollars for each video lottery game
81 terminal placed in service. Such video lottery game
82 terminal license shall be renewed each year and cost two
83 hundred dollars. A license issued under this subsection is
84 nontransferable.

85 (4) Nothing in this subsection shall be construed to
86 relieve the licensee of the affirmative duty to notify the
87 commission of any change relating to the status of the
88 license or to any other information contained in the
89 application materials on file with the commission.

90 4. No license shall be issued to any person, and no
91 person shall be allowed to serve as a sales agent, who has
92 been convicted of a felony or a crime involving illegal
93 gambling.

94 5. No license requirement, sticker fee, or tax shall
95 be imposed by any local jurisdiction upon a video lottery
96 game manufacturer, video lottery game distributor, video
97 lottery game operator, video lottery game retailer, video
98 lottery game handler, or video lottery game terminal or an
99 establishment relating to the operation of video lottery
100 games, video lottery game terminals, or associated equipment.

101 6. (1) Video lottery game terminals shall meet
102 independent testing standards approved by the commission, as
103 tested by one or more approved independent test labs, and be
104 capable of randomly generating the outcome of video lottery
105 games approved by the commission. Video lottery game
106 terminals shall be capable of printing a ticket redeemable
107 for winning video lottery game plays. Such video lottery
108 game terminals shall be inspected and approved by the
109 commission prior to being sold, leased, or transferred.

110 (2) Licensed video lottery game manufacturers may buy,
111 sell, or lease new or refurbished video lottery game
112 terminals to and from licensed video lottery game
113 distributors.

114 (3) Licensed video lottery game distributors may buy,
115 sell, or lease new or refurbished video lottery game
116 terminals to or from licensed video lottery game
117 manufacturers or licensed video lottery game operators.

118 7. (1) Licensed video lottery game operators:

119 (a) May buy, lease, or rent video lottery game
120 terminals from licensed video lottery game manufacturers,
121 operators, or distributors;

122 (b) May handle, place, and service video lottery game
123 terminals;

124 (c) Shall connect such video lottery game terminals to
125 the centralized computer system approved by the commission;
126 and

127 (d) Shall pay winning tickets using a video lottery
128 game ticket redemption terminal. Such video lottery ticket
129 redemption terminal shall be located within the video
130 lottery game retailer's establishment in direct proximity of
131 where such video lottery games are offered. Video lottery
132 game operators shall pay the commission thirty-two percent

133 of any unclaimed cash prize associated with a winning ticket
134 that has not been redeemed within one year of issue.

135 Rents or leases for video lottery game terminals shall be
136 written at a flat rate and shall not include revenue
137 splitting as a method used in the calculation of the lease
138 or rent.

139 (2) Licensed video lottery game operators and licensed
140 video lottery game retailers shall enter into a written
141 agreement for the placement of video lottery game
142 terminals. The agreement shall be on a form approved by the
143 commission and shall specify the division of adjusted gross
144 receipts between the video lottery game operator and the
145 video lottery game retailer after adjustments for taxes and
146 administrative fees are made. A video lottery game operator
147 shall be responsible for remitting to the commission and the
148 video lottery game retailer its share of adjusted gross
149 receipts. Video lottery game retailers that are also video
150 lottery game operators and licensed video lottery game
151 operators that are also video lottery game retailers shall
152 only be required to submit an agreement pursuant to this
153 subdivision if the ownership is not identical in both
154 entities. Nothing in this subdivision shall prohibit a
155 licensed video lottery game operator from entering into an
156 agreement with a sales agent for retailer agreements
157 provided such agreement is in writing and approved by the
158 commission. No video lottery game operator or its sales
159 agents, employees, or affiliates may offer, promise, or
160 tender any property or personal advantage to any employee or
161 agent of any video lottery game retailer with the intent to
162 influence such video lottery game retailer with respect to
163 locating any video gaming terminal in the video lottery game

164 retailer's establishment. Video lottery game operators and
165 video lottery game retailers may allocate costs related to
166 the operation, promotion, and maintenance of video lottery
167 game terminals in any manner that has been mutually agreed
168 to. An agreement for the placement of video lottery game
169 terminals, or any similar agreement, entered into prior to
170 the enactment of sections 313.425 to 313.435 shall be
171 invalid and unenforceable. Persons violating this
172 subdivision are subject to the loss or prohibition of their
173 video lottery game operator's license.

