

SECOND REGULAR SESSION

# HOUSE BILL NO. 1427

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGIRL.

4228H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 313.055 and 313.057, RSMo, and to enact in lieu thereof one new section relating to taxes imposed on the sale of bingo cards.

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

Section A. Sections 313.055 and 313.057, RSMo, are repealed and one new section  
2 enacted in lieu thereof, to be known as section 313.057, 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  
3 distribution of any bingo equipment or supplies without having first procured and maintained  
4 a Missouri 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 or  
7 renewal of a Missouri bingo equipment and supplies manufacturer or supplier license, for the  
8 purpose of checking the person's prior criminal history when the commission determines a  
9 nationwide check is warranted. The fingerprint cards and any required fees shall be sent to  
10 the Missouri state highway patrol's criminal records division. The first set of fingerprints  
11 shall be used for searching the state repository of criminal history information. The second  
12 set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification  
13 Division, for the searching of the federal criminal history files. The patrol shall notify the  
14 commission of any criminal history information or lack of criminal history information  
15 discovered on the individual. Notwithstanding the provisions of section 610.120, all records  
16 related to any criminal history information discovered shall be accessible and available to the  
17 commission.

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.

18           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  
20 manner approved by the commission, any or all of his bingo equipment and supplies, without  
21 a supplier's license. In case of foreclosure of a lien by a bank or other person holding a  
22 security interest for which bingo equipment is security in whole or in part for the lien, the  
23 commission may authorize the disposition of the bingo equipment without requiring a  
24 supplier's license.

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

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

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

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

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

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

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

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

2                           ~~[313.055. 1. A tax is hereby imposed on each organization conducting~~  
the game of bingo which awards to winners of bingo games prizes or

3 ~~merchandise having an aggregate retail value of more than five thousand~~  
4 ~~dollars annually and more than one hundred dollars in any single day. The tax~~  
5 ~~shall be in the amount of two tenths of one cent upon each bingo card and~~  
6 ~~progressive bingo game card sold in Missouri to be paid by the supplier. The~~  
7 ~~taxes, less two percent of the total amount paid which may be retained by the~~  
8 ~~supplier, shall be paid on a monthly basis to the commission, by each supplier~~  
9 ~~of bingo supplies and shall be due on the last day of the month following the~~  
10 ~~month in which the bingo card was sold, with the date of sale being the date on~~  
11 ~~the invoice evidencing the sale, along with such reports as may be required by~~  
12 ~~the commission. The taxes shall be deposited in the state treasury, credited to~~  
13 ~~the bingo proceeds for education fund.~~

14 ~~2. All taxes not paid to the commission by the person or licensee~~  
15 ~~required to remit the same on the date when the same becomes due and~~  
16 ~~payable to the commission under the provisions of sections 313.005 to~~  
17 ~~313.085 shall bear interest at the rate to be set by the commission not to exceed~~  
18 ~~two percent per calendar month, or fraction thereof, from and after such date~~  
19 ~~until paid. In addition, the commission may impose a penalty not to exceed~~  
20 ~~three times the amount of taxes due for failure to submit the reports required~~  
21 ~~by this section and pay the taxes due.]~~

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