

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 219
96TH GENERAL ASSEMBLY

1084L.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 313.800, 313.812, 313.817, 313.830, 362.111, and 370.073, RSMo, and to enact in lieu thereof six new sections relating to financial transactions.

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

Section A. Sections 313.800, 313.812, 313.817, 313.830, 362.111, and 370.073, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 313.800, 313.812, 313.817, 313.830, 362.111, and 370.073, to read as follows:

313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

(1) "Adjusted gross receipts", the gross receipts from licensed gambling games and devices **plus cash received in payment of credit instruments** less winnings paid to wagerers;

(2) "Applicant", any person applying for a license authorized under the provisions of sections 313.800 to 313.850;

(3) "Bank", the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;

(4) "Capital, cultural, and special law enforcement purpose expenditures" shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water
18 and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life
19 greater than one year, cultural events, and any expenditure related to a law enforcement officer
20 deployed as horse-mounted patrol, school resource or drug awareness resistance education
21 (D.A.R.E) officer;

22 (5) "Cheat", to alter the selection of criteria which determine the result of a gambling
23 game or the amount or frequency of payment in a gambling game;

24 (6) "Commission", the Missouri gaming commission;

25 (7) **"Credit instrument", a writing which evidences a gaming debt that is owed to**
26 **an excursion gambling boat licensee or any of its affiliated companies licensed by the**
27 **commission, and includes any writing taken in consolidation, redemption or payment of**
28 **a previous credit instrument;**

29 (8) "Dock", the location in a city or county authorized under subsection 10 of section
30 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to
31 a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the
32 embarking of passengers on and disembarking of passengers from a gambling excursion but shall
33 not include any artificial space created after May 20, 1994, and is located more than one
34 thousand feet from the closest edge of the main channel of the river as established by the United
35 States Army Corps of Engineers;

36 [(8)] (9) "Excursion gambling boat", a boat, ferry or other floating facility licensed by
37 the commission on which gambling games are allowed;

38 [(9)] (10) "Fiscal year" shall for the purposes of subsections 3 and 4 of section 313.820
39 mean the fiscal year of a home dock city or county;

40 [(10)] (11) "Floating facility", any facility built or originally built as a boat, ferry or barge
41 licensed by the commission on which gambling games are allowed;

42 [(11)] (12) "Gambling excursion", the time during which gambling games may be
43 operated on an excursion gambling boat whether docked or during a cruise;

44 [(12)] (13) "Gambling game" includes, but is not limited to, games of skill or games of
45 chance on an excursion gambling boat but does not include gambling on sporting events;
46 provided such games of chance are approved by amendment to the Missouri Constitution;

47 [(13)] (14) "Games of chance", any gambling game in which the player's expected return
48 is not favorably increased by his or her reason, foresight, dexterity, sagacity, design, information
49 or strategy;

50 [(14)] (15) "Games of skill", any gambling game in which there is an opportunity for the
51 player to use his or her reason, foresight, dexterity, sagacity, design, information or strategy to
52 favorably increase the player's expected return; including, but not limited to, the gambling games

53 known as "poker", "blackjack" (twenty-one), "craps", "Caribbean stud", "pai gow poker", "Texas
54 hold'em", "double down stud", and any video representation of such games;

55 [(15)] (16) "Gross receipts", the total sums wagered by patrons of licensed gambling
56 games;

57 [(16)] (17) "Holder of occupational license", a person licensed by the commission to
58 perform an occupation within excursion gambling boat operations which the commission has
59 identified as requiring a license;

60 [(17)] (18) "Licensee", any person licensed under sections 313.800 to 313.850;

61 [(18)] (19) "Mississippi River" and "Missouri River", the water, bed and banks of those
62 rivers, including any space filled by the water of those rivers for docking purposes in a manner
63 approved by the commission but shall not include any artificial space created after May 20, 1994,
64 and is located more than one thousand feet from the closest edge of the main channel of the river
65 as established by the United States Army Corps of Engineers;

66 [(19)] (20) "Supplier", a person who sells or leases gambling equipment and gambling
67 supplies to any licensee.

