
Rules of
Department of Public Safety
Division 45—Missouri Gaming Commission
Chapter 30—Bingo

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**

**Division 45—Missouri Gaming
Commission**

Chapter 30—Bingo

11 CSR 45-30.020 Advertising

PURPOSE: This rule clarifies the amount of money licensees can use for advertising in relationship to the management, conduct or operation of bingo pursuant to 313.040(9), RSMo and the recent decision rendered by the U.S. Western District Court of Missouri which eliminated the advertising restriction in the Missouri Constitution.

(1) Advertising expenditures for all type (A), (B), and (C) licensees as defined in rule 11 CSR 45-30.065 may not exceed two percent (2%) of the total receipts available for charitable, religious or philanthropic purposes. The percentage shall be calculated based on the licensee's prior calendar year use of receipts for charitable, religious or philanthropic purposes as reported on the licensee's quarterly reports. New licensees will be allowed to estimate the funds available for advertising for the first two (2) calendar quarters of operation. After two (2) quarters, the total must be based on the actual receipts to be used for charitable, religious or philanthropic purposes.

(2) All expenditures for advertising of a licensed bingo game must be paid from the licensee's special bingo checking account. All invoices, receipts and other documentation used to account for advertisements must be maintained for three (3) years.

(3) The cost of advertising must represent the fair market value within the licensee's geographical area.

(4) The provisions of this rule apply to all type (A), (B), and (C) licensees as defined in rule 11 CSR 45-30.065.

AUTHORITY: sections 313.040 and 313.065, RSMo Supp. 1997. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Dec. 14, 1998, effective July 30, 1999.*

**Original authority: 313.040, RSMo 1981, amended 1983, 1984, 1986, 1987, 1993, 1994, 1996 and 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.030 Special Bingo Game

PURPOSE: This rule defines a special bingo game.

(1) A special bingo game is a game played on a card(s) issued to a player upon payment of a charge of fifty cents (50) or less per card as specified in section 313.040, RSMo. A special game is usually preannounced and normally affords a greater prize to the winner(s).

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.040 Occasion

PURPOSE: This rule defines an occasion and limits the total number of games authorized to be played during an occasion to sixty-two games.

(1) An occasion is a single session(s) within the same calendar day during which the total consists of no more than sixty-two (62) bingo games. If the same licensee possesses both a regular and special bingo license, no more than sixty-two (62) games in the aggregate may be played in any calendar day.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.050 Gross Receipts

PURPOSE: This rule defines gross receipts for operators.

(1) Gross receipts are all receipts from admission charges, sale of any regular or special game cards, pull tabs or supplies but does not include receipts from the sale of refreshments or other nonrelated game items.

AUTHORITY: section 313.065, RSMo, Supp. 1996. Emergency rule filed June 21, 1994,*

effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed July 3, 1995, effective Jan. 30, 1996. Emergency amendment filed Aug. 5, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Amended: Filed Aug. 5, 1996, effective March 30, 1997.

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.055 Person

PURPOSE: This rule defines person as it relates to sections 313.004 through 313.085, RSMo.

(1) Person—Any individual, corporation, partnership, firm, association, limited liability company or organization or other entity either natural or legal.

AUTHORITY: section 313.065, RSMo Supp. 1997. Original rule filed Sept. 2, 1997, effective March 30, 1998.

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.060 Operator(s)

PURPOSE: This rule sets forth the requirement that a person shall be named who is responsible for the overall conduct, management and operation of bingo by an organization.

(1) Each application or renewal application shall designate an officer or duly appointed representative who shall be generally responsible for the overall supervision, management and conduct of the bingo activities. The person shall maintain, or be responsible for maintaining, all records necessary to accurately reflect the bingo operations and shall timely file all required reports. The commission shall be promptly notified of any change of the officer or duly appointed representative.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.065 Licenses Required

PURPOSE: This rule establishes the types of licenses that are required by the commission.

- (1) The types of licenses shall include:
 - (A) Regular/Annual Bingo license;
 - (B) Special Bingo and Pull-Tab license;
 - (C) Special Abbreviated Pull-Tab license;
 - (D) Bingo Equipment/Supplies Manufacturer's license;
 - (E) Bingo Equipment/Supplies Supplier's license; and
 - (F) Bingo Hall Provider's license.

(2) The commission shall investigate all levels of license applications.

(3) The commission may delegate to the director the authority to approve or deny the application of any applicant for a Regular/Annual Bingo license, Special Bingo and Pull-Tab license, Special Abbreviated Pull-Tab license or Bingo Hall Provider's license, provided, however, that this section shall not limit the delegation of any other authority to the director. The delegation of authority provided hereunder shall not include the authority to review appeals of license denials or suspensions of any bingo license.

AUTHORITY: section 313.065, RSMo Supp. 1996.* Emergency rule filed March 1, 1995, effective March 11, 1995, expired July 8, 1995. Original rule filed March 1, 1995, effective Aug. 30, 1995. Emergency amendment filed Aug. 5, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Amended: Filed Aug. 5, 1996, effective March 30, 1997.

*Original authority: 313.065, RSMo 1981, amended 1993, 1995.

11 CSR 45-30.070 Regular Bingo License

PURPOSE: This rule defines a regular bingo license and sets forth the authority for a licensee to possess both a regular and a special bingo license.

(1) A regular bingo license is a license issued to a qualified organization to conduct only the game of bingo as defined in section 313.005, RSMo. The number of bingo occasions conducted by a licensee is limited to one (1) day per week. The holder of a regular bingo license may also be the holder of a special bingo license. A veterans' organization may be exempt from the limitation of one

(1) day per week for play at a veterans' hospital as provided in section 313.060, RSMo.

AUTHORITY: section 313.065, RSMo Supp. 1993.* Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.

*Original authority: 313.065, RSMo 1981, amended 1993.

11 CSR 45-30.080 Special Bingo License

(Rescinded March 30, 1997)

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Rescinded: Filed Aug. 5, 1996, effective March 30, 1997.

11 CSR 45-30.090 Additional Information

PURPOSE: This rule allows the commission to require additional information to verify statements made in any application for a bingo license.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by law.

