

# SENATE BILL NO. 1021

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

3394S.01I

KRISTINA MARTIN, Secretary

## AN ACT

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

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

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

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

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

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

13           (3) "Fraternal organization", any organization within  
14 this state operating under the lodge system which exists for  
15 the common benefit, brotherhood, or other interest of its  
16 members, except college fraternities and sororities, of  
17 which no part of the net earnings inures to the benefit of  
18 any private shareholder or any individual member of such  
19 organization, which has been exempted from the payment of  
20 federal income tax, and which derives its charter from a  
21 national fraternal organization which regularly meets;

22           (4) "Truck stop", a location that provides parking and  
23 is equipped for fueling commercial vehicles, that has sold  
24 on average ten thousand gallons of diesel or biodiesel fuel  
25 each month for the previous twelve months or is projected to  
26 sell an average of ten thousand gallons of diesel or  
27 biodiesel fuel each month for the next twelve months, and  
28 that obtains and maintains a lottery game retailer license  
29 issued by the commission;

30           (5) "Veterans' organization", a post or organization  
31 of veterans, or an auxiliary unit or society of, or a trust  
32 or foundation for, any such post or organization organized  
33 in the United States or any of its possessions in which at  
34 least seventy-five percent of the members are veterans of  
35 the United States armed forces and substantially all of the  
36 other members are individuals who are veterans or are  
37 cadets, or are spouses, widows, or widowers of war veterans  
38 of such individuals, in which no part of the net earnings  
39 inures to the benefit of any private shareholder or  
40 individual, and which has been exempted from payment of  
41 federal income taxes;

42           (6) "Video lottery game", any lottery game approved by  
43 the commission for play on a video lottery game terminal  
44 using video lottery game terminal credits that have been

45 purchased with cash, cash equivalents, or by a winning video  
46 lottery game terminal ticket;

47 (7) "Video lottery game adjusted gross receipts", the  
48 total of cash or cash equivalents used for the play of a  
49 video lottery game on a video lottery game terminal minus  
50 cash or cash equivalent paid to players as a result of  
51 playing video lottery games on a video lottery game terminal;

52 (8) "Video lottery game distributor", a person  
53 licensed by the commission to buy, sell, lease, rent,  
54 finance or otherwise provide, distribute or service video  
55 lottery game terminals or major parts and components of  
56 video lottery game terminals, including used or refurbished  
57 video lottery game terminals to and from licensed video  
58 lottery game manufacturers and licensed video lottery game  
59 operators;

60 (9) "Video lottery game handler", a person employed by  
61 a licensed video lottery game operator to handle, place,  
62 operate, and service video lottery game terminals and  
63 associated equipment;

64 (10) "Video lottery game manufacturer", any person  
65 that manufactures video lottery game terminals or major  
66 parts and components for video lottery game terminals as  
67 approved by the lottery commission;

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

72 (12) "Video lottery game retailer", a person meeting  
73 the requirements of a lottery game retailer under section  
74 313.260, that secures and maintains a license issued by the  
75 commission to conduct video lottery games played on a video  
76 lottery game terminal or terminals and that is a fraternal

77 organization, veterans organization, truck stop, or business  
78 entity licensed under chapter 311 to sell liquor by the  
79 drink and that only allows patrons over the age of twenty-  
80 one to enter;

81 (13) "Video lottery game terminal", player-activated  
82 terminal that exchanges coins, currency, tickets, ticket  
83 vouchers, or other electronic payment methods approved by  
84 the commission for video lottery game terminal credits used  
85 to play video lottery games approved by the commission.  
86 Such video lottery game terminals shall use a video display  
87 and microprocessor capable of randomly generating the  
88 outcome of video lottery games and be capable of printing a  
89 ticket at the conclusion of any video lottery game play that  
90 is redeemable at a video lottery game ticket redemption  
91 terminal or reinserted into a video lottery game terminal  
92 for video lottery game credit. All video lottery games  
93 approved by the commission for play on a video lottery game  
94 terminal shall have a minimum theoretical payout of eighty-  
95 five percent;