68 2. In addition to the games of skill [referred to in subdivision (14) of] **defined in**
69 subsection 1 of this section, the commission may approve other games of skill upon receiving
70 a petition requesting approval of a gambling game from any applicant or licensee. The
71 commission may set the matter for hearing by serving the applicant or licensee with written
72 notice of the time and place of the hearing not less than five days prior to the date of the hearing
73 and posting a public notice at each commission office. The commission shall require the
74 applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in
75 the applicant's or licensee's home dock city or county. The burden of proof that the gambling
76 game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative
77 responsibility of establishing his or her case by a preponderance of evidence including:

78 (1) Is it in the best interest of gaming to allow the game; and

79 (2) Is the gambling game a game of chance or a game of skill?

80

81 All testimony shall be given under oath or affirmation. Any citizen of this state shall have the
82 opportunity to testify on the merits of the petition. The commission may subpoena witnesses to
83 offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record
84 of the hearing and issue written findings of fact that shall be based exclusively on the evidence
85 and on matters officially noticed. The commission shall then render a written decision on the
86 merits which shall contain findings of fact, conclusions of law and a final commission order.
87 The final commission order shall be within thirty days of the hearing. Copies of the final

88 commission order shall be served on the petitioner by certified or overnight express mail, postage
89 prepaid, or by personal delivery.

313.812. 1. The commission may issue licenses pursuant to subsection 1 of section
2 313.807 when it is satisfied that the applicant has complied with all rules and regulations,
3 including an update of all information provided to the commission in the licensee's initial
4 application. The commission shall decide the number, location and type of excursion gambling
5 boat in a city or county under subsection 10 of this section. The license shall set forth the name
6 of the licensee, the type of license granted, the place where the excursion gambling boat will
7 operate and dock, including the docking of an excursion gambling boat which is continuously
8 docked, and other information the commission deems appropriate. The commission shall have
9 the ultimate responsibility of deciding the number, location, and type of excursion gambling
10 boats licensed in a city or county; however, any city or county which has complied with the
11 provisions of subsection 10 of this section shall submit to the commission a plan outlining the
12 following:

13 (1) The recommended number of licensed excursion gambling boats operating in such
14 city or county;

15 (2) The recommended licensee or licensees operating in such city or county;

16 (3) The community's economic development or impact and affirmative action plan
17 concerning minorities' and women's ownership, contracting and employment for the waterfront
18 development;

19 (4) The city or county proposed sharing of revenue with any other municipality;

20 (5) Any other information such city or county deems necessary; and

21 (6) Any other information the commission may determine is necessary. The commission
22 shall provide for due dates for receiving such plan from the city or county.

23 2. A license to operate an excursion gambling boat shall only be granted to an applicant
24 upon the express conditions that:

25 (1) The applicant shall not, by a lease, contract, understanding, or arrangement of any
26 kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed
27 under this section or of the system of wagering described in section 313.817. This section does
28 not prohibit a management contract with a person licensed by the commission; and

29 (2) The applicant shall not in any manner permit a person other than the licensee and the
30 management licensee to have a share, percentage, or proportion of the money received for
31 admissions to the excursion gambling boat.

32 3. The commission shall require, as a condition of granting a license, that an applicant
33 operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of
34 Missouri's or the home dock city's or county's riverboat history.

35 4. The commission shall encourage through its rules and regulations the use of Missouri
36 resources, goods and services in the operation of any excursion gambling boat.

37 5. The excursion gambling boat shall provide for nongaming areas, food service and a
38 Missouri theme gift shop. The amount of space used for gaming shall be determined in
39 accordance with all rules and regulations of the commission and the United States Coast Guard
40 safety regulations.

41 6. A license to operate gambling games or to operate an excursion gambling boat shall
42 not be granted unless the applicant has, through clear and convincing evidence, demonstrated
43 financial responsibility sufficient to meet adequately the requirements of the proposed enterprise.

