

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 523

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DUSENBERG, CRAWFORD AND SKAGGS (Co-sponsors).

Read 1<sup>st</sup> time February 20, 2003, and copies ordered printed.

Read 2<sup>nd</sup> time February 24, 2003 and referred to the Committee on Crime Prevention and Public Safety February 27, 2003.

Reported from the Committee on Crime Prevention and Public Safety March 13, 2003, with recommendation that the bill Do Pass by Consent.

Perfectured by Consent March 19, 2003.

STEPHEN S. DAVIS, Chief Clerk

1388L.01P

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### AN ACT

To repeal sections 313.057 and 313.810, RSMo, and to enact in lieu thereof two new sections relating to licensing requirements, with penalty provisions.

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

Section A. Sections 313.057 and 313.810, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 313.057 and 313.810, to read as follows:

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**  
6 **defined in commission rules and regulations, of an entity or organization seeking issuance**  
7 **or renewal of a Missouri bingo equipment and supplies manufacturer or supplier license,**  
8 **for the purpose of checking the person's prior criminal history when the commission**  
9 **determines a nationwide check is warranted. The fingerprint cards and any required fees**  
10 **shall be sent to the Missouri state highway patrol's criminal records division. The first set**  
11 **of fingerprints shall be used for searching the state repository of criminal history**  
12 **information. The second set of fingerprints shall be forwarded to the Federal Bureau of**

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

13 **Investigation, Identification Division, for the searching of the federal criminal history files.**  
14 **The patrol shall notify the commission of any criminal history information or lack of**  
15 **criminal history information discovered on the individual. Notwithstanding the provisions**  
16 **of section 610.120, RSMo, all records related to any criminal history information**  
17 **discovered shall be accessible and available to the commission.**

18 [2.] 3. The holder of a state bingo license may, within two years of cessation of  
19 conducting bingo or upon specific approval by the commission, dispose of by sale in a manner  
20 approved by the commission, any or all of his bingo equipment and supplies, without a supplier's  
21 license. In case of foreclosure of a lien by a bank or other person holding a security interest for  
22 which bingo equipment is security in whole or in part for the lien, the commission may authorize  
23 the disposition of the bingo equipment without requiring a supplier's license.

24 [3.] 4. Any person whom the commission determines to be a suitable person to receive  
25 a license [under] **pursuant to** the provisions of this section may be issued a manufacturer's or  
26 supplier's license. The commission may require suppliers to post a bond with the commission  
27 in an amount and in the manner prescribed by the commission. The burden of proving his  
28 qualification to receive or hold a license [under] **pursuant to** this section is at all times on the  
29 applicant or licensee.

30 [4.] 5. The commission shall charge and collect from each applicant for a supplier's  
31 license a one-time application fee set by the commission, not to exceed five thousand dollars.  
32 The commission shall charge and collect an annual renewal fee for each supplier licensee not to  
33 exceed one thousand dollars.

34 [5.] 6. The commission shall charge and collect from each applicant for a manufacturer's  
35 license a one-time application fee set by the commission, not to exceed one thousand dollars.  
36 The commission shall charge and collect an annual renewal fee for each manufacturer licensee  
37 not to exceed five hundred dollars.

38 [6.] 7. The commission shall charge and collect from each applicant for a hall provider's  
39 license a one-time application fee set by the commission, not to exceed seven hundred fifty  
40 dollars. The commission shall charge and collect an annual renewal fee for each hall provider  
41 licensee not to exceed five hundred dollars.

42 [7.] 8. All licenses issued [under] **pursuant to** this section shall be issued for the  
43 calendar year and shall expire on December thirty-first of each year. Regardless of the date of  
44 application or issuance of the license, the fee to be charged and collected [under] **pursuant to**  
45 this section shall be the full annual fee.

46 [8.] 9. All license fees collected pursuant to this section shall be paid over immediately  
47 to the state treasurer to be deposited to the credit of the gaming commission bingo fund.

