

FIRST REGULAR SESSION

HOUSE BILL NO. 682

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

1228H.021

DANA RADEMAN MILLER, Chief Clerk

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 six new sections, to be known as sections 313.427, 313.429, 313.431, 313.433, 313.435, and 313.437, to read as follows:

313.427. As used in sections 313.427 to 313.437, the following words and phrases mean:

(1) "Centralized computer system", a computerized system, developed or procured by the commission, to which video lottery game terminals are connected using standard industry protocols, that can activate or deactivate a particular video lottery game terminal from a remote location and that is capable of monitoring and auditing video lottery game plays;

(2) "Commission" or "lottery commission", the five-member body appointed by the governor to manage and oversee the lottery under section 313.215;

(3) "Establishment", any establishment registered to do business in this state by a person licensed as a video lottery game retailer, and that meets the requirements of the commission;

(4) "Fraternal organization", any organization within this state operating under the lodge system which exists for the common benefit, brotherhood, or other interest of its members, except college fraternities and sororities, of which no part of the net earnings inures to the benefit of any private shareholder or any individual member of such

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 organization, which has been exempted from the payment of federal income tax, and which
18 derives its charter from a national fraternal organization which regularly meets;

19 (5) "Veterans' organization", a post or organization of veterans, or an auxiliary
20 unit or society of, or a trust or foundation for, any such post or organization organized in
21 the United States or any of its possessions in which at least seventy-five percent of the
22 members are veterans of the United States Armed Forces and substantially all of the other
23 members are individuals who are veterans or cadets or are spouses, widows, or widowers;
24 in which no part of the net earnings inures to the benefit of any private shareholder or
25 individual; and which has been exempted from payment of federal income taxes;

26 (6) "Video lottery game", any lottery game approved by the commission for play
27 on a video lottery game terminal using video lottery game terminal credits that have been
28 purchased with cash, or cash equivalents, or by winning a video lottery game terminal
29 ticket;

30 (7) "Video lottery game adjusted gross receipts", the total of cash or cash
31 equivalents used for the play of a video lottery game on a video lottery game terminal
32 minus cash or cash equivalents paid to players as a result of playing video lottery games
33 on a video lottery game terminal;

34 (8) "Video lottery game distributor", a person licensed by the commission to buy,
35 sell, lease, rent, finance, or otherwise provide, distribute, or service video lottery game
36 terminals or major parts and components of video lottery game terminals, including used
37 or refurbished video lottery game terminals, to and from licensed video lottery game
38 manufacturers and licensed video lottery game operators;

39 (9) "Video lottery game handler", a person employed by a licensed video lottery
40 game operator to handle, place, operate, and service video lottery game terminals and
41 associated equipment;

42 (10) "Video lottery game manufacturer", any person that manufactures video
43 lottery game terminals or major parts and components for video lottery game terminals
44 as approved by the lottery commission;

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

48 (12) "Video lottery game retailer", a person meeting the requirements of a lottery
49 game retailer under section 313.260, possessing a video lottery game retailer's license, and
50 possessing a license to sell liquor with whom a licensed video lottery game operator has
51 contracted for the placement of a video lottery game terminal or terminals;

52 (13) "Video lottery game sales agent", a person either employed or contracted by
53 a video lottery game operator acting as an agent for such video lottery game operator that
54 is registered with the commission;

55 (14) "Video lottery game terminal", a player-activated terminal that exchanges
56 coins, currency, tickets, ticket vouchers, or other electronic payment methods approved by
57 the commission for video lottery game terminal credits used to play video lottery games
58 approved by the commission. Such video lottery game terminals shall use a video display
59 and microprocessor capable of randomly generating the outcome of video lottery games
60 and be capable of printing a ticket at the conclusion of any video lottery game play that is
61 redeemable at a video lottery game ticket redemption terminal or reinserted into a video
62 lottery game terminal for video lottery game credit. All video lottery games approved by
63 the commission for play on a video lottery game terminal shall have a minimum theoretical
64 payout of eighty-five percent;

65 (15) "Video lottery game terminal credit", one cent, five cents, ten cents, or
66 twenty-five cents either won or purchased by a player on a video lottery game terminal that
67 is used to play video lottery games and that may be converted into a video lottery game
68 ticket;

69 (16) "Video lottery game ticket" or "ticket", a document printed at the conclusion
70 of any lottery game play or group of plays on a video lottery game terminal that is
71 redeemable for cash by utilizing a video lottery game ticket redemption terminal or that
72 may be reinserted into a video lottery game terminal in the establishment for which it was
73 issued for video lottery terminal game play credit;

74 (17) "Video lottery game ticket redemption terminal", the collective hardware,
75 software, communications technology, and other ancillary equipment used to facilitate the
76 payment of tickets cashed out by players as a result of playing a video lottery game
77 terminal.