44 7. Each applicant shall establish by clear and convincing evidence its fitness to be
45 licensed. Without limitation, the commission may deny a license based solely on the fact that
46 there is evidence that any of the following apply:

47 (1) The applicant has been suspended from operating an excursion gambling boat or a
48 game of chance or gambling operation in another jurisdiction by a board or commission of that
49 jurisdiction;

50 (2) The applicant is not the true owner of the enterprise proposed;

51 (3) The applicant is not the sole owner, and other persons have ownership in the
52 enterprise, which fact has not been disclosed;

53 (4) The applicant is a corporation that is not publicly traded and ten percent or more of
54 the stock of the corporation is subject to a contract or option to purchase at any time during the
55 period for which the license is to be issued unless the contract or option was disclosed to the
56 commission and the commission approved the sale or transfer during the period of the license;

57 (5) The applicant has knowingly made a false statement of a material fact to the
58 commission; or

59 (6) The applicant has failed to meet a valid, bona fide monetary obligation in connection
60 with an excursion gambling boat.

61 8. A license shall not be granted if the applicant has not established [his] **the applicant's**
62 good repute and moral character or if the applicant has pled guilty to, or has been convicted of,
63 a felony. No licensee shall employ or contract with any person who has pled guilty to, or has
64 been convicted of, a felony to perform any duties directly connected with the licensee's privileges
65 under a license granted pursuant to this section, except that employees performing nongaming
66 related occupations as determined by the commission shall be exempt from the requirements of
67 this subsection.

68 9. **Except as provided in section 313.817**, a licensee shall not lend to any person money
69 or any other thing of value for the purpose of permitting that person to wager on any gambling
70 game authorized by law. This does not prohibit credit card or debit card transactions or cashing

71 of checks. Any check cashed must be deposited within twenty-four hours. The commission may
72 require licensees to verify a sufficient account balance exists before cashing any check. Any
73 licensee who violates the provisions of this subsection shall be subject to an administrative
74 penalty of five thousand dollars for each violation. Such administrative penalties shall be
75 assessed and collected by the commission.

76 10. Gambling excursions including the operation of gambling games on an excursion
77 gambling boat which is not continuously docked shall be allowed only on the Mississippi River
78 and the Missouri River. No license to conduct gambling games on an excursion gambling boat
79 in a city or county shall be issued unless and until the qualified voters of the city or county
80 approve such activities pursuant to this subsection. The question shall be submitted to the
81 qualified voters of the city or county at a general, primary or special election upon the motion
82 of the governing body of the city or county or upon the petition of fifteen percent of the qualified
83 voters of the city or county determined on the basis of the number of votes cast for governor in
84 the city or county at the last election held prior to the filing of the petition. The question shall
85 be submitted in substantially the following form:

86 Shall the City (County) of allow the licensing of excursion gambling boats
87 or floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

88 G YES G NO

89

90 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
91 of the question, then the commission may license excursion gambling boats in that city or county
92 and such boats may operate on the Mississippi River and the Missouri River. If a majority of the
93 votes cast on the question by the qualified voters voting thereon are opposed to the question, then
94 the commission shall not license such excursion gambling boats in such city or county unless and
95 until the question is again submitted to and approved by a majority of the qualified voters of the
96 city or county at a later election. Excursion gambling boats may only dock in a city or
97 unincorporated area of a county which approves licensing of such excursion gambling boats
98 pursuant to this subsection, but gambling operations may be conducted at any point on the
99 Mississippi River or the Missouri River during an excursion. Those cities and counties which
100 have approved by election pursuant to this subsection, except those cities or counties which have
101 subsequently rejected by election, the licensing of any type of excursion gambling boats in the
102 city or county prior to April 6, 1994, are exempt from any local election requirement of this
103 section as such previous election shall have the same effect as if held after May 20, 1994.

104 11. If a docking fee is charged by a city or a county, a licensee operating an excursion
105 gambling boat shall pay the docking fee prior to the start of the excursion season.

106 12. Any licensee shall not be delinquent in the payment of property taxes or other taxes
107 or fees or in the payment of any other contractual obligation or debt due or owed to the state or
108 a political subdivision of the state.

109 13. An excursion gambling boat licensed by the state shall meet all of the requirements
110 of chapter 306 and is subject to an inspection of its sanitary facilities to protect the environment
111 and water quality by the commission or its designee before a license to operate an excursion
112 gambling boat is issued by the commission. Licensed excursion gambling boats shall also be
113 subject to such inspections during the period of the license as may be deemed necessary by the
114 commission. The cost of such inspections shall be paid by the licensee.