96 (14) "Video lottery game terminal credit", one cent,  
97 five cents, ten cents, or twenty-five cents either won or  
98 purchased by a player on a video lottery game terminal that  
99 is used to play video lottery games and that may be  
100 converted into a video lottery game ticket;

101 (15) "Video lottery game ticket" or "ticket", a  
102 document printed at the conclusion of any lottery game play  
103 or group of plays on a video lottery game terminal that is  
104 redeemable for cash utilizing a video lottery game ticket  
105 redemption terminal or that may be reinserted into a video  
106 lottery game terminal in the establishment for which it was  
107 issued for video lottery terminal game play credit;

108           (16) "Video lottery game ticket redemption terminal",  
109 the collective hardware, software, communications  
110 technology, and other ancillary equipment used to facilitate  
111 the payment of tickets cashed out by players as a result of  
112 playing a video lottery game terminal.

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

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

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

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

19 Nothing in this subsection shall prevent a video lottery  
20 game manufacturer from obtaining a video lottery game  
21 manufacturer's license and a video lottery game  
22 distributor's license and providing and operating the  
23 centralized computer system for monitoring video lottery  
24 game terminals, and nothing in this subsection shall prevent  
25 a video lottery game operator from obtaining a video lottery  
26 game retailer's license or a video lottery game retailer

27 from obtaining a video lottery game operator's license,  
28 provided the applicant meets the requirements for all such  
29 licenses.

30 2. Under no circumstances shall the commission:

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

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

37 (3) Allow a single licensed video lottery game  
38 manufacturer or distributor to manufacture or distribute  
39 more than twenty-five percent of video lottery game  
40 terminals in the state.

41 3. (1) The video lottery game system authorized by  
42 this section shall allow for multiple video lottery game  
43 manufacturers, video lottery game distributors, and video  
44 lottery game operators to encourage private sector  
45 investment and job opportunities for Missouri citizens.  
46 Video lottery game terminals shall be connected to a  
47 centralized computer system developed or procured by the  
48 commission. The commission shall provide licensed video  
49 lottery game operators with the necessary protocols to  
50 connect the operators' video lottery game terminal or  
51 terminals to the centralized computer system after such  
52 terminal or terminals have been approved by the commission.  
53 No video lottery game terminal shall be placed in operation  
54 without first connecting to the centralized computer system  
55 after such terminal or terminals have been approved by the  
56 commission. A vendor that provides the centralized computer  
57 system authorized under this subsection shall not be  
58 eligible to be licensed as a video lottery game operator or

59 video lottery game retailer. The commission may impose an  
60 initial nonrefundable license application fee as follows:

61 (a) For video lottery game manufacturers, video  
62 lottery game distributors, and video lottery game operators,  
63 no more than fifty thousand dollars;

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

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

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

74 (a) Five thousand dollars for video lottery game  
75 manufacturers and video lottery game distributors;

76 (b) Five thousand dollars for video lottery game  
77 operators;

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

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

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

89 (4) Nothing in this subsection shall be construed to  
90 relieve the licensee of the affirmative duty to notify the

91 commission of any change relating to the status of the  
92 license or to any other information contained in the  
93 application materials on file with the commission.

94 4. No license shall be issued to any person, and no  
95 person shall be allowed to serve as a sales agent, who has  
96 been convicted of a felony or a crime involving illegal  
97 gambling.

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

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

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

118 (3) Licensed video lottery game distributors may buy,  
119 sell, or lease new or refurbished video lottery game  
120 terminals to or from licensed video lottery game  
121 manufacturers or licensed video lottery game operators.

122 7. (1) Licensed video lottery game operators:

123           (a) May buy, lease, or rent video lottery game  
124 terminals from licensed video lottery game manufacturers,  
125 operators, or distributors;

126           (b) May handle, place, and service video lottery game  
127 terminals;

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

131           (d) Shall pay winning tickets using a video lottery  
132 game ticket redemption terminal. Such video lottery ticket  
133 redemption terminal shall be located within the video  
134 lottery game retailer's establishment in direct proximity of  
135 where such video lottery games are offered. Video lottery  
136 game operators shall pay the commission thirty-two percent  
137 of any unclaimed cash prize associated with a winning ticket  
138 that has not been redeemed within one year of issue.