313.429. 1. The commission shall implement a system of video lottery game
2 terminals utilizing a licensing structure for processing license applications and issuing
3 licenses to video lottery game manufacturers, video lottery game distributors, video lottery
4 game operators, video lottery game handlers, and video lottery game retailers for the
5 conduct of lottery games utilizing video lottery game terminals within the state; except that,
6 a person licensed as a:

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

9 (2) Video lottery game operator shall not be issued a license as a video lottery game
10 manufacturer, a video lottery game distributor, or video lottery game retailer; and

11 **(3) Video lottery game retailer shall not be issued a license as a video lottery game**
12 **manufacturer, a video lottery game distributor, or video lottery game operator.**

13

14 **Nothing in this subsection shall prevent a video lottery game manufacturer from obtaining**
15 **a video lottery game manufacturer's license and a video lottery game distributor's license**
16 **and providing and operating the centralized computer system for monitoring video lottery**
17 **game terminals.**

18 **2. Under no circumstances shall the commission:**

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

21 **(2) Allow a single licensed video lottery game operator to control or operate more**
22 **than twenty percent of video lottery game terminals in the state after 2022.**

23 **3. (1) The video lottery game system authorized by this section shall allow for**
24 **multiple video lottery game manufacturers, video lottery game distributors, and video**
25 **lottery game operators to encourage private sector investment and job opportunities for**
26 **Missouri citizens. Video lottery game terminals shall be connected to a centralized**
27 **computer system developed or procured by the commission. The commission shall provide**
28 **licensed video lottery game operators with the necessary protocols to connect the operators'**
29 **video lottery game terminal or terminals to the centralized computer system, after such**
30 **terminal or terminals have been approved by the commission. No video lottery game**
31 **terminal shall be placed in operation without first connecting to the centralized computer**
32 **system, after such terminal or terminals have been approved by the commission. A vendor**
33 **that provides the centralized computer system authorized under this subsection shall not**
34 **be eligible to be licensed as a video lottery game operator or video lottery game retailer.**
35 **The commission may impose an initial nonrefundable license application fee as follows:**

36 **(a) For video lottery game manufacturers, video lottery game distributors, and**
37 **video lottery game operators, no more than one hundred thousand dollars;**

38 **(b) For video lottery game retailer establishments, no more than one thousand**
39 **dollars; and**

40 **(c) For video lottery game handlers, no more than one thousand dollars.**

41 **(2) The initial license and first subsequent license renewal shall be for a period of**
42 **two years. Thereafter, license renewal periods shall be four years with the applicable**
43 **renewal fee paid when such license is renewed. License renewal fees for anyone licensed**
44 **under this subsection shall be as follows:**

45 **(a) Ten thousand dollars for video lottery game manufacturers and video lottery**
46 **game distributors;**

- 47 **(b) Ten thousand dollars for video lottery game operators;**
48 **(c) One hundred dollars for video lottery game handlers; and**
49 **(d) One thousand dollars for each video lottery game retailer's establishment.**

50 **(3) In addition to the license fees required in subdivisions (1) and (2) of this**
51 **subsection, video lottery game operators shall pay the commission an annual license fee of**
52 **five hundred dollars for each video lottery game terminal placed in service. Such video**
53 **lottery game terminal license shall be renewed each year and cost five hundred dollars. A**
54 **license issued under this subsection is nontransferable.**

55 **(4) Nothing in this subsection shall be construed to relieve the licensee of the**
56 **affirmative duty to notify the commission of any change relating to the status of the license**
57 **or to any other information contained in the application materials on file with the**
58 **commission.**

59 **4. No license shall be issued to any person, and no person shall be allowed to serve**
60 **as a sales agent, who has been convicted of a felony or an offense involving illegal**
61 **gambling.**

