

FIRST REGULAR SESSION

HOUSE BILL NO. 151

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BROWN (Sponsor), DAVIS AND SOLON (Co-sponsors).

0595H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 313.055 and 313.057, RSMo, and to enact in lieu thereof two new sections relating to bingo, with penalty provisions.

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

Section A. Sections 313.055 and 313.057, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 313.055 and 313.057, to read as follows:

2 313.055. 1. A tax is hereby imposed on each organization conducting the game of bingo
2 which awards to winners of bingo games prizes or merchandise having an aggregate retail value
3 of more than five thousand dollars annually and more than one hundred dollars in any single day.
4 The tax shall be in the amount of two-tenths of one cent upon each bingo card and progressive
5 bingo game card sold in Missouri to be paid by [the] **each** supplier, **except for veteran's**
6 **organizations**. The taxes, less two percent of the total amount paid which may be retained by
7 the supplier, shall be paid on a monthly basis to the commission, by each supplier of bingo
8 supplies and shall be due on the last day of the month following the month in which the bingo
9 card was sold, with the date of sale being the date on the invoice evidencing the sale, along with
10 such reports as may be required by the commission. The taxes shall be deposited in the state
11 treasury, credited to the bingo proceeds for education fund.

12 2. All taxes not paid to the commission by the person or licensee required to remit the
13 same on the date when the same becomes due and payable to the commission under the
14 provisions of sections 313.005 to 313.085 shall bear interest at the rate to be set by the
15 commission not to exceed two percent per calendar month, or fraction thereof, from and after
16 such date until paid. In addition, the commission may impose a penalty not to exceed three times

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 the amount of taxes due for failure to submit the reports required by this section and pay the
18 taxes due.

313.057. 1. It is unlawful for any person, either as an owner, lessee or employee, to
2 operate, carry on, conduct or maintain any form of manufacturing, selling, leasing or distribution
3 of any bingo equipment or supplies without having first procured and maintained a Missouri
4 bingo equipment and supplies manufacturer or supplier license.

5 2. The commission shall submit two sets of fingerprints for each key person, as defined
6 in commission rules and regulations, of an entity or organization seeking issuance or renewal of
7 a Missouri bingo equipment and supplies manufacturer or supplier license, for the purpose of
8 checking the person's prior criminal history when the commission determines a nationwide check
9 is warranted. The fingerprint cards and any required fees shall be sent to the Missouri state
10 highway patrol's criminal records division. The first set of fingerprints shall be used for
11 searching the state repository of criminal history information. The second set of fingerprints
12 shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the
13 searching of the federal criminal history files. The patrol shall notify the commission of any
14 criminal history information or lack of criminal history information discovered on the individual.
15 Notwithstanding the provisions of section 610.120, all records related to any criminal history
16 information discovered shall be accessible and available to the commission.

17 3. The holder of a state bingo license may, within two years of cessation of conducting
18 bingo or upon specific approval by the commission, dispose of by sale in a manner approved by
19 the commission, any or all of his bingo equipment and supplies, without a supplier's license. In
20 case of foreclosure of a lien by a bank or other person holding a security interest for which bingo
21 equipment is security in whole or in part for the lien, the commission may authorize the
22 disposition of the bingo equipment without requiring a supplier's license.

23 4. Any person whom the commission determines to be a suitable person to receive a
24 license pursuant to the provisions of this section may be issued a manufacturer's or supplier's
25 license. The commission may require suppliers to post a bond with the commission in an
26 amount and in the manner prescribed by the commission. The burden of proving his
27 qualification to receive or hold a license pursuant to this section is at all times on the applicant
28 or licensee.

29 5. The commission shall charge and collect from each applicant for a supplier's license
30 a one-time application fee set by the commission, not to exceed five thousand dollars. The
31 commission shall charge and collect an annual renewal fee for each supplier licensee not to
32 exceed one thousand dollars. The applicant shall be responsible for the total cost of the criminal
33 history investigation. If the cost of the investigation exceeds the total amount of fees filed by the
34 applicant in this subsection, the commission may assess additional fees as it deems appropriate.