139 Rents or leases for video lottery game terminals shall be  
140 written at a flat rate and shall not include revenue  
141 splitting as a method used in the calculation of the lease  
142 or rent.

143           (2) Licensed video lottery game operators and licensed  
144 video lottery game retailers shall enter into a written  
145 agreement for the placement of video lottery game  
146 terminals. The agreement shall be on a form approved by the  
147 commission and shall specify a freely negotiated and agreed  
148 upon division of adjusted gross receipts between the video  
149 lottery game operator and the video lottery game retailer  
150 after adjustments for taxes and administrative fees are  
151 made. A video lottery game operator shall be responsible  
152 for remitting to the commission and the video lottery game  
153 retailer its share of adjusted gross receipts. Video

154 lottery game retailers that are also video lottery game  
155 operators and licensed video lottery game operators that are  
156 also video lottery game retailers shall only be required to  
157 submit an agreement pursuant to this subdivision if the  
158 ownership is not identical in both entities. Nothing in  
159 this subdivision shall prohibit a licensed video lottery  
160 game operator from entering into an agreement with a sales  
161 agent for retailer agreements provided such agreement is in  
162 writing and approved by the commission. No video lottery  
163 game operator or its sales agents, employees, or affiliates  
164 may offer, promise, or tender any property or personal  
165 advantage to any employee or agent of any video lottery game  
166 retailer with the intent to influence such video lottery  
167 game retailer with respect to locating any video lottery  
168 game terminal in the video lottery game retailer's  
169 establishment. Video lottery game operators and video  
170 lottery game retailers may allocate costs related to the  
171 operation, promotion, and maintenance of video lottery game  
172 terminals in any manner that has been mutually agreed to.  
173 An agreement for the placement of video lottery game  
174 terminals, or any similar agreement, entered into prior to  
175 the enactment of sections 313.425 to 313.435 shall be  
176 invalid and unenforceable. Persons violating this  
177 subdivision are subject to the loss or prohibition of their  
178 video lottery game operator's license.

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

186           8. No licensed video lottery game operator shall:

187           (1) Offer video lottery gaming terminals that directly  
188 dispense anything of value except for tickets for winning  
189 plays. Tickets shall be dispensed by pressing the ticket  
190 dispensing button on the video lottery gaming terminal at  
191 the end of any video lottery game play. The ticket shall  
192 indicate the total amount of video lottery game terminal  
193 credits and the cash award, the time of day in a twenty-four-  
194 hour format showing hours and minutes, the date, the  
195 terminal serial number, the sequential number of the ticket,  
196 and an encrypted validation number from which the validity  
197 of the prize may be determined. The cost of the video  
198 lottery game terminal credits shall be one cent, five cents,  
199 ten cents, or twenty-five cents, and the maximum wager  
200 played per video lottery game shall not exceed five  
201 dollars. No cash award for the maximum wager played on any  
202 individual video lottery game shall exceed one thousand  
203 dollars;

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

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

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



248 exceed five thousand dollars. Any video lottery game  
249 retailer that fails to report any known violation of law,  
250 rules, or regulations governing the conduct of video lottery  
251 games in conformance with established commission procedures  
252 may be subject to an administrative fine not to exceed five  
253 thousand dollars. In the event a video lottery game  
254 operator or retailer is found to have knowingly committed a  
255 violation governing the conduct of video lottery games, the  
256 commission may impose an administrative fine not to exceed  
257 five thousand dollars, suspend such operator's or retailer's  
258 license for up to thirty days, or in the case of repeated  
259 violations revoke such operator's or retailer's license for  
260 a period of one year. Any video lottery game operator or  
261 retailer aggrieved by the commission's decision in any  
262 disciplinary action that results in the suspension or  
263 revocation of such operator's or retailer's video lottery  
264 game license may appeal such decision by filing an action in  
265 circuit court. The commission shall refer a violation of  
266 the criminal code, with any evidence thereof, to the  
267 appropriate law enforcement officials. Video lottery game  
268 retailers shall provide an intrusion detection system  
269 capable of detecting unauthorized entrance of the video  
270 lottery game retailer's establishment during nonbusiness  
271 hours and shall report to the commission any unauthorized  
272 entrance of the video lottery game retailer's  
273 establishment. Such surveillance and intrusion detection  
274 system shall meet specifications as defined by the  
275 commission.