115 14. A holder of any license shall be subject to imposition of penalties, suspension or
116 revocation of such license, or if the person is an applicant for licensure, the denial of the
117 application, for any act or failure to act by himself or his agents or employees, that is injurious
118 to the public health, safety, morals, good order and general welfare of the people of the state of
119 Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state
120 of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of
121 such action. The commission shall take appropriate action against any licensee who violates the
122 law or the rules and regulations of the commission. Without limiting other provisions of this
123 subsection, the following acts or omissions may be grounds for such discipline:

124 (1) Failing to comply with or make provision for compliance with sections 313.800 to
125 313.850, the rules and regulations of the commission or any federal, state or local law or
126 regulation;

127 (2) Failing to comply with any rule, order or ruling of the commission or its agents
128 pertaining to gaming;

129 (3) Receiving goods or services from a person or business entity who does not hold a
130 supplier's license but who is required to hold such license by the provisions of sections 313.800
131 to 313.850 or the rules and regulations of the commission;

132 (4) Being suspended or ruled ineligible or having a license revoked or suspended in any
133 state of gaming jurisdiction;

134 (5) Associating with, either socially or in business affairs, or employing persons of
135 notorious or unsavory reputation or who have extensive police records, or who have failed to
136 cooperate with any officially constituted investigatory or administrative body and would
137 adversely affect public confidence and trust in gaming;

138 (6) Employing in any gambling games' operation or any excursion gambling boat
139 operation, any person known to have been found guilty of cheating or using any improper device
140 in connection with any gambling game;

141 (7) Use of fraud, deception, misrepresentation or bribery in securing any permit or
142 license issued pursuant to sections 313.800 to 313.850;

143 (8) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud,
144 deception, or misrepresentation;

145 (9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty
146 in the performance of the functions or duties regulated by sections 313.800 to 313.850.

313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling
2 games shall permit no form of wagering on gambling games.

3 2. The licensee may receive wagers only from a person present on a licensed excursion
4 gambling boat.

5 3. Wagering shall not be conducted with money or other negotiable currency. The
6 licensee shall exchange the money **or credit instrument** of each wagerer for electronic or
7 physical tokens, chips, or other forms of credit to be wagered on the gambling games. The
8 licensee shall exchange the tokens, chips, or other forms of wagering credit for money at the
9 request of the wagerer.

10 4. A person under twenty-one years of age shall not make a wager on an excursion
11 gambling boat and shall not be allowed in the area of the excursion boat where gambling is being
12 conducted; provided that employees of the licensed operator of the excursion gambling boat who
13 have attained eighteen years of age shall be permitted in the area in which gambling is being
14 conducted when performing employment-related duties, except that no one under twenty-one
15 years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The
16 governing body of a home dock city or county may restrict the age of entrance onto an excursion
17 gambling boat by passage of a local ordinance.

18 5. In order to help protect patrons from invasion of privacy and the possibility of identity
19 theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of
20 identification, any type of patron-tracking cards, or other types of identification prior to being
21 permitted to enter the area where gambling is being conducted on an excursion gambling boat
22 or to make a wager, except that, for purposes of establishing that a patron is at least twenty-one
23 years of age as provided in subsection 4 above, a licensee operating an excursion gambling boat
24 shall be authorized to request such patron to provide a valid state or federal photo identification
25 or a valid passport. This section shall not prohibit enforcement of identification requirements
26 that are required by federal law. This section shall not prohibit enforcement of any Missouri
27 statute requiring identification of patrons for reasons other than being permitted to enter the area
28 of an excursion gambling boat where gambling is being conducted or to make a wager.

29 6. A licensee shall only allow wagering and conduct gambling games at the times
30 allowed by the commission.

31 7. It shall be unlawful for a person to present false identification to a licensee or a
32 gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that
33 such person is legally entitled to be present on the excursion gambling boat. Any person who
34 violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first
35 offense and a class A misdemeanor for second and subsequent offenses.