(1) In addition to the information required to be furnished on the application, and prior to the issuance of a bingo license, every organization desiring to conduct bingo is required to furnish a copy of the letter from the Internal Revenue Service (IRS) granting an exemption from the payment of federal income taxes as provided in section 501(c)(3), (4), (5), (7), (8), (10), (19) or section 501(d) of the Internal Revenue Code of 1954. Every organization desiring to conduct bingo may be required by the commission to furnish additional information considered necessary to determine that the applicant organization is fully qualified and eligible for a bingo license. This information may include a copy

of the corporate charter or other evidence that the organization was in existence for at least five (5) years immediately prior to the date of application.

AUTHORITY: section 313.065, RSMo Supp. 1993.* Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.

*Original authority: 313.065, RSMo 1981, amended 1993.

11 CSR 45-30.100 Denial of Application or License Renewal

PURPOSE: This rule further clarifies the commission may deny any original application or renewal application for issuance of a bingo license.

(1) The commission may deny any original application or renewal for failure to meet statutory requirements or noncompliance with Chapter 313, RSMo or official rules. The license fee is considered a processing fee pursuant to Chapter 313, RSMo and is not refundable to the applicant.

AUTHORITY: section 313.065, RSMo 1994.* Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed July 3, 1995, effective Jan. 30, 1996.

*Original authority: 313.065, RSMo 1981, amended 1993.

11 CSR 45-30.130 Member(s) in Charge

PURPOSE: This rule sets forth the requirements and eligibility for a person to be responsible for the overall conduct of a bingo occasion.

(1) Every licensed organization shall designate a bona fide, active member of the organization to be in charge of, and primarily responsible for, each bingo occasion. The member in charge may change from occasion to occasion. The individual shall have been a member in good standing of the licensed organization for the last two (2) years and shall supervise all activities and be responsible for the conduct of all bingo games of

which s/he is in charge. The member in charge shall be continually present on the premises during the occasion and shall be familiar with the provisions of the bingo law, applicable ordinances and these rules.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.140 Worker—Player

PURPOSE: This rule sets forth guidelines permitting a worker to also be a player during the same occasion but not during the same game.

(1) Any eligible person may participate in the conduct, management or operation of bingo and play bingo during the same occasion but may not be both a player and a worker during the same game. Workers must pay to participate in the playing of a bingo game in the same manner and at the same cost as any other player.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.145 Premises Required to be Open for Inspection

PURPOSE: This rule ensures that bingo licensees are complying with the bingo statutes.

(1) The premises where any game of bingo is being conducted, or where it is intended that any game of bingo is to be conducted, shall be open to inspection by the commission or its duly appointed representatives.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective*

Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.150 Information to be Posted

PURPOSE: This rule requires full information regarding cost of bingo cards or opportunities to be posted in a conspicuous place at the bingo premises.

(1) Information required to be posted, in addition to the Missouri bingo license, there shall be posted in a conspicuous place at the bingo premises, full information regarding the cost of bingo cards or opportunities or other information desired by the licensee, to include house rules which clearly explain how players are awarded prizes for bingo and pull tabs.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.155 Bingo Equipment Defined

PURPOSE: This rule clarifies the definition of bingo equipment pursuant to section 313.005(3), RSMo.

(1) In addition to the items listed in section 313.005(3), RSMo the following items are considered paraphernalia used in the conduct of a bingo or pull-tab game or event:

(A) Bingo selection equipment which includes but not limited to bingo blowers, hoppers, squirrel cages, manual or electronic display boards, electronic bingo card monitoring devices; and

(B) Pull tabs and pull-tab dispensers.

AUTHORITY: section 313.065 RSMo, Supp. 1997. Original rule filed Nov. 10, 1998, effective June 30, 1999.*

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.160 Equipment

PURPOSE: This rule sets forth the requirements for maintaining and operating bingo equipment for the proper conduct of the game.

(1) Equipment used in the conduct of bingo must be maintained in good repair and proper working condition. Equipment shall be operated in a manner so that each player is given an equal opportunity to win. The object or balls to be drawn must be essentially the same as to size, shape, weight and balance so that they are equally agitated and circulated within the receptacle. The cards used for play in regular or special games must be readily identifiable as to type.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.170 Records Required

PURPOSE: This rule requires accurate records to be maintained and available for inspection at each bingo occasion.

(1) The licensed organization shall keep complete and accurate records by category, the number of admission fees, if any, the number of regular, extra regular, special game cards and pull-tab cards sold. This information must be available and recorded at each occasion.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.175 Organization (Operator) Recordkeeping Requirements

PURPOSE: This rule describes the recordkeeping requirements and record retention requirements for bingo organizations licensed by the commission, effective January 1, 1995.

(1) An organization shall maintain complete, accurate, and legible general accounting records, with detailed records sufficient to furnish information regarding all bingo game activity. Records shall be sufficient to adequately reflect gross receipts, prizes awarded, expenses and other bingo game related transactions to include all bingo paper and pull-tab sales which accurately reflect the requirements and restrictions contained in the *Missouri Constitution* and Chapter 313, RSMo.

(2) Gross receipts shall be determined by the amount of cash and checks actually received.

(3) Allowable expenses shall be determined by the amount of money paid out for prizes and checks written for bingo related expenses pursuant to Chapter 313, RSMo.

(4) Each organization shall deposit its bingo proceeds in a financial institution located in Missouri and shall perform a monthly reconciliation, which lists outstanding checks, deposits, and beginning and ending book balances for the month.

(5) Copies of supplier invoices for all bingo paper, pull tabs and bingo equipment purchased must be maintained and stored by the organization.

(6) Winning bingo cards or bingo sheets must be retained by the organization for values of two hundred dollars (\$200) or more. The card must be signed by the winner and dated.

(7) All pull-tab flares must be retained. Each winning pull-tab card must be retained by the organization for values of one hundred dollars (\$100) or more. The winning card must be signed by the winner and dated.

(8) At the time each winning bingo card or pull tab is identified, it must be validated by either marking it with permanent ink or a hole punched by the operator so that it cannot be reused.

(9) All records, receipts and invoices required by this rule and Chapter 313, RSMo must be retained for a period of three (3) years (unless prior written approval is received from the commission) and stored in such a manner as to be available for inspection by the commission upon demand.

(10) Operators are only allowed to buy bingo paper, pull tabs and bingo equipment from suppliers licensed by the commission. If vio-

lations of this restriction or other restrictions listed in this rule, or Chapter 313, RSMo are identified by the commission, the operators license could be subject to immediate suspension or revocation.