276 (2) A video lottery game operator shall post a sign in  
277 a conspicuous location where such video lottery game  
278 terminals are located, containing in red lettering at least

279 one-half inch high on a white background a telephone contact  
280 number (1-888-BETSOFF) for the problem gambling helpline.

281       10. (1) Video lottery game operators shall pay the  
282 commission thirty-six percent of the video lottery game  
283 adjusted gross receipts, which shall be deposited in the  
284 state lottery fund. The commission shall transfer the  
285 amount received from the operator from the lottery fund to  
286 the lottery proceeds fund after administrative expenses  
287 equal to four percent of the video lottery game adjusted  
288 gross receipts are paid to the municipality where a licensed  
289 video lottery game retailer maintains an establishment  
290 licensed for the operation of video lottery game terminals,  
291 or if such licensed establishment is not located within the  
292 corporate boundaries of a municipality, then the county  
293 where such licensed establishment is located to reimburse  
294 such municipality or county for administrative expenses, and  
295 any administrative expenses for the commission that are not  
296 covered by reimbursements from operators are deducted. Net  
297 proceeds transferred to the lottery proceeds fund shall be  
298 appropriated to public elementary and secondary education  
299 and public institutions of higher education with an emphasis  
300 on programs to promote science, technology, engineering, and  
301 mathematics (STEM) and programs to promote workforce  
302 development.

303       (2) Video lottery game operators shall retain sixty-  
304 four percent of the video lottery game adjusted gross  
305 receipts, a portion of which shall be utilized to pay for  
306 administrative expenses which shall include the cost of the  
307 centralized computer system, which cost shall be paid by  
308 video lottery game operators in proportion to the number of  
309 video lottery game terminals operated and shall not be  
310 apportioned by the video lottery game operator among video

311 lottery game retailers to which it provides operations. The  
312 remainder, after the costs of the centralized computer  
313 system are paid, shall be divided between the video lottery  
314 game operator and video lottery game retailer as agreed to  
315 by the video lottery game operator and video lottery game  
316 retailer under the freely negotiated agreement made under  
317 subdivision (2) of subsection 7 of this section, unless the  
318 video lottery game operator and video lottery game retailer  
319 share the same ownership.

320 11. All revenues received by the commission from  
321 license fees and any reimbursements associated with the  
322 administration of the provisions of sections 313.425 to  
323 313.435, and all interest earned thereon, shall be  
324 considered administrative expenses and shall be deposited in  
325 the state lottery fund. Moneys deposited into the state  
326 lottery fund from license fees and any reimbursements of  
327 commission administrative expenses to administer sections  
328 313.425 to 313.435 shall be considered administrative  
329 expenses and shall not be considered net proceeds pursuant  
330 to article III, section 39(b) of the Missouri Constitution.  
331 Subject to appropriation, up to one percent of such license  
332 fees and reimbursements deposited to the credit of the state  
333 lottery fund may be deposited to the credit of the  
334 compulsive gamblers fund created under section 313.842. The  
335 remainder of the money deposited in the state lottery fund  
336 from video lottery game license fees and any reimbursements  
337 of commission administrative expenses to enforce sections  
338 313.425 to 313.435 shall, subject to appropriation, be used  
339 for administrative expenses associated with supervising and  
340 enforcing the provisions of sections 313.425 to 313.435.

341 12. The commission may contract with a state law  
342 enforcement entity to assist in conducting investigations

343 into applicants for any video lottery game license and to  
344 investigate violations by any video lottery game licensee of  
345 any of the provisions of sections 313.425 to 313.435 or  
346 state law regulating illegal gambling activities. A video  
347 lottery game licensee suspected of a violation shall be  
348 afforded an administrative hearing on the record and any  
349 action taken to impose a fine on such licensee, or to  
350 suspend or revoke the ability of a licensee to offer lottery  
351 game products for sale, shall be appealed to the  
352 commission. Any such administrative suspension or  
353 revocation upheld by the commission may be appealed by the  
354 video lottery game licensee in a state court of competent  
355 jurisdiction.