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

181 8. No licensed video lottery game operator shall:

182 (1) Offer video lottery gaming terminals that directly
183 dispense anything of value except for tickets for winning
184 plays. Tickets shall be dispensed by pressing the ticket
185 dispensing button on the video lottery gaming terminal at
186 the end of any video lottery game play. The ticket shall
187 indicate the total amount of video lottery game terminal
188 credits and the cash award, the time of day in a twenty-four-
189 hour format showing hours and minutes, the date, the
190 terminal serial number, the sequential number of the ticket,
191 and an encrypted validation number from which the validity
192 of the prize may be determined. The cost of the video
193 lottery game terminal credits shall be one cent, five cents,
194 ten cents, or twenty-five cents, and the maximum wager
195 played per video lottery game shall not exceed five

196 dollars. No cash award for the maximum wager played on any
197 individual video lottery game shall exceed one thousand
198 dollars;

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

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

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

212 9. (1) A person under twenty-one years of age shall
213 not play video lottery games, and such video lottery game
214 terminals shall be under the supervision of a person that is
215 at least twenty-one years of age to prevent persons under
216 twenty-one years of age from playing video lottery games.
217 Video lottery game terminals shall not be visible from areas
218 normally occupied by minors and shall be placed within the
219 unobstructed line of sight of the sales counter unless
220 placed in an enclosed or partially enclosed area that is
221 continually monitored by video surveillance. A warning sign
222 shall be posted in a conspicuous location where such video
223 lottery game terminals are located, containing in red
224 lettering at least one-half inch high on a white background
225 the following:

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

228 In addition to the placement and supervision requirements of
229 this subsection, a video lottery game operator shall provide
230 video surveillance in the immediate area of the video
231 lottery game retailer's establishment where video lottery
232 game terminals are located. Recorded video from such
233 surveillance system shall be made available to the
234 commission upon request and shall be reviewed by video
235 lottery game operators as reasonably and specifically
236 requested by the commission for any violation of law, rules,
237 or regulations governing the conduct of video lottery
238 games. A video lottery game operator that fails to review
239 such surveillance video and report any known violation of
240 law, rules, or regulations governing the conduct of video
241 lottery games in conformance with established commission
242 procedures may be subject to an administrative fine not to
243 exceed five thousand dollars. Any video lottery game
244 retailer that fails to report any known violation of law,
245 rules, or regulations governing the conduct of video lottery
246 games in conformance with established commission procedures
247 may be subject to an administrative fine not to exceed five
248 thousand dollars. In the event a video lottery game
249 operator or retailer is found to have knowingly committed a
250 violation governing the conduct of video lottery games, the
251 commission may impose an administrative fine not to exceed
252 five thousand dollars, suspend such operator's or retailer's
253 license for up to thirty days, or in the case of repeated
254 violations revoke such operator's or retailer's license for
255 a period of one year. Any video lottery game operator or
256 retailer aggrieved by the commission's decision in any
257 disciplinary action that results in the suspension or
258 revocation of such operator's or retailer's video lottery
259 game license may appeal such decision by filing an action in

260 circuit court. The commission shall refer a violation of
261 the criminal code, with any evidence thereof, to the
262 appropriate law enforcement officials. Video lottery game
263 retailers shall provide an intrusion detection system
264 capable of detecting unauthorized entrance of the video
265 lottery game retailer's establishment during nonbusiness
266 hours and shall report to the commission any unauthorized
267 entrance of the video lottery game retailer's
268 establishment. Such surveillance and intrusion detection
269 system shall meet specifications as defined by the
270 commission.

271 (2) A video lottery game operator shall post a sign in
272 a conspicuous location where such video lottery game
273 terminals are located, containing in red lettering at least
274 one-half inch high on a white background a telephone contact
275 number (1-888-BETSOFF) for the problem gambling helpline.

