

SECOND REGULAR SESSION

HOUSE BILL NO. 2515

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ENGLER.

6369H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 313.800 and 313.817, RSMo, and to enact in lieu thereof two new sections relating to credit instruments used in wagering on excursion gambling boats, with penalty provisions.

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

Section A. Sections 313.800 and 313.817, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 313.800 and 313.817, to read as follows:

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

3 (1) "Adjusted gross receipts", the gross receipts from licensed gambling games and
4 devices less winnings paid to wagerers;

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

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

9 (4) "Capital, cultural, and special law enforcement purpose expenditures" shall include
10 any disbursement, including disbursements for principal, interest, and costs of issuance and
11 trustee administration related to any indebtedness, for the acquisition of land, land
12 improvements, buildings and building improvements, vehicles, machinery, equipment, works
13 of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger,
14 shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian
15 shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads,
16 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 written check, negotiable instrument, automatic bank draft or
26 other authorization from a qualified person to an excursion gambling boat licensee or any of its
27 affiliated companies licensed by the commission authorizing the licensee to withdraw the amount
28 of credit extended by the licensee to such person from the qualified person's banking account **in**
29 **an amount determined under section 313.817** on or after a date certain of not more than thirty
30 days from the date the credit was extended, and includes any such writing taken in consolidation,
31 redemption or payment of a previous credit instrument, but does not include any interest-bearing
32 installment loan or other extension of credit secured by collateral;

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

40 (9) "Excursion gambling boat", a boat, ferry or other floating facility licensed by the
41 commission on which gambling games are allowed;

42 (10) "Fiscal year" shall for the purposes of subsections 3 and 4 of section 313.820 mean
43 the fiscal year of a home dock city or county;

44 (11) "Floating facility", any facility built or originally built as a boat, ferry or barge
45 licensed by the commission on which gambling games are allowed;

46 (12) "Gambling excursion", the time during which gambling games may be operated on
47 an excursion gambling boat whether docked or during a cruise;

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

51 (14) "Games of chance", any gambling game in which the player's expected return is not
52 favorably increased by his or her reason, foresight, dexterity, sagacity, design, information or
53 strategy;

54 (15) "Games of skill", any gambling game in which there is an opportunity for the player
55 to use his or her reason, foresight, dexterity, sagacity, design, information or strategy to favorably
56 increase the player's expected return; including, but not limited to, the gambling games known
57 as "poker", "blackjack" (twenty-one), "craps", "Caribbean stud", "pai gow poker", "Texas
58 hold'em", "double down stud", and any video representation of such games;

59 (16) "Gross receipts", the total sums wagered by patrons of licensed gambling games;

60 (17) "Holder of occupational license", a person licensed by the commission to perform
61 an occupation within excursion gambling boat operations which the commission has identified
62 as requiring a license;

63 (18) "Licensee", any person licensed under sections 313.800 to 313.850;

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

69 (20) "Supplier", a person who sells or leases gambling equipment and gambling supplies
70 to any licensee.

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

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

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

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84 All testimony shall be given under oath or affirmation. Any citizen of this state shall have the
85 opportunity to testify on the merits of the petition. The commission may subpoena witnesses to
86 offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record

87 of the hearing and issue written findings of fact that shall be based exclusively on the evidence
88 and on matters officially noticed. The commission shall then render a written decision on the
89 merits which shall contain findings of fact, conclusions of law and a final commission order.
90 The final commission order shall be within thirty days of the hearing. Copies of the final
91 commission order shall be served on the petitioner by certified or overnight express mail, postage
92 prepaid, or by personal delivery.

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 physical
7 tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall
8 exchange the tokens, chips, or other forms of wagering credit for money at the request of the
9 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, [2014] **2016**, are valid contracts
37 creating debt that is enforceable by legal process. A licensee may accept credit instruments from
38 a qualified person in exchange for currency, chips, tokens, or electronic tokens that can be
39 wagered on gambling games at the licensee's excursion gambling boat. For the purposes of this
40 subsection, "qualified person" means a person who has completed a credit application provided
41 by the licensee and who is determined by the licensee, after performing a credit check and
42 applying usual standards to establish creditworthiness, to qualify for a line of credit [of at least
43 ten thousand dollars] **and in an amount to be determined by the licensee under the**
44 **restrictions in subsection 9 of this section based on such person's demand deposit account**
45 **or accounts, including any checking account and savings account.** Once the licensee makes
46 the determination that a person is a qualified person, additional credit checks are not required.
47 Approval to accept a credit instrument from a qualified person shall be made by the holder of an
48 occupational license. [A licensee may accept multiple credit instruments from the same person
49 to consolidate or redeem a previous credit instrument.] **If a new credit instrument is issued to**
50 **consolidate or replace an existing credit instrument or instruments, the new credit**
51 **instrument shall use the oldest date of the credit instrument or instruments being replaced.**
52 A lost or destroyed credit instrument shall remain valid and enforceable if the party seeking
53 enforcement can prove its existence and terms. Any person who violates this subsection is
54 subject only to the penalties provided in section 313.812. The commission shall have no
55 authority to determine the validity or enforceability of a credit instrument or the enforceability
56 of the debt that the credit instrument represents. Failure to comply with any regulation
57 promulgated by the commission shall not impact the validity or enforceability of the credit
58 instrument or the debt that the credit instrument represents.

59 9. In addition to the other creditor protections contained in this section, a licensee [may]
60 **shall** not lend anything of value or extend credit to any person for the purpose of permitting that
61 person to wager on any gambling game except through the use of a credit instrument; **credit**
62 **instruments of ten thousand dollars or less may be accepted only if the licensee determines**
63 **the qualified person's creditworthiness to be at least twice the amount of the credit**
64 **instrument or ten thousand dollars, whichever is less; credit instruments of more than ten**
65 **thousand dollars may be accepted only if the licensee determines the qualified person's**
66 **creditworthiness to be equal or in excess of the amount of the credit instrument; and no**

67 **credit instrument shall be secured by any individual's house or other real property,**
68 **tangible personal property, investments, IRAs, a 401(k), pensions or other retirement**
69 **accounts, any college savings plans, or any assets whatsoever other than a demand deposit**
70 **account or accounts.** All credit instruments shall provide that any credit extended shall be due
71 no later than thirty days from the date credit is extended. Credit instruments shall be considered
72 an unsecured loan and shall not bear interest.

73 10. No credit shall be extended to a person who is intoxicated.

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