35 6. The commission shall charge and collect from each applicant for a manufacturer's
36 license a one-time application fee set by the commission, not to exceed five thousand dollars.
37 The commission shall charge and collect an annual renewal fee for each manufacturer licensee
38 not to exceed one thousand dollars. The applicant shall be responsible for the total cost of the
39 criminal history investigation. If the cost of the investigation exceeds the total amount of fees
40 filed by the applicant in this subsection, the commission may assess additional fees as it deems
41 appropriate.

42 7. The commission shall charge and collect from each applicant for a hall provider's
43 license a one-time application fee set by the commission, not to exceed seven hundred fifty
44 dollars. The commission shall charge and collect an annual renewal fee for each hall provider
45 licensee not to exceed five hundred dollars.

46 8. All licenses issued pursuant to this section shall be issued for the calendar year and
47 shall expire on December thirty-first of each year. Regardless of the date of application or
48 issuance of the license, the fee to be charged and collected pursuant to this section shall be the
49 full annual fee.

50 9. All license fees collected pursuant to this section shall be paid over immediately to
51 the state treasurer to be deposited to the credit of the gaming commission fund.

52 10. All licensees pursuant to this section shall maintain for a period of not less than three
53 years full and complete records of all business carried on in this state and shall make same
54 available for inspection to any duly authorized representative of the commission. If a supplier
55 does not receive payment in full from an organization within thirty days of the delivery of bingo
56 supplies, the supplier shall notify the commission in writing, or in a manner specified by the
57 commission in its rules and regulations, of the delinquency. Upon receipt of the notice of
58 delinquency, the commission shall notify all suppliers that until further notice from the
59 commission, all sales of bingo supplies to the delinquent organizations shall be on a cash-only
60 basis. Upon receipt of the notice from the commission, no supplier may extend credit to the
61 delinquent organization until such time as the commission approves credit sales. If a
62 manufacturer does not receive payment in full from a supplier within ninety days of the delivery
63 of bingo supplies, the manufacturer shall notify the commission in writing, or in a manner
64 specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the
65 notice of delinquency, the commission shall notify all manufacturers that until further notice
66 from the commission, all sales of bingo supplies to the delinquent supplier shall be on a
67 cash-only basis. Upon receipt of the notice from the commission, no manufacturer may extend
68 credit to the delinquent supplier until such time as the commission approves credit sales.

69 11. Until January 1, 1995, all suppliers, **except veteran's organizations**, shall pay a tax
70 on all pull-tab cards distributed by them in the amount of ten dollars per box when sold by any

71 organization licensed to conduct bingo pursuant to the provisions of sections 313.005 to 313.080.
72 No box sold shall contain more than twenty-four hundred pull-tab cards. Beginning January 1,
73 1995, a tax is hereby imposed in the amount of two percent of the gross receipts of the retail sales
74 value charged for each pull-tab card sold in Missouri to be paid by [the] **each** supplier, **except**
75 **for veteran's organizations**. The taxes, less two percent of the total amount paid which may
76 be retained by the supplier, if timely filed and paid, shall be paid on a monthly basis to the
77 commission by each supplier of pull-tabs and shall be due on the last day of each month
78 following the month in which the pull-tabs were sold. The taxes shall be deposited in the state
79 treasury, credited to the bingo proceeds for education fund. All pull-tab cards sold by suppliers
80 in this state shall bear on the face thereof the amount for which such pull-tab cards will be sold.
81 Each unit container shall contain cards printed in such a manner as to ensure that at least sixty
82 percent of the gross revenues generated by the ultimate sale of such cards shall be returned to the
83 final purchasers of such cards. Any supplier who **is not exempt and** fails to pay the tax imposed
84 pursuant to this subsection shall have his **or her** license issued pursuant to this section revoked
85 and shall be guilty of a class A misdemeanor.

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