276 10. (1) Video lottery game operators shall pay the
277 commission thirty-six percent of the video lottery game
278 adjusted gross receipts, which shall be deposited in the
279 state lottery fund. The commission shall transfer the
280 amount received from the operator from the lottery fund to
281 the lottery proceeds fund after administrative expenses
282 equal to four percent of the video lottery game adjusted
283 gross receipts are paid to the municipality where a licensed
284 video lottery game retailer maintains an establishment
285 licensed for the operation of video lottery game terminals,
286 or if such licensed establishment is not located within the
287 corporate boundaries of a municipality, then the county
288 where such licensed establishment is located to reimburse
289 such municipality or county for administrative expenses, and
290 any administrative expenses for the commission that are not
291 covered by reimbursements from operators are deducted. Net

292 proceeds transferred to the lottery proceeds fund shall be
293 appropriated to public elementary and secondary education
294 and public institutions of higher education with an emphasis
295 on programs to promote science, technology, engineering, and
296 mathematics (STEM) and programs to promote workforce
297 development.

298 (2) Video lottery game operators shall retain sixty-
299 four percent of the video lottery game adjusted gross
300 receipts, a portion of which shall be utilized to pay for
301 administrative expenses which shall include the cost of the
302 centralized computer system, which cost shall be paid by
303 video lottery game operators in proportion to the number of
304 video lottery game terminals operated and shall not be
305 apportioned by the video lottery game operator among video
306 lottery game retailers to which it provides operations. The
307 remainder, after the costs of the centralized computer
308 system are paid, shall be divided between the video lottery
309 game operator and video lottery game retailer as agreed to
310 by the video lottery game operator and video lottery game
311 retailer under the freely negotiated agreement made under
312 subdivision (2) of subsection 7 of this section.

313 11. All revenues received by the commission from
314 license fees and any reimbursements associated with the
315 administration of the provisions of sections 313.425 to
316 313.435, and all interest earned thereon, shall be
317 considered administrative expenses and shall be deposited in
318 the state lottery fund. Moneys deposited into the state
319 lottery fund from license fees and any reimbursements of
320 commission administrative expenses to administer sections
321 313.425 to 313.435 shall be considered administrative
322 expenses and shall not be considered net proceeds pursuant
323 to article III, section 39(b) of the Missouri Constitution.

324 Subject to appropriation, up to one percent of such license
325 fees and reimbursements deposited to the credit of the state
326 lottery fund may be deposited to the credit of the
327 compulsive gamblers fund created under section 313.842. The
328 remainder of the money deposited in the state lottery fund
329 from video lottery game license fees and any reimbursements
330 of commission administrative expenses to enforce sections
331 313.425 to 313.435 shall, subject to appropriation, be used
332 for administrative expenses associated with supervising and
333 enforcing the provisions of sections 313.425 to 313.435.

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

349 13. The possession or use of any video lottery game
350 terminal not authorized by the commission under the
351 provisions of sections 313.425 to 313.435 may be prosecuted
352 under the provisions of chapter 572. The commission shall
353 have the power to investigate suspected violations by any
354 video lottery license holder and to refer any violations or

355 suspected violations to the appropriate law enforcement
356 authority.

357 14. The commission shall adopt rules for the
358 implementation of the video lottery game system authorized
359 under sections 313.425 to 313.435, including, but not
360 limited to, the placement of video lottery terminals within
361 a retail establishment and for the active oversight of the
362 conduct of video lottery games. Any rule or portion of a
363 rule, as that term is defined in section 536.010 that is
364 created under the authority delegated in this section shall
365 become effective only if it complies with and is subject to
366 all of the provisions of chapter 536, and if applicable,
367 section 536.028. This section and chapter 536 are
368 nonseverable and if any of the powers vested with the
369 general assembly pursuant to chapter 536 to review, to delay
370 the effective date, or to disapprove and annul a rule are
371 subsequently held unconstitutional, then the grant of
372 rulemaking authority and any rule proposed or adopted after
373 August 28, 2023, shall be invalid and void.