62 **5. No license requirement, sticker fee, or tax shall be imposed by any local**
63 **jurisdiction upon a video lottery game manufacturer, video lottery game distributor, video**
64 **lottery game operator, video lottery game retailer, video lottery game handler, or video**
65 **lottery game terminal or an establishment relating to the operation of video lottery games,**
66 **video lottery game terminals, or associated equipment.**

67 **6. (1) Video lottery game terminals shall meet independent testing standards**
68 **approved by the commission, as tested by one or more approved independent test labs, and**
69 **be capable of randomly generating the outcome of video lottery games approved by the**
70 **commission. Video lottery game terminals shall be capable of printing a ticket redeemable**
71 **for winning video lottery game plays. Such video lottery game terminals shall be inspected**
72 **and approved by the commission prior to being sold, leased, or transferred.**

73 **(2) Licensed video lottery game manufacturers may buy, sell, or lease new or**
74 **refurbished video lottery game terminals to and from licensed video lottery game**
75 **distributors.**

76 **(3) Licensed video lottery game distributors may buy, sell, or lease new or**
77 **refurbished video lottery game terminals to or from licensed video lottery game**
78 **manufacturers or licensed video lottery game operators.**

79 **7. (1) Licensed video lottery game operators:**

80 **(a) May buy, lease, or rent video lottery game terminals from licensed video lottery**
81 **game manufacturers, operators, or distributors;**

82 **(b) May handle, place, and service video lottery game terminals;**

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

85 (d) Shall pay winning tickets using a video lottery game ticket redemption terminal.
86 Such video lottery ticket redemption terminal shall be located within the video lottery game
87 retailer's establishment in direct proximity of where such video lottery games are offered.
88 Video lottery game operators shall pay the commission thirty-two percent of any unclaimed
89 cash prize associated with a winning ticket that has not been redeemed within one year of
90 issue. Rents or leases for video lottery game terminals shall be written at a flat rate and
91 shall not include revenue splitting as a method used in the calculation of the lease or rent.

92 (2) Licensed video lottery game operators and licensed video lottery game retailers
93 shall enter into a written agreement for the placement of video lottery game terminals. The
94 agreement shall be on a form approved by the commission and shall specify an equal
95 division of adjusted gross receipts between the video lottery game operator and the video
96 lottery game retailer after adjustments for taxes and administrative fees are made. A video
97 lottery game operator shall be responsible for remitting to the commission and the video
98 lottery game retailer its share of adjusted gross receipts. Nothing in this subdivision shall
99 prohibit a licensed video lottery game operator from entering into an agreement with a
100 sales agent for retailer agreements, provided such agreement is in writing and approved
101 by the commission. Video lottery game operators and their sales agents and affiliates and
102 video lottery game retailers are specifically prohibited from offering anything of value,
103 other than the percentage of adjusted gross receipts provided under this subsection, for the
104 initial or continued placement of video lottery game terminals. An agreement for the
105 placement of video lottery game terminals, or any similar agreement, entered into prior to
106 the enactment of sections 313.427 to 313.437 shall be invalid and unenforceable. Persons
107 violating this subdivision are subject to the loss or prohibition of their video lottery game
108 operator's license.

109 (3) To combat problem gambling, video lottery game operators shall allow players
110 to be self-excluded from video lottery game play. Operators shall provide the commission
111 with a list of players that have elected to be excluded from video lottery game play within
112 thirty days of such election and shall update such list periodically as required by the
113 commission. Such self-excluded list shall be considered confidential information and shall
114 not be released to the public. The commission shall issue such self-exclusion procedures
115 by rule. Any rule or portion of a rule, as that term is defined in section 536.010, that is
116 created under the authority delegated in this section shall become effective only if it
117 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
118 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers

119 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
120 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
121 grant of rulemaking authority and any rule proposed or adopted after August 28, 2019,
122 shall be invalid and void.

123 (4) Nothing in this section shall be construed to prevent a video lottery game
124 operator or a video lottery game retailer from using a player rewards system as approved
125 by the commission. No player shall be required to enroll in a rewards program offered by
126 a video lottery game operator or video lottery game retailer as a condition to play video
127 lottery games.