36 **8. Credit instruments executed on or after August 28, 2011, are valid contracts**
37 **creating debt that are enforceable by legal process. A licensee may accept credit**
38 **instruments in exchange for tokens or chips that can be wagered on gambling games at the**
39 **licensee's excursion gambling boat. A licensee may accept multiple credit instruments from**
40 **the same person to consolidate or redeem a previous credit instrument. A lost or destroyed**
41 **credit instrument shall remain valid and enforceable if the party seeking enforcement can**
42 **prove its existence and terms. Any person who violates this subsection is subject only to**
43 **the penalties provided in section 313.812. The commission shall have no authority to**
44 **determine the validity or enforceability of a credit instrument or the enforceability of the**
45 **debt that the credit instrument represents. Failure to comply with any regulation**
46 **promulgated by the commission shall not impact the validity or enforceability of the credit**
47 **instrument or the debt that the credit instrument represents.**

313.830. 1. A person is guilty of a class D felony for any of the following:

- 2 (1) Operating a gambling excursion where wagering is used or to be used without a
3 license issued by the commission;
- 4 (2) Operating a gambling excursion where wagering is permitted other than in the
5 manner specified by section 313.817; or
- 6 (3) Acting, or employing a person to act, as a shill or decoy to encourage participation
7 in a gambling game.

8 2. A person is guilty of a class B misdemeanor for the first offense and a class A
9 misdemeanor for the second and subsequent offenses for any of the following:

- 10 (1) Permitting a person under the age of twenty-one to make a wager while on an
11 excursion gambling boat;
- 12 (2) Making or attempting to make a wager while on an excursion gambling boat when
13 such person is under the age of twenty-one years; or
- 14 (3) Aiding a person who is under the age of twenty-one in entering an excursion
15 gambling boat or in making or attempting to make a wager while on an excursion gambling boat.

16 3. A person wagering or accepting a wager at any location outside the excursion
17 gambling boat is in violation of section 572.040.

18 4. A person commits a class D felony and, in addition, shall be barred for life from
19 excursion gambling boats under the jurisdiction of the commission, if the person:

20 (1) Offers, promises, or gives anything of value or benefit to a person who is connected
21 with an excursion gambling boat operator including, but not limited to, an officer or employee
22 of a licensee or holder of an occupational license pursuant to an agreement or arrangement or
23 with the intent that the promise or thing of value or benefit will influence the actions of the
24 person to whom the offer, promise, or gift was made in order to affect or attempt to affect the
25 outcome of a gambling game, or to influence official action of a member of the commission;

26 (2) Solicits or knowingly accepts or receives a promise of anything of value or benefit
27 while the person is connected with an excursion gambling boat including, but not limited to, an
28 officer or employee of a licensee, or holder of an occupational license, pursuant to an
29 understanding or arrangement or with the intent that the promise or thing of value or benefit will
30 influence the actions of the person to affect or attempt to affect the outcome of a gambling game,
31 or to influence official action of a member of the commission;

32 (3) Uses a device to assist in any of the following:

33 (a) In projecting the outcome of the game;

34 (b) In keeping track of the cards played;

35 (c) In analyzing the probability of the occurrence of an event relating to the gambling
36 game; or

37 (d) In analyzing the strategy for playing or betting to be used in the game, except as
38 permitted by the commission;

39 (4) Cheats at a gambling game;

40 (5) Manufactures, sells, or distributes any cards, chips, dice, game or device which is
41 intended to be used to violate any provision of sections 313.800 to 313.850;

42 (6) Instructs a person in cheating or in the use of a device for that purpose with the
43 knowledge or intent that the information or use conveyed may be employed to violate any
44 provision of sections 313.800 to 313.850;

45 (7) Alters or misrepresents the outcome of a gambling game on which wagers have been
46 made after the outcome is made sure but before it is revealed to the players;

47 (8) Places a bet after acquiring knowledge, not available to all players, of the outcome
48 of the gambling game which is the subject of the bet or to aid a person in acquiring the
49 knowledge for the purpose of placing a bet contingent on that outcome;

50 (9) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything
51 of value in or from the gambling games, with intent to defraud, without having made a wager
52 contingent on winning a gambling game, or claims, collects, or takes an amount of money or
53 thing of value of greater value than the amount won;