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

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

8 (2) Make license applications for video lottery game
9 manufacturers, video lottery game distributors, video
10 lottery game operators, video lottery game retailers, and
11 video lottery game handlers available to applicants and
12 promulgate any emergency or regular rules and regulations
13 needed for the implementation of the video lottery system

14 authorized under sections 313.425 to 313.435 within one
15 hundred twenty days of the effective date of this section;

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

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

23 (b) The applicant has submitted a complete application
24 for licensure as a licensed video lottery game manufacturer,
25 video lottery game distributor, video lottery game operator,
26 video lottery game retailer, or video lottery game handler,
27 which shall be submitted concurrently with the applicant's
28 request for a provisional license;

29 (c) The applicant has never been convicted of any
30 felony or gambling law violation in any jurisdiction; and

31 (d) The applicant for a video lottery game retailer's
32 license has been issued and holds a valid license to sell
33 liquor under chapter 311.

34 A provisional license shall be issued by the commission
35 within sixty days from the date on which the application was
36 first received unless the commission shows cause that the
37 license application is deficient or such applicant does not
38 meet the criteria for licensure.

39 2. The commission may issue provisional licenses prior
40 to the completion of a background check to an applicant that
41 is currently licensed under sections 313.200 to 313.435 or
42 sections 313.800 to 313.850; holds or is an affiliate of any
43 entity that holds a license in good standing from a
44 regulatory body of another state to operate, handle, or

45 maintain video gaming terminals or video lottery game
46 terminals that are substantially similar to video lottery
47 game terminals authorized under sections 313.425 to 313.435;
48 or if such person has been in the business of locating and
49 operating amusement games within this state continuously for
50 a period of five years.

51 3. A provisional license shall be valid until:

52 (1) The commission either approves or denies the
53 applicant's application for licensure;

54 (2) The provisional license is terminated for a
55 violation of this section; or

56 (3) One calendar year has passed since the provisional
57 license was issued.

58 Nothing in this section shall prohibit an applicant for a
59 video lottery game manufacturer's, video lottery game
60 distributor's, video lottery game operator's, video lottery
61 game retailer's, or video lottery game handler's license
62 from applying for a renewal of the provisional license
63 issued under this section so long as the commission has not
64 made a final determination to award or deny the applicant a
65 license.

66 4. Each applicant shall attest by way of affidavit
67 under penalty of perjury that the applicant is not otherwise
68 prohibited from licensure according to the requirements of
69 this section.

70 5. All requests for provisional licensure under this
71 section shall include the following fee, which is in
72 addition to the applicable fee required for an application
73 for licensure and shall be retained by the commission:

74 (1) Five thousand dollars for a video lottery game
75 manufacturer and video lottery game distributor;

76 (2) Five thousand dollars for a video lottery game
77 operator;

78 (3) Five hundred dollars for a video lottery game
79 retailer's establishment; or

80 (4) One hundred dollars for a video lottery game
81 handler.

 313.433. 1. Notwithstanding any other provision of
2 law to the contrary, participation by a person, firm,
3 corporation, or organization in any aspect of the state
4 lottery under sections 313.425 to 313.435 shall not be
5 construed to be a lottery or gift enterprise in violation of
6 section 39 of article III of the Constitution of Missouri.

7 2. The sale of lottery tickets, shares, or lottery
8 game plays using a video lottery game terminal under
9 sections 313.425 to 313.435 shall not constitute a valid
10 reason to refuse to issue or renew or to revoke or suspend
11 any license or permit issued under the provisions of chapter
12 311.

 313.435. A municipality may adopt an ordinance
2 prohibiting video lottery game terminals within the
3 corporate limits of such municipality within one hundred
4 twenty days from the effective date of this act. A county
5 commission may, for the unincorporated area of the county,
6 adopt an ordinance prohibiting video lottery game terminals
7 within the unincorporated area of the county within one
8 hundred twenty days from the effective date of this act.
9 The commission shall not license video lottery game
10 retailers within such area covered by such ordinance. Any
11 such municipality or county that has opted to prohibit the
12 use of video lottery game terminals to play video lottery
13 games may repeal such ordinance and upon such repeal the

14 commission may license video lottery game retailers within
15 such municipality or county to conduct video lottery games.

✓