48 [9.] 10. All licensees [under] **pursuant to** this section shall maintain for a period of not

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

65 [10.] 11. Until January 1, 1995, all suppliers shall pay a tax on all pull-tab cards  
66 distributed by them in the amount of ten dollars per box when sold by any organization licensed  
67 to conduct bingo [under] **pursuant to** the provisions of sections 313.005 to 313.080. No box  
68 sold shall contain more than twenty-four hundred pull-tab cards. Beginning January 1, 1995, a  
69 tax is hereby imposed in the amount of two percent of the gross receipts of the retail sales value  
70 charged for each pull-tab card sold in Missouri to be paid by the supplier. The taxes, less two  
71 percent of the total amount paid which may be retained by the supplier, if timely filed and paid,  
72 shall be paid on a monthly basis to the commission by each supplier of pull-tabs and shall be due  
73 on the last day of each month following the month in which the pull-tabs were sold. The taxes  
74 shall be deposited in the state treasury, credited to the bingo proceeds for education fund. All  
75 pull-tab cards sold by suppliers in this state shall bear on the face thereof the amount for which  
76 such pull-tab cards will be sold, and the license number of the supplier shall be printed on the  
77 inventory statement commonly called the flare, enclosed in each unit container. Each unit  
78 container shall contain cards printed in such a manner as to ensure that at least sixty percent of  
79 the gross revenues generated by the ultimate sale of such cards shall be returned to the final  
80 purchasers of such cards. Any supplier who fails to pay the tax imposed [under] **pursuant to**  
81 this subsection shall have his license issued [under] **pursuant to** this section revoked and shall  
82 be guilty of a class A misdemeanor.

313.810. 1. A person shall not be issued a license to conduct gambling games on an  
2 excursion gambling boat or a license to operate an excursion gambling boat, an occupational

3 license, or a supplier license unless the person has completed and signed an application on the  
4 form prescribed and published by the commission. The application shall include the full name,  
5 residence, date of birth and other personal identifying information as the commission deems  
6 necessary, including but not limited to, the information specified in section 313.847. The  
7 application shall also indicate whether the applicant has [either] **any** of the following:

- 8 (1) A record of conviction of a felony; or
- 9 (2) A current addiction to a controlled substance.

10 2. [An applicant for a license shall submit pictures and fingerprints to the commission  
11 in the manner prescribed on the application forms.] **The commission shall submit two sets of**  
12 **fingerprints for any person seeking employment with the commission or any person who**  
13 **is seeking the issuance or renewal of a license issued by the commission, for the purpose**  
14 **of checking the person's prior criminal history when the commission determines a**  
15 **nationwide check is warranted. The fingerprint cards and any required fees shall be sent**  
16 **to the Missouri state highway patrol's criminal records division. The first set of**  
17 **fingerprints shall be used for searching the state repository of criminal history**  
18 **information. The second set of fingerprints shall be forwarded to the Federal Bureau of**  
19 **Investigation, Identification Division, for the searching of the federal criminal history files.**  
20 **The patrol shall notify the commission of any criminal history information or lack of**  
21 **criminal history information discovered on the individual. Notwithstanding the provisions**  
22 **of section 610.120, RSMo, all records related to any criminal history information**  
23 **discovered shall be accessible and available to the commission.**

24 3. It is the burden of the applicant to show by clear and convincing evidence his  
25 suitability as to character, experience and other factors as may be deemed appropriate by the  
26 commission.

27 4. Before a license is granted, the commission shall conduct a thorough investigation of  
28 the applicant for a license to operate a gambling game operation on an excursion gambling boat.  
29 The applicant shall provide information on a form as required by the commission.

30 5. A person who knowingly makes a false statement on an application is guilty of a class  
31 A misdemeanor and shall not ever again be considered for application by the commission.

32 6. The licensee shall permit the commission or commission employees designated to  
33 inspect the licensee or holder's person, personal property, excursion gambling boat and effects  
34 at any time.