54 (10) Knowingly entices or induces a person to go to any place where a gambling game
55 is being conducted or operated in violation of the provisions of sections 313.800 to 313.850 with
56 the intent that the other person plays or participates in that gambling game;

57 (11) Uses counterfeit chips or tokens in a gambling game;

58 (12) Knowingly uses, other than chips, tokens, coin, of other methods of credit approved
59 by the commission, legal tender of the United States of America, or to use coin not of the
60 denomination as the coin intended to be used in the gambling games;

61 (13) Has in the person's possession any device intended to be used to violate a provision
62 of sections 313.800 to 313.850;

63 (14) Has in the person's possession, except a gambling licensee or employee of a
64 gambling licensee acting in furtherance of the employee's employment, any key or device
65 designed for the purpose of opening, entering, or affecting the operation of a gambling game,
66 drop box, or an electronic or mechanical device connected with the gambling game or for
67 removing coins, tokens, chips or other contents of the gambling game; or

68 (15) Knowingly makes a false statement of any material fact to the commission, its
69 agents or employees.

70 5. The possession of one or more of the devices described in subdivision (3), (5), (13)
71 or (14) of subsection 4 of this section permits a rebuttable inference that the possessor intended
72 to use the devices for cheating.

73 6. Except for wagers on gambling games or exchanges for money **or a credit**
74 **instrument** as provided in section 313.817, or as payment for food or beverages on the excursion
75 gambling boat, a licensee who exchanges tokens, chips, or other forms of credit to be used on
76 gambling games for anything of value commits a class B misdemeanor.

77 7. If the commission determines that reasonable grounds to believe that a violation of
78 sections 313.800 to 313.850 has occurred or is occurring which is a criminal offense, the
79 commission shall refer such matter to both the state attorney general and the prosecuting attorney
80 or circuit attorney having jurisdiction. The state attorney general and the prosecuting attorney
81 or circuit attorney with such jurisdiction shall have concurrent jurisdiction to commence actions
82 for violations of sections 313.800 to 313.850 where such violations have occurred.

83 8. Venue for all crimes committed on an excursion gambling boat shall be the
84 jurisdiction of the home dock city or county or such county where a home dock city is located.

362.111. 1. A bank or trust company may impose fees or service charges on deposit
2 accounts; however, such fees or service charges are subject to such conditions or requirements
3 that may be fixed by regulations pursuant to section 361.105 by the director of the division of
4 finance and the state banking board. Notwithstanding any law to the contrary, no such condition

5 or requirement shall be more restrictive than the fees or service charges on deposit accounts or
6 similar accounts permitted any federally chartered depository institution.

7 **2. An agreement to operate or share an automated teller machine shall not prohibit**
8 **an owner or operator of the automated teller machine from imposing, on an individual who**
9 **conducts a transaction using a foreign account, an access fee or surcharge that is not**
10 **otherwise prohibited under federal or state law.**

11 **3. As used in this section, the following terms mean:**

12 **(1) "Automated teller machine", any electronic device, wherever located, through**
13 **which a consumer may initiate an electronic funds transfer or may order, instruct, or**
14 **authorize a financial institution to debit or credit an account and includes any machine or**
15 **device which may be used to carry out electronic banking business. "Automated teller**
16 **machine" does not include point of sale terminals or telephones or personal computers**
17 **operated by a consumer;**

18 **(2) "Foreign account", an account with a financial institution located outside the**
19 **United States.**

370.073. **1.** A credit union may impose fees or service charges on deposit accounts or
2 similar accounts; however, such fees or service charges are subject to such conditions or
3 requirements that may be fixed by regulations pursuant to this chapter by the director of credit
4 union supervision and the credit union commission. Notwithstanding any law to the contrary,
5 no such condition or requirement shall be more restrictive than the fees or service charges on
6 deposit accounts or similar accounts permitted any federally chartered depository institution.

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15 **device which may be used to carry out electronic banking business. "Automated teller**
16 **machine" does not include point of sale terminals or telephones or personal computers**
17 **operated by a consumer;**

18 **(2) "Foreign account", an account with a financial institution located outside the**
19 **United States.**