AUTHORITY: section 313.065, RSMo 1994. Original rule filed Dec. 15, 1994, effective May 28, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.180 Inventory and Ownership of Bingo Equipment

PURPOSE: This rule requires that accurate records be maintained on the quantity and ownership of all equipment used directly in the conduct of bingo.

(1) Accurate records must be maintained indicating the quantity and ownership of all equipment used directly in the conduct of bingo. Owner's name must be indicated on the equipment.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.190 Rules of Play

PURPOSE: This rule sets forth guidelines for the rules of play.

(1) Except for pull-tab games, a bingo game begins with the first letter and number drawn (called). Bingo paper may be sold no more than two (2) hours prior to the start of the first bingo game. The paper and/or pull-tab sales time must be clearly posted in the licensee's house or game rules. All bingo paper and/or pull-tab sales times are subject to approval by the commission.

(2) The amount of the prize and the permissible winning combination(s) must be clearly announced prior to the start of each game. Verification of the winner of each game shall be openly conducted in the presence of the majority of the players. In the event of multiple winners in any single game, substitute prizes, not to exceed the aggregate announced

dollar prize of the game, shall be awarded. All seventy-five (75) objects or balls must be present within the receptacle before each game is started. The physical drawing of the objects shall be visible to the majority of players and numbers must be announced so that they are clearly heard by all players of that game. All disputes between the players and the licensed organization regarding prizes must be settled between the player(s) and the organization.

AUTHORITY: section 313.065, RSMo Supp. 1997. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Dec. 12, 1997, effective July 30, 1998. Amended: Filed May 13, 1998, effective Dec. 30, 1998.*

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.200 Merchandise Prizes

PURPOSE: This rule sets forth guidelines for determining the retail price or fair market value of merchandise prizes.

(1) When merchandise is awarded as a prize in a game of bingo, its value shall be the suggested retail price or fair retail market value.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.205 Game Operation Definitions

PURPOSE: This rule defines the accounting terms and reports which may be used to comply with the record keeping requirements for Class A, B and C licensees pursuant to section 313.045, RSMo and 11 CSR 45-30.210.

(1) Gross receipts—all receipts from the sale of bingo cards, pull-tab cards or other miscellaneous items, excluding concessions.

(2) Net income—all receipts over and above the actual cost of conducting the occasion.

(3) Net receipts—gross receipts less bingo card prizes awarded and pull-tab card prizes awarded, plus starting cash.

(4) Starting cash—any cash used to make change for the occasion.

(5) Occasion Report—a report of activity conducted at each bingo or pull-tab occasion which includes, but is not limited to the date of the occasion, attendance (number of players), gross receipts, starting cash, prizes awarded, net receipts, and amount deposited. Each occasion report must be signed by the member in charge of the game, as a true and correct accounting of receipts and prizes awarded during each bingo or pull-tab occasion. Class A, B, and C licensees may use their own occasion reports, if the required information is contained in the report or use reports provided by the commission. Occasion reports are not required to be submitted to the commission unless the commission specifically requests the organization to submit a report for a specific occasion or series of occasions.

AUTHORITY: section 313.065, RSMo Supp. 1997.* Original rule filed Sept. 2, 1997, effective March 30, 1998.

*Original authority: 313.065, RSMo 1981, amended 1993, 1995.

11 CSR 45-30.210 Reports

PURPOSE: This rule requires each licensee to file reports only on forms supplied by the commission.

(1) The forms necessary for the filing of any licensing or tax reporting requirements by this chapter, of each licensee shall be made on the forms supplied by the commission.

(2) Alternative forms may be used if prior approval has been received from the commission.

(3) Beginning with the first calendar quarter of 1996 pursuant to 313.045, RSMo, each licensed organization/operator must file with the commission a quarterly report for the preceding calendar quarter listing: 1) the number of games it has conducted during the quarter, 2) the gross receipts from each game, to include bingo card receipts and pull tabs, 3) an itemization of the cost of conducting each game, including prizes awarded, and the names and addresses of the person(s) to

whom said expenses were paid, and 4) the purposes for which the net proceeds of each game were used and the amounts so used. The report is due the last day of each month following each calendar quarter except the fourth quarter report which will be due February 28. The first quarter is January through March, the second quarter is April through June, the third quarter is July through September and the fourth quarter is October through December. The due dates will be April 30, July 31, October 31 and February 28, respectively. Reports not filed by the due dates will subject the licensee to the penalties described in 11 CSR 45-30.535 or the licensee/operator may have its license suspended or revoked pursuant to 313.052, RSMo.

(4) The annual report as required pursuant to 313.045, RSMo, can be a combination of the fourth quarter report and a summary of the three (3) prior quarterly reports.

AUTHORITY: section 313.065, RSMo 1994.* Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed July 3, 1995, effective Jan 30, 1996. Emergency amendment filed Nov. 17, 1995, effective Nov. 27, 1995, expired May 24, 1996. Amended: Filed Nov. 17, 1995, effective April 30, 1996.

*Original authority: 313.065, RSMo 1981, amended 1993.

11 CSR 45-30.220 Bank Account

PURPOSE: This rule requires that licensees maintain a separate bank account for their bingo activities. This method of accounting precludes the commingling of receipts and disbursements with the financial records of other activities of the organization.

(1) All receipts from each bingo occasion, less the amount awarded as cash prizes for that occasion, shall be deposited in a special bingo checking account in a financial institution located in Missouri no later than the next business day following the date of the bingo occasion. Disbursements, for reasonable and necessary expenses incidental to the conduct of bingo games, must be paid from the special bingo checking account on preprinted, serially numbered checks. Checks must be payable to a specific payee. At no time may checks be made payable to "cash."

AUTHORITY: section 313.065, RSMo Supp. 1996.* Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Aug. 5, 1996, effective March 30, 1997.

*Original authority: 313.065, RSMo 1981, amended 1993, 1995.

11 CSR 45-30.225 Change of Day and/or Time of Bingo Occasion

PURPOSE: This rule sets forth the requirement that a licensee submit a request and obtain authorization from the commission prior to changing the day and/or time of its bingo occasion.

(1) Each applicant for licensure or organization licensed to conduct bingo is required to state the day and time the bingo occasion will be conducted in the relevant application. Upon issuance of a new or renewal license, each licensed organization shall conduct its bingo games on the day and time so stated in the application. A licensed organization may request a change in the day and/or time of its bingo occasion in writing to the commission. The licensed organization may change the day and/or time of its bingo occasion upon receipt of written authorization from the commission.