128 8. No licensed video lottery game operator shall:

129 (1) Offer video lottery gaming terminals that directly dispense anything of value
130 except for tickets for winning plays. Tickets shall be dispensed by pressing the ticket
131 dispensing button on the video lottery gaming terminal at the end of any video lottery game
132 play. The ticket shall indicate the total amount of video lottery game terminal credits and
133 the cash award, the time of day in a twenty-four-hour format showing hours and minutes,
134 the date, the terminal serial number, the sequential number of the ticket, and an encrypted
135 validation number from which the validity of the prize may be determined. The cost of the
136 video lottery game terminal credits shall be one cent, five cents, ten cents, or twenty-five
137 cents, and the maximum wager played per video lottery game shall not exceed ten dollars.
138 No cash award for the maximum wager played on any individual video lottery game shall
139 exceed one thousand dollars;

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

143 (3) Operate more than five video lottery game terminals at one video lottery game
144 retailer establishment; except that, if the establishment is a veterans' organization,
145 fraternal organization, or truck stop, such establishment may operate up to ten video
146 lottery game terminals as approved by the commission;

147 (4) Advertise video lottery games outside of a licensed video lottery game retailer's
148 establishment through any media outlets or direct mail or telephone solicitations. The
149 advertising prohibition contained in this subdivision shall apply to all licensees including,
150 but not limited to, video lottery game manufacturers, video lottery game distributors, video
151 lottery game operators, video lottery game retailers, and video lottery game handlers;
152 except that, a video game lottery retailer may participate in an advertising program that
153 is promoted through and sponsored by the state lottery and may advertise in or on the
154 outside of the establishment's building and parking lot; or

155 **(5) Allow video lottery games to be played at any time when the video lottery game**
156 **retailer's establishment is closed for business.**

157 **9. (1) A person under twenty-one years of age shall not play video lottery games,**
158 **and such video lottery game terminals shall be under the supervision of a person that is at**
159 **least twenty-one years of age to prevent persons under twenty-one years of age from**
160 **playing video lottery games. Video lottery game terminals shall not be visible from areas**
161 **normally occupied by minors and shall be placed within the unobstructed line of sight of**
162 **the sales counter unless placed in an enclosed or partially enclosed area that is continually**
163 **monitored by video surveillance. A warning sign shall be posted in a conspicuous location**
164 **where such video lottery game terminals are located, containing in red lettering at least**
165 **one-half inch high on a white background the following:**

166 **"YOU MUST BE AT LEAST 21 YEARS OF AGE TO PLAY VIDEO LOTTERY**
167 **GAMES."**

168 **In addition to the placement and supervision requirements of this subsection, a video**
169 **lottery game operator shall provide video surveillance in the immediate area of the video**
170 **lottery game retailer's establishment where video lottery game terminals are located.**
171 **Recorded video from such surveillance system shall be made available to the commission**
172 **upon request and shall be reviewed by video lottery game operators as reasonably and**
173 **specifically requested by the commission for any violation of law, rules, or regulations**
174 **governing the conduct of video lottery games. A video lottery game operator that fails to**
175 **review such surveillance video and report any known violation of law, rules, or regulations**
176 **governing the conduct of video lottery games in conformance with established commission**
177 **procedures may be subject to an administrative fine not to exceed five thousand dollars.**
178 **Any video lottery game retailer that fails to report any known violation of law, rules, or**
179 **regulations governing the conduct of video lottery games in conformance with established**
180 **commission procedures may be subject to an administrative fine not to exceed five**
181 **thousand dollars. In the event a video lottery game operator or retailer is found to have**
182 **knowingly committed a violation governing the conduct of video lottery games, the**
183 **commission may impose an administrative fine not to exceed five thousand dollars, suspend**
184 **such operator's or retailer's license for up to thirty days, or, in the case of repeated**
185 **violations, revoke such operator's or retailer's license for a period of one year. Any video**
186 **lottery game operator or retailer aggrieved by the commission's decision in any**
187 **disciplinary action that results in the suspension or revocation of such operator's or**
188 **retailer's video lottery game license may appeal such decision by filing an action in circuit**
189 **court. The commission shall refer a violation of the criminal code, with any evidence**
190 **thereof, to the appropriate law enforcement officials. Video lottery game retailers shall**

191 provide an intrusion detection system capable of detecting unauthorized entrance of the
192 video lottery game retailer's establishment during nonbusiness hours and shall report to
193 the commission any unauthorized entrance of the video lottery game retailer's
194 establishment. Such surveillance and intrusion detection system shall meet specifications
195 as defined by the commission.