356 13. (1) Any person manufacturing, operating,  
357 distributing, or in possession of a video lottery game  
358 terminal not authorized by the commission under the  
359 provisions of sections 313.425 to 313.435 as of August 28,  
360 2024, shall become compliant with the provisions of sections  
361 313.425 to 313.435 within one hundred twenty days of August  
362 28, 2024. Any person failing to become compliant within the  
363 following number of days shall be subject to the following  
364 fines issued by the commission:

365 (a) Within one hundred twenty days, two hundred fifty  
366 thousand dollars;

367 (b) Within two hundred forty days, five hundred  
368 thousand dollars;

369 (c) Within three hundred sixty days, seven hundred  
370 fifty thousand dollars; and

371 (d) Within four hundred eighty days, one million  
372 dollars.

373 (2) In addition to the fines provided in subdivision  
374 (1) of this subsection, any person failing to become

375 compliant after four hundred eighty days may be prosecuted  
376 under the provisions of chapter 572. The commission shall  
377 have the power to investigate suspected violations by any  
378 video lottery game license holder and to refer any  
379 violations or suspected violations to the appropriate law  
380 enforcement authority.

381 14. The commission shall adopt rules for the  
382 implementation of the video lottery game system authorized  
383 under sections 313.425 to 313.435, including, but not  
384 limited to, the placement of video lottery game terminals  
385 within a retail establishment and for the active oversight  
386 of the conduct of video lottery games. Any rule or portion  
387 of a rule, as that term is defined in section 536.010 that  
388 is created under the authority delegated in this section  
389 shall become effective only if it complies with and is  
390 subject to all of the provisions of chapter 536, and if  
391 applicable, section 536.028. This section and chapter 536  
392 are nonseverable and if any of the powers vested with the  
393 general assembly pursuant to chapter 536 to review, to delay  
394 the effective date, or to disapprove and annul a rule are  
395 subsequently held unconstitutional, then the grant of  
396 rulemaking authority and any rule proposed or adopted after  
397 August 28, 2024, shall be invalid and void.

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

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

8 (2) Make license applications for video lottery game  
9 manufacturers, video lottery game distributors, video

10 lottery game operators, video lottery game retailers, and  
11 video lottery game handlers available to applicants and  
12 promulgate any emergency or regular rules and regulations  
13 needed for the implementation of the video lottery system  
14 authorized under sections 313.425 to 313.435 within one  
15 hundred twenty days of the effective date of this section;

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

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

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

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

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

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

39 2. The commission may issue provisional licenses prior  
40 to the completion of a background check to an applicant that

41 is currently licensed under sections 313.200 to 313.435 or  
42 sections 313.800 to 313.850; holds or is an affiliate of any  
43 entity that holds a license in good standing from a  
44 regulatory body of another state to operate, handle, or  
45 maintain video gaming terminals or video lottery game  
46 terminals that are substantially similar to video lottery  
47 game terminals authorized under sections 313.425 to 313.435;  
48 or if such person has been in the business of locating and  
49 operating amusement games within this state continuously for  
50 a period of five years.

51 3. A provisional license shall be valid until:

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

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

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

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

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

70 5. All requests for provisional licensure under this  
71 section shall include the following fee, which is in

72 addition to the applicable fee required for an application  
73 for licensure and shall be retained by the commission:

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

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

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

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

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

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

313.435. A municipality may adopt an ordinance  
2 prohibiting video lottery game terminals within the  
3 corporate limits of such municipality within one hundred  
4 twenty days from the effective date of this act. A county  
5 commission may, for the unincorporated area of the county,  
6 adopt an ordinance prohibiting video lottery game terminals  
7 within the unincorporated area of the county within one  
8 hundred twenty days from the effective date of this act.  
9 The commission shall not license video lottery game  
10 retailers within such area covered by such ordinance. Any

11 such municipality or county that has opted to prohibit the  
12 use of video lottery game terminals to play video lottery  
13 games may repeal such ordinance and upon such repeal the  
14 commission may license video lottery game retailers within  
15 such municipality or county to conduct video lottery games.

✓