AUTHORITY: section 313.065, RSMo Supp. 1993.* Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.

*Original authority: 313.065, RSMo 1981, amended 1993.

11 CSR 45-30.235 Reasonable Market Rental for Leased Premises

PURPOSE: This rule stipulates that information can be required by the commission to substantiate the rental rate charged by a lessor to a bingo licensee.

(1) Pursuant to section 313.025(1), RSMo the reasonable market rental rate for leased premises on which bingo will be conducted shall be determined by the commission. In determining if the rental rate is reasonable,

the commission may request the applicant for licensure or licensed organization to submit documentation to substantiate that the rental rate is reasonable. The type of documentation shall be at the discretion of the commission.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.240 Leased Locations

PURPOSE: This rule sets forth the conditions and restrictions for leasing bingo locations as set forth in Chapter 313, RSMo.

(1) Hall providers who qualify to lease locations for the conduct of bingo may lease the location(s) to type (A), (B) and (C) licensees as described in 11 CSR 45-30.065, only if they have obtained a license from the commission.

(2) Licensees may not sublease the premises to any other licensee for the purpose of conducting bingo.

(3) Hall providers must charge each licensee their equal prorated amount for the rent which shall not exceed the prorated amount each licensee is charged for the same time under the terms of the lease.

(A) Example: If a hall provider's total weekly rental charge to four (4) bingo licensees is twelve hundred dollars (\$1200), the hall provider must charge each organization twenty-five percent (25%) of the weekly rental charge or in this example three hundred dollars (\$300).

(4) Each licensee is responsible for paying the rent directly to the licensed hall provider from a check drawn from the licensee's bingo account.

AUTHORITY: section 313.065, RSMo Supp. 1997. Emergency rule filed July 29, 1994, effective Aug. 11, 1994, expired Dec. 5, 1994. Original rule filed July 29, 1994, effective Jan. 29, 1995. Amended: Filed Nov. 10, 1998, effective June 30, 1999.*

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.250 Subsidiary Body—Application for License

PURPOSE: This rule sets forth the guidelines by which the commission may grant a subsidiary body of a parent organization a license to conduct the game of bingo when the subsidiary body has been in existence for less than five years.

(1) A subsidiary body, post, chapter or auxiliary which has been in existence for a period of less than five (5) years may apply for bingo license. The commission may grant the license if the subsidiary body is otherwise eligible and the subsidiary body is authorized, controlled and governed by a bona fide religious, charitable, fraternal, veteran or service organization which meets all qualifications including the five (5)-year existence requirement. Each member of the subsidiary body must also be a member of the parent organization.

(2) A subsidiary body, post, chapter or auxiliary will not be granted or allowed to retain a license where persons involved in the management, operation or conduct of its game or its officers or employees were involved in the management, operation or conduct of games operated by its parent organization or by a brother-sister organization or were officers and employees of the organization, when the parent or brother-sister organization had its license revoked.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.260 Participation of Workers—Restricted

PURPOSE: This rule prohibits any hall provider, manufacturer or supplier of bingo equipment or its agents to participate in the management, operation or conduct of bingo games.

(1) No person, or the agents or employees thereof, who directly or indirectly leases the premises, as lessee sells, leases or otherwise distributes bingo supplies or equipment, or furnishes commodities or services to a bingo

licensee shall take part in the management, operation or conduct of bingo games.

(2) This restriction may be waived by the commission for nonprofit organizations who are also licensed hall providers.

AUTHORITY: section 313.065, RSMo 1994. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed July 3, 1995, effective Jan. 30, 1996.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.270 Premises Defined, Inspections, All Gambling and Gambling Devices Prohibited

PURPOSE: This rule establishes the presumption that gambling violations which occur on a licensee's premises during the period of bingo play have been sanctioned by the licensee, its officers and agents.

(1) The word premises, as used in sections 313.005 to 313.085, RSMo, means an entire permanently affixed structure. The division of a structure by floors, rooms, or areas to create multiple premises for the conduct of bingo is prohibited. A bingo licensee must receive approval from the commission prior to using any structure in which it intends to play bingo.

(2) The premises where any game of bingo is being conducted, or where any game of bingo is intended to be conducted, shall be open for inspection by the commission or its appointed representatives. The licensed hall provider or the licensed bingo organization/operator, or any entity determined by the commission or the courts required to have a license pursuant to Chapter 313, RSMo, must permit access to said premises during any reasonable time as requested by the commission or its representative. Licensed operators must make available for inspection all bingo products, records including bank statements, purchase invoices, disbursement records etc., pursuant to Chapter 313, RSMo, or the rules and regulations promulgated thereunder.

(3) Pursuant to section 313.035, RSMo, no gambling or gambling devices shall be permitted on the premises used by a bingo licensee. The bingo licensee, its officers and

agents shall be responsible for any violations which may occur.

(4) The presence of gambling devices such as, but not limited to, slot machines, roulette wheels or other gambling games shall be *prima facie* evidence of violations of those provisions of Chapter 572, RSMo relating to gambling and gambling promoters.

(5) The commission shall have the right to revoke or deny any license issued under Chapter 313, RSMo for any other violations related to illegal gaming and/or gambling under Missouri law.

AUTHORITY: section 313.065, RSMo 1994. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Emergency amendment filed Nov. 17, 1995, effective Nov. 27, 1995, expired May 24, 1996. Amended: Filed Nov. 17, 1995, effective April 30, 1996.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.280 Net Receipts from Bingo

PURPOSE: This rule explains the proper disposition of bingo receipts.

(1) Pursuant to section 313.040.1, RSMo, the entire net receipts over and above the actual cost of conducting the game of bingo as enumerated in section 313.040.1, RSMo may be paid from the bingo checking account into the general treasury of the licensed bingo organization. All bingo funds paid into the general treasury of the licensed bingo organization shall be devoted exclusively to lawful, charitable, religious or philanthropic purposes of the licensed organization. However, no funds from any source shall be used to compensate anyone affiliated with the licensee for managing, conducting or operating the game of bingo or to provide any services or equipment for the game of bingo which are not among those enumerated in section 313.040.1, RSMo.

(2) The bookkeeping or accounting records of the licensed organization shall completely and accurately reflect the net amount received from operating bingo. The total expenditures for lawful, charitable, religious or philanthropic purposes, from all revenue

sources, shall equal or exceed the net receipts from bingo.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.290 Co-Ownership of Bingo Equipment

PURPOSE: This rule explains the proper manner of obtaining and retaining bingo equipment which is used by multiple licensees.

(1) Two (2) or more bingo licensees may enter into an agreement for the joint ownership of bingo equipment. No nonlicensee shall share any interest in the equipment except the security interest of an established financial institution. The equipment may not be purchased from a nonlicensee who has an interest in the premises on which the equipment is to be used. A copy of the purchase agreement may be requested by the commission and shall contain the following information: the percentage of ownership, the total cost of the co-ownership; the amount and terms of any time payment (if applicable); the name of the seller and other co-owner(s); acceptable method(s) for sale or disposition of the co-ownership; and a description of the bingo equipment purchased.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.300 Equipment Leases, Reasonable Market Rental Rate

PURPOSE: This rule is designed to ensure compliance with section 313.025, RSMo which requires the commission to determine that all equipment is leased at a reasonable market rental rate.

(1) The following shall be deemed to be the reasonable market rental rate for equipment used in the management, conduct and operation of bingo: an amount not to exceed the lessor's purchase price for the equipment, which for purposes of figuring the rental rate must be recovered on a straight-line basis over five (5) years; plus the legitimate cost of insuring, maintaining and handling (but not operating) the equipment; plus a pre-tax profit not to exceed twenty percent (20%) of the costs. The purchase price of the equipment shall include any finance charges paid thereon. Establishing that a price in excess of the aforementioned constitutes a reasonable market rental rate shall be the responsibility of the licensee. Where equipment is leased to multiple licensees, the total of payments may not exceed the reasonable market rental rate as described here. All equipment leases must contain an itemized statement showing a reasonable cost estimate of the items which are included in the rental price.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.335 Participation of Auxiliary, Post or Organization Members in Licensee's Bingo Games

PURPOSE: This rule clarifies that, for purposes of assisting in the management, conduct or operation of bingo games, members of a post's or organization's auxiliary and members of an auxiliary's post or organization may assist in its bingo game.

(1) For purposes of section 313.040(2), RSMo, if any post or organization, by its national charter, has established an auxiliary organization for spouses, then members of the auxiliary organization shall be considered bona fide members of the licensed organization and members of the post or organization shall be considered bona fide members of the auxiliary organization. Regardless of which organization is licensed, the responsibility for the overall management, conduct and operation of bingo games shall be that of the members as defined in the licensee's constitution and/or bylaws.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.340 Participation of Full-Time Employee, Full-Time Staff Member or Ordained Member of Clergy

PURPOSE: This rule specifies the eligibility requirements and defines positions of individuals which are eligible to participate in the management, conduct or operation of bingo.

(1) No full-time employee or full-time staff member employed by an organization licensed to conduct bingo may participate in the management, conduct or operation of bingo games until the time that the organization has submitted proof on forms prescribed by the commission to verify the eligibility of the person(s) to participate in the management, conduct or operation of bingo. The commission shall approve and may suspend the participation of any full-time employee or full-time staff member in the management, conduct or operation of bingo.

(2) Any person who is a duly ordained member of the clergy and who is a member of the church or church organization licensed to conduct bingo may participate in the management, conduct or operation of the organization's licensed bingo games without securing the approval of the commission.

(3) No part-time employee or part-time staff member of the organization licensed to conduct bingo may participate in the management, conduct or operation of the organization's licensed bingo games.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.350 Pull-Tab Cards

PURPOSE: This rule defines the meaning of the term pull-tab card, states when they may be used, clarifies the monetary value for prizes given in conjunction with their use and clarifies the maximum price for a single pull-tab card.

(1) A pull-tab card is any disposable card or ticket which accords a person an opportunity to win something of value by opening, pulling, detaching or otherwise removing tabs from the card or ticket to reveal a set of numbers, letters, symbols or configurations, or any combination thereof. The term pull-tab card shall include any card known as a pickle ticket, pickle, break-open or pull-tab card. Such pull-tab cards must award at least sixty percent (60%) of the gross revenues generated by the ultimate sale of the entire unit container or box to the final purchaser(s).

(2) The price for a single pull-tab card may not exceed one dollar (\$1).

(3) The use of any pull-tab card which is not within the definition of Chapter 313, RSMo is prohibited.

AUTHORITY: section 313.065, RSMo Supp. 1996. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Emergency amendment filed Aug. 5, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Amended: Filed Aug. 5, 1996, effective March 30, 1997.*

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.355 Sale of Pull-Tab Cards by Bingo Licensees

PURPOSE: This rule establishes the period of time and place in which pull-tab cards may be sold by a licensed organization conducting bingo games.

(1) Type A and B licensees as identified in 11 CSR 45-30.065 must comply with the following:

(A) Pull-tab cards may be sold no more than two (2) hours prior to the start of the first game of bingo;

(B) The sale of pull-tab cards must be discontinued immediately at the conclusion of the last bingo game;

(C) Pull-tab cards shall only be sold during the time of the scheduled event and only on the stated premises as identified in the license application of the organization; and

(D) Pull-tab cards shall be sold in the immediate space in which the licensed organization is conducting bingo games.

(2) Type C licensees as identified in 11 CSR 45-30.065 must comply with the following:

(A) An organization may conduct no more than four (4) occasions per calendar year at which only pull tabs are sold;

(B) Pull-tab cards may only be sold during the scheduled event and on the stated premises as identified in the license application of the organization; and

(C) No bingo games may be conducted.

AUTHORITY: section 313.065, RSMo Supp. 1998. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Emergency amendment filed Aug. 5, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Amended: Filed Aug. 5, 1996, effective March 30, 1997. Amended: Filed Aug. 28, 1998, effective March 30, 1999.*

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.360 Unit Container/Box of Pull-Tab Cards Sold, Total Gross Receipts Restricted and Gross Receipts Tax Due

(Rescinded January 30, 1996)

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Rescinded: Filed July 3, 1995, effective Jan. 30, 1996.

11 CSR 45-30.370 Progressive Games

PURPOSE: This rule establishes the guidelines for the conduct of progressive bingo games by organizations/operators pursuant to House Bill 1159 et al.

(1) A progressive game is one in which the established prize amount and/or number of bingo balls called may be increased from one occasion to the next scheduled occasion and increased in value, if no player completes the required pattern within the specified number of bingo balls drawn.

(2) Only one (1) progressive game may be conducted per occasion.

(3) A prize for a progressive game may start at an amount not to exceed five hundred dollars (\$500) and may be increased by no more than two hundred fifty dollars (\$250) for each occasion during which the progressive game is played.

(4) If the progressive game prize is not awarded at a bingo occasion, the progressive game shall be continued at a future occasion until such time a winner is determined. The winning prize does not have to be the full amount, but a stated consolation prize may be awarded. The consolation prize is exempt from 313.040(4), RSMo; however, the consolation prize must be less than the value of the progressive game prize amount.

(5) All progressive bingo games must be fully described and posted in the house rules prior to the start of the occasion and must comply with all other statutory and rule and regulation requirements.

(6) When a person achieves the first preannounced winning combination, the game is completed and the next game and winning combination must be commenced with a new bingo card or sheet and all seventy-five (75) objects/balls in the receptacle.

(7) Each operator's/licensee's progressive game rule(s) must remain in effect until the game ends and the winner(s) is determined.

(8) Progressive games may not be conducted in conjunction with a Special Event Bingo License.

AUTHORITY: section 313.065, RSMo Supp. 1996. Emergency rule filed Aug. 5, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Original rule filed Aug. 5, 1996, effective March 30, 1997.*

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.390 Manufacturer Defined

PURPOSE: This rule defines the term manufacturer and clarifies that a manufacturer may be considered a supplier.

(1) A manufacturer shall include any person, firm, partnership, corporation and/or business which invents, fabricates, concocts or assembles materials to complete a piece of bingo equipment, cards and/or supplies, including but not limited to pull-tab cards, for sale in the state of Missouri.

(2) Any manufacturer who manufactures bingo supplies or equipment in Missouri shall be required to obtain a manufacturer's license.

(3) Any person who derives income directly or indirectly as a sales representative or commissioned agent from a licensed manufacturer for the purpose of selling, leasing or otherwise distributing bingo supplies, equipment, and/or cards to an end user, (licensee or nonlicensee) shall also be required to obtain a bingo supplier's license.

(4) This shall not include printers who only print bingo tally cards or programs at the request of the licensed organization.

AUTHORITY: section 313.065, RSMo Supp. 1996. Original rule filed Aug. 5, 1996, effective March 30, 1997.*

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.395 Manufacturer Record-keeping Requirements

PURPOSE: This rule describes the record-keeping requirements and record retention requirements for manufacturers licensed by the commission, effective January 1, 1995.

(1) A manufacturer shall maintain copies of all sales invoices. Invoices shall include name of manufacturer, manufacturer's Missouri license number, name and license number of the Missouri supplier, invoice number, full description of bingo equipment/merchandise shipped, serial number of equipment/merchandise and date equipment/merchandise was shipped.

(2) Invoices reflecting sales of bingo paper and pull tabs shall also include the total number of bingo cards or bingo sheets in a packet of bingo paper and the total number of pull tabs per deal, retail price per tab and the color and the serial number of the top sheet of bingo paper or pull tab.

(3) In packaging the bingo paper or pull tabs, the manufacturer shall comply with the following packaging requirements:

(A) Each package, box or container shall be sealed; and

(B) The serial number shall be placed on the outside of the package so that it can be clearly viewed from the outside.

(4) All records, reports and receipts required by this rule and Chapter 313, RSMo shall be maintained for a minimum of three (3) years and stored in such a manner as to be available for inspection by the commission upon request at no charge.

(5) Manufacturers are only allowed to sell their products to suppliers licensed by the commission. If violations of this restriction or other restrictions listed in this rule, or Chapter 313, RSMo are identified by the commission, the manufacturers license could be subject to immediate suspension or revocation.

AUTHORITY: section 313.065, RSMo Supp. 1996. Original rule filed Dec. 15, 1994, effective May 28, 1995. Amended: Filed July 3, 1995, effective Jan. 30, 1996. Amended: Filed Aug. 5, 1996, effective March 30, 1997.*

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.480 Package Deals and Tying Arrangements Prohibited

PURPOSE: This rule interprets the bingo law as it applies to purchases of supplies and equipment when connected or tied to lease of a particular premises.

(1) No licensee shall be required to purchase supplies or equipment from a particular vendor in order to lease a particular premises for the conduct of bingo.

(2) No supplier or hall provider shall encourage or permit the sale of its supplies or equipment as a condition precedent to the lease of a particular premises.

(3) No licensee shall enter into any agreement or understanding to purchase supplies from a particular vendor as a prerequisite to obtaining a particular premises for the conduct of bingo.

(4) No supplier shall enter into an agreement or understanding whereby a lessor or potential lessor of premises will rent solely to

licensees who use the supplies or equipment of that supplier or whereby the lessor will discourage its lessees from obtaining its supplies or equipment from other suppliers.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.500 Bingo on Military Installations

PURPOSE: This rule informs the public of the status of the bingo tax on military installations.

(1) Instrumentalities of the United States are not required to obtain a Missouri bingo license in order to conduct bingo for military personnel and their guests on land within the state ceded to the federal government for military purposes and upon which active military installations exist.

(2) No tax shall be imposed on the products used to conduct the bingo game which is conducted by instrumentalities of the United States for military personnel and their guests on land within the state ceded to the federal government for military purposes and upon which active military installations exist, if the products (paper and pull tabs) are paid for with checks drawn from the Defense Finance and Accounting Office or by the Federal Central Accounting Office.

(3) Instrumentalities of the United States which conduct bingo on active military installations for military personnel and their guests are exempt from the filing requirements imposed upon organizations which conduct bingo.

AUTHORITY: section 313.065, RSMo Supp. 1996. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Dec. 13, 1996, effective June 30, 1997.*

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.515 Organization Bona Fide Member Definition

PURPOSE: This rule defines the term bona fide member as it relates to bingo licensing requirements.

(1) For purposes of sections 313.005–313.080, RSMo and rules thereto, the definition of the term bona fide member shall be an individual who:

(A) Is defined as a member in the organization’s by-laws, constitution and/or articles of incorporation;

(B) Has made an affirmative effort to join the organization, thereby, forming an identifiable association with the organization; and

(C) Participates in the organization’s activities other than bingo.

AUTHORITY: section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.520 Waiver of Requirements

PURPOSE: This rule establishes process for waiver of requirements.

(1) The commission may waive any licensing requirement or procedure for any type of license if it determines that the waiver is in the best interests of the public.

AUTHORITY: sections 313.004 and 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995.*

**Original authority: 313.004, RSMo 1993; and 313.065, RSMo 1981, amended 1993.*

11 CSR 45-30.525 Supplier Recordkeeping Requirements

PURPOSE: This rule describes the record-keeping and record retention requirements for bingo suppliers licensed by the commission.

(1) All records regarding the receipt of bingo products including bingo paper, pull tabs and

bingo equipment from licensed manufacturers and the sale of these products to licensed Missouri operators, other licensed suppliers or operators or suppliers in other states must be maintained.

(2) All documents generated by the supplier with each order of product(s) from the manufacturer or each product sold to the operator must also be maintained. Documents such as order forms, bills of lading or other documents must be retained with the invoice.

(3) Suppliers shall record sales transactions of the products listed above on a preprinted serially numbered sales invoice. A minimum of three (3) copies of each invoice are required or two (2) copies and a payment stub. Two (2) copies are to be sent to the operator or one (1) copy and the payment stub with the order and/or billing. One (1) copy is to be retained by the operator and one (1) copy or the payment stub is to be returned with the payment to the supplier. The supplier must retain a copy of the original invoice and the paid copy or payment stub of the invoice. The date of the sale will be evidenced by the date on the invoice. Voided invoices must also be retained.

(4) A sales invoice shall include:

- (A) The invoice number;
- (B) Date of sale;
- (C) License number and name of the operator;
- (D) Destination;
- (E) Total number of pull tabs per deal, retail price per pull tab and serial number of each pull-tab deal;
- (F) Total number of bingo cards, number of packets, number of bingo cards on each sheet, number of bingo sheets in each packet and serial number and color of the top sheet of each packet;
- (G) Serial number of each piece of bingo equipment and description of the equipment;
- (H) Applicable bingo tax(es) or fees;
- (I) Supplier name and license number; and
- (J) Other information may be substituted only if the supplier has received approval from the commission.

(5) Credit for Returned Products—Suppliers will be allowed credit for returned products, if a credit memorandum has been received from the manufacturer. One (1) copy of the credit memorandum must be mailed with the applicable monthly tax report to the commission and one (1) copy must be retained by the supplier. Credit memorandums should also

be issued by suppliers to bingo operators for returned merchandise, which may be resold to another operator. The credit memorandum issued to the operator should indicate the same type of information as the sales invoice. The amounts should be shown as negative amounts for both the cost of the goods and the tax. When the items are resold to another operator, the total tax amount should be on the sales invoice. When the supplier files the monthly report, the returned merchandise should be shown as a negative amount.

(6) Supplier to Supplier Sales—Suppliers will be allowed to make tax-free sales to other licensed suppliers, if a Bingo Resale Exemption Certificate is completed and signed by the seller and the purchaser. One (1) copy must be retained by the seller, one (1) by the purchaser and one (1) shall be filed with the commission. Resale Exemption Certificates are valid for a period of five (5) years. Sales invoices for supplier to supplier sales must include the same information as invoices to operator sales.

(7) All records, reports and receipts required by this rule or Chapter 313, RSMo shall be maintained for a period of three (3) years and stored by the supplier in such a manner as to be available for inspection upon request by the commission at no charge.

(8) Suppliers are only allowed to buy bingo products from licensed Missouri manufacturers and are only allowed to sell bingo products to licensed Missouri suppliers or operators. Suppliers are allowed to sell products tax free to suppliers or operators in other states (export sales), if the recordkeeping requirements listed in sections (2)—(4) of this rule are followed. If violations of this restriction or the other restrictions listed in this rule or Chapter 313, RSMo are identified by the commission, the supplier's license could be subject to immediate suspension or revocation.

(9) Damaged or obsolete returned products subject to the bingo taxes pursuant to Chapter 313, RSMo, which the supplier does not intend to resell must be itemized to include the applicable serial number(s), before it can be destroyed. A copy of the list must be filed with the commission. The destruction of the product(s) must be witnessed by commission personnel or the supplier must have obtained prior written approval from the commission before it can be destroyed.

AUTHORITY: section 313.065, RSMo 1994. Emergency rule filed Dec. 15, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed May 2, 1995, effective May 12, 1995, expired Sept. 8, 1995. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996.*

**Original authority: 313.065, RSMo 1985, amended 1988, 1993, 1995.*

11 CSR 45-30.535 Penalties

PURPOSE: This rule specifies the penalties which may be assessed by the commission against licensees for violations of the bingo statutes, pursuant to section 313.052, RSMo.

(1) Any licensee required to collect, account for and pay over any tax or fee, who willfully, with intent to defraud, fails to collect the tax or fee, or truthfully account for and pay over the tax or fee, or willfully attempts in any manner to evade the tax or fee, or the payment of it, in addition to other penalties provided by law, shall be liable for a penalty equal to the total amount of the tax, fee or penalty evaded, or fifty dollars (\$50) per occurrence, (whichever is larger) or not remitted, or not accounted for and paid over.

(2) The commission may also assess the penalties outlined in this rule against any entity who should have obtained a license as determined by the commission or by the courts and failed to do so.

(3) For operators who fail to file a renewal application as required in sections 313.015 and 313.057, RSMo, by the required date the commission may assess a late penalty of five dollars (\$5) per day from the date due until filed.

(4) For operators who fail to file quarterly/annual reports as required in section 313.045, RSMo and 11 CSR 45-30.210, by the required due dates, the commission may assess a late penalty of five dollars (\$5) per day from the date due until filed. The maximum late penalty for one (1) report shall be one hundred dollars (\$100).

(5) Any manufacturer or supplier may be assessed tax, interest and/or a penalty to 313.052, RSMo to be determined by the commission for violation of sections 313.004 to 313.085, RSMo or the rules and regulations promulgated thereunder.

(6) In addition to the above penalties, the commission may also revoke or suspend any existing license required by the bingo statutes.

(7) For purposes of this rule, the term licensee includes an individual or an officer or employee of the licensee or a member or employee of the licensee who is under a duty to perform the act in respect of which the violation occurs.

AUTHORITY: section 313.065, RSMo Supp. 1996. Original rule filed July 3, 1995, effective Jan. 30, 1996. Emergency amendment filed Aug. 5, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Amended: Filed Aug. 5, 1996, effective March 30, 1997.*

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.545 Contraband

PURPOSE: This rule defines bingo products considered contraband and the action the commission will take if items are identified as contraband by the commission.

(1) On or after January 1, 1995, any bingo cards, bingo faces or pull tabs that have not been purchased from a Missouri licensed supplier are declared contraband.

(2) On or after January 1, 1995, any bingo cards, bingo faces or pull tabs sold or offered for sale by an operator or business entity who possesses such material knowing or having reason to believe that it is to be used in the state of Missouri in the advancement of unlawful gambling activity with intent to distribute pursuant to 572.030, RSMo and has not obtained the required license pursuant to Chapter 313, RSMo, are declared contraband.

(3) On or after January 1, 1995, any bingo cards, bingo faces or pull tabs that have been sold for use in the state that have not been manufactured or purchased from a Missouri licensed manufacturer are declared contraband.

(4) Pull tabs that do not meet the statutory requirements of sections 313.004 to 313.085, RSMo or have not been approved by the commission are declared contraband.

(5) The commission or its agents may seize the contraband and determine its lawful disposition.

AUTHORITY: section 313.065, RSMo Supp. 1996. Original rule filed July 3, 1995, effective Jan. 30, 1996. Emergency amendment filed Aug. 5, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Amended: Filed Aug. 5, 1996, effective March 30, 1997.*

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.555 Agreements Restricting Freedom to Buy and Sell—Prohibited

PURPOSE: This rule establishes guidelines for compliance with Article III, section 39(a)(5) of the Missouri Constitution and section 313.025, RSMo.

(1) No person shall enter into any agreement, expressly or implied, with any other person which requires any person to purchase exclusively from, or sell exclusively to, any other person, or which prohibits any person from purchasing from or selling to any other person, any devices, materials, products, equipment or services which are used or offered in any way in connection with bingo. No person shall enter into any agreement, express or implied, wherein any person is prohibited from, or required to, make a purchase or sales only within a particular geographic area. Provided that nothing in this section shall restrict a licensee from exercising proprietary rights gained through patents, copyrights, trademarks, or other similar rights bestowed by state or federal governments or by courts.

(2) No manufacturer or supplier shall make or have an agreement or understanding with any licensee that either of them shall be restricted in the operation and carrying on of business to a specific geographic area, or areas, and such a restriction shall not be a condition of any other licensee.

AUTHORITY: section 313.065, RSMo Supp. 1997. Emergency rule filed Aug. 30, 1996, effective Sept. 13, 1996, expired March 9, 1997. Original rule filed Aug. 30, 1996, effective March 30, 1997. Amended: Filed Sept. 2, 1997, effective March 30, 1998. Amended: Filed Nov. 10, 1998, effective June 30, 1999.*

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.575 Pull-Tab Packaging, Assembly and Distribution

PURPOSE: This rule establishes pull-tab packaging, distribution and randomization requirements to be followed by manufacturers, suppliers and operators to ensure fairness and integrity of the tabs when sold to the players pursuant to section 313.057(10), RSMo.

(1) Manufacturers of pull tabs shall assemble, and package each pull-tab deal or series intended for sale in Missouri as follows:

(A) Each series of pull tabs shall contain a packing slip placed inside or attached to the box(es) or container(s); and

(B) The packing slip must contain the name of the manufacturer, serial number, person(s) who packed it and the date the deal or series was packaged.

(2) Winning pull tabs must be randomly distributed and mixed among all other pull tabs within a deal and or series so as to eliminate any pattern as between series, or portions of series, from which the location or approximate location of any of the winning tabs may be determined. The pull-tab deal or series must be assembled so that no placement of winners or losers exists that allows the possibility of prize manipulation or “pick out.”

(3) Manufacturers must mix pull tabs prior to placing them in their final packaging container(s). The mix shall insure that pull-tabs are separated from the original collated row position and dispersed amongst all rows in the final packaging container.

(4) Pull-tab containers must be sealed by the manufacturer with a sticker or seal of the manufacturer and shrink wrapped. This seal and shrink wrap can only be removed by an authorized member of the bingo organization whose name shall appear on the organization’s worker list on file with the Missouri Gaming Commission. At no time can this seal or shrink wrap be removed by a supplier. Suppliers are prohibited from repackaging or bundling, etc., the pull tabs.

(5) Any pull-tab protection shall be shipped in one single box, for all pull-tab deals containing more than one (1) box or unit container.

(6) The commission shall have the authority to select any pull-tab deal or series, whether held by an operator, supplier, or manufacturer and to examine the quality and/or integrity

of the pull-tab series in any manner including pulling all chances. Manufacturers shall be responsible for reimbursing suppliers or operators for unused games selected by the commission for quality control testing purposes.

(7) Pull tabs shall be constructed and glued, sealed, or banded so that it is impossible to determine the covered or concealed numbers, symbol, set of symbols, or game protection on the pull tab until it has been dispensed to and opened by the player, by any method or device, including but not limited to, markings, variances in size, variances in paper fiber, color or printing variations or light.

(8) All pull tabs will be constructed to ensure that, when offered for sale to the public, the pull tab is virtually opaque and free of security defects wherein winning or losing pull tabs cannot be determined prior to being opened through the use of high intensity lights, peeking, or any other method.

(9) There shall be no consideration awarded for purchasing the last pull tab in a pull-tab deal. The prohibition against such practice, commonly referred to as a “last sale feature” shall include but not be limited to, pull-tab games that utilize coin boards and merchandise boards.

AUTHORITY: section 313.065, RSMo Supp. 1997. Original rule filed Sept. 2, 1997, effective March 30, 1998. Amended: Filed Nov. 10, 1998, effective June 30, 1999.*

**Original authority: 313.065, RSMo 1981, 1993, 1995.*

11 CSR 45-30.580 Procedure for Entry of Names to the Ineligible Persons List

PURPOSE: This rule defines the procedure for the entry of names of ineligible persons to the list, the criteria for which are stated in 313.035, RSMo.

(1) Upon a determination by the commission that a person comes under any one (1) of the criteria listed in 313.035, RSMo, this person shall be deemed a candidate for placement on the ineligible persons list, and the commission shall file a Notice of Ineligibility. This notice shall include the identity of the candidate, the nature and scope of the circumstances or reasons that the person should be placed on the ineligible persons list, names of potential witnesses and a recommendation as to whether the determination of ineligibility

shall be permanent. The notice shall also