196 (2) A video lottery game operator shall post a sign in a conspicuous location where
197 such video lottery game terminals are located containing, in red lettering at least one-half-
198 inch high on a white background, a telephone contact number (1-800-BETSOFF) for the
199 problem gambling helpline.

200 10. (1) Video lottery game operators shall pay the commission thirty-six percent
201 of the video lottery game adjusted gross receipts, which shall be deposited in the state
202 lottery fund. The commission shall transfer the amount received from the operators from
203 the lottery fund to the lottery proceeds fund after administrative expenses equal to four
204 percent of the video lottery game adjusted gross receipts are paid to the municipality where
205 a licensed video lottery game retailer maintains an establishment licensed for the operation
206 of video lottery game terminals or, if such licensed establishment is not located within the
207 corporate boundaries of a municipality, to the county where such licensed establishment
208 is located to reimburse such municipality or county for administrative expenses, and any
209 administrative expenses for the commission that are not covered by reimbursements from
210 operators are deducted. Net proceeds transferred to the lottery proceeds fund shall be
211 transferred to the general revenue fund.

212 (2) Video lottery game operators shall retain sixty-four percent of the video lottery
213 game adjusted gross receipts, a portion of which shall be utilized to pay for administrative
214 expenses, which shall include the cost of the centralized computer system and which shall
215 be paid by video lottery game operators in proportion to the number of video lottery game
216 terminals operated. Fifty percent of the costs of the centralized computer system shall be
217 apportioned by the video lottery game operator among video lottery game retailers to
218 which it provides operations based on the number of video lottery game terminals located
219 at the video lottery game retailer's establishment. The remainder, after the costs of the
220 centralized computer system are paid and apportioned, shall be divided equally between
221 the video lottery game operator and video lottery game retailer as agreed under
222 subdivision (2) of subsection 6 of this section.

223 11. All revenues received by the commission from license fees and any
224 reimbursements associated with the administration of the provisions of sections 313.427
225 to 313.437, and all interest earned thereon, shall be considered administrative expenses and
226 shall be deposited in the state lottery fund. Moneys deposited into the state lottery fund

227 from license fees and any reimbursements of commission administrative expenses to
228 administer sections 313.427 to 313.437 shall be considered administrative expenses and
229 shall not be considered net proceeds under to Article III, Section 39(b) of the Constitution
230 of Missouri. Subject to appropriation, up to one percent of such license fees and
231 reimbursements deposited to the credit of the state lottery fund may be deposited to the
232 credit of the compulsive gamblers fund created under section 313.842. The remainder of
233 the moneys deposited in the state lottery fund from video lottery game license fees and any
234 reimbursements of commission administrative expenses to enforce sections 313.427 to
235 313.437 shall, subject to appropriation, be used for administrative expenses associated with
236 supervising and enforcing the provisions of sections 313.427 to 313.437.

237 12. The commission may contract with a state law enforcement entity to assist in
238 conducting investigations into applicants for any video lottery game license and to
239 investigate violations by any video lottery game licensee of any of the provisions of sections
240 313.427 to 313.437 or state law regulating illegal gambling activities. A video lottery game
241 licensee suspected of a violation shall be afforded an administrative hearing, on the record,
242 and any action taken to impose a fine on such licensee, or to suspend or revoke the ability
243 of a licensee to offer lottery game products for sale, may be appealed to the commission.
244 Any such administrative suspension or revocation upheld by the commission may be
245 appealed by the video lottery game licensee in a state court of competent jurisdiction.

246 13. The possession or use of any video lottery game terminal not authorized by the
247 commission under the provisions of sections 313.427 to 313.437 shall be prosecuted under
248 the provisions of chapter 572. The commission shall have the power to investigate
249 suspected violations by any video lottery license holder and to refer any violations or
250 suspected violations to the appropriate law enforcement authority.

251 14. The commission shall adopt rules for the implementation of the video lottery
252 game system authorized under sections 313.425 to 313.437 including, but not limited to, the
253 placement of video lottery game terminals within a retail establishment and for the active
254 oversight of the conduct of video lottery games. Any rule or portion of a rule, as that term
255 is defined in section 536.010, that is created under the authority delegated in this section
256 shall become effective only if it complies with and is subject to all of the provisions of
257 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
258 nonseverable, and if any of the powers vested with the general assembly pursuant to
259 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
260 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
261 proposed or adopted after August 28, 2019, shall be invalid and void.

2 **313.431. 1. In order to expedite the orderly implementation of the video lottery**
3 **game system authorized under sections 313.427 to 313.437, the commission shall:**

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

7 **(2) Make license applications for video lottery game manufacturers, video lottery**
8 **game distributors, video lottery game operators, video lottery game retailers, and video**
9 **lottery game handlers available to applicants, and promulgate any emergency or regular**
10 **rules and regulations needed for the implementation of the video lottery game system**
11 **authorized under sections 313.427 to 313.437 within one hundred twenty days of the**
12 **effective date of this section; and**

13 **(3) Issue a provisional license to an applicant for a video lottery game**
14 **manufacturer's, video lottery game distributor's, video lottery game operator's, video**
15 **lottery game retailer's, or video lottery game handler's license if such applicant satisfies all**
16 **of the following criteria to the satisfaction of the commission:**

17 **(a) The applicant has never been convicted of a felony;**

18 **(b) The applicant is current on all state taxes;**

19 **(c) The applicant has submitted a complete application for licensure as a licensed**
20 **video lottery game manufacturer, video lottery game distributor, video lottery game**
21 **operator, video lottery game retailer, or video lottery game handler, which shall be**
22 **submitted concurrently with the applicant's request for a provisional license;**

23 **(d) The applicant has never been convicted of any felony or gambling law violation**
24 **in any jurisdiction; and**

25 **(e) The applicant for a video lottery game retailer's license has been issued and**
26 **holds a valid license to sell liquor under chapter 311.**

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

30 **2. The commission may issue provisional licenses prior to the completion of a**
31 **background check to an applicant that is currently licensed under sections 313.200 to**
32 **313.437 or sections 313.800 to 313.850; holds or is an affiliate of any entity that holds a**
33 **license in good standing from a regulatory body of another state to operate, handle, or**
34 **maintain video gaming terminals or video lottery game terminals that are substantially**
35 **similar to video lottery game terminals authorized under sections 313.427 to 313.437; or**

36 if such person has been in the business of locating and operating amusement games within
37 this state continuously for a period of five years.

38 **3. A provisional license shall be valid until:**

39 **(1) The commission either approves or denies the applicant's application for**
40 **licensure;**

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

42 **(3) One calendar year has passed since the provisional license was issued.**

43

44 **Nothing in this section shall prohibit an applicant for a video lottery game manufacturer's,**
45 **video lottery game distributor's, video lottery game operator's, video lottery game**
46 **retailer's, or video lottery game handler's license from applying for a renewal of the**
47 **provisional license issued under this section so long as the commission has not made a final**
48 **determination to award or deny the applicant a license.**

49 **4. Each applicant shall attest by way of affidavit under penalty of perjury that the**
50 **applicant is not otherwise prohibited from licensure according to the requirements of this**
51 **section.**

52 **5. All requests for provisional licensure under this section shall include the**
53 **following fee, which is in addition to the applicable fee required for an application for**
54 **licensure and shall be retained by the commission:**

55 **(1) Ten thousand dollars for a video lottery game manufacturer and video lottery**
56 **game distributor;**

57 **(2) Ten thousand dollars for a video lottery game operator;**

58 **(3) One thousand dollars for a video lottery game retailer's establishment; or**

59 **(4) Two hundred dollars for a video lottery game handler.**

313.433. 1. Notwithstanding any other provision of law to the contrary,
2 **participation by a person, firm, corporation, or organization in any aspect of the state**
3 **lottery under sections 313.427 to 313.437 shall not be construed to be a lottery or gift**
4 **enterprise in violation of Article III, Section 39 of the Constitution of Missouri.**

5 **2. The sale of lottery tickets, shares, or lottery game plays using a video lottery**
6 **game terminal under sections 313.427 to 313.437 shall not constitute a valid reason to**
7 **refuse to issue or renew or to revoke or suspend any license or permit issued under the**
8 **provisions of chapter 311.**

9 **3. No contract to operate, distribute, or manufacture a video lottery game entered**
10 **into before August 28, 2019, shall be valid.**

313.435. A municipality may adopt an ordinance prohibiting video lottery game
2 **terminals within the corporate limits of such municipality within one hundred twenty days**

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

313.437. Notwithstanding any other provision of law to the contrary, the
2 commission may incur fees when accepting debit cards or other electronic payment
3 methods, except credit cards, for the sale of lottery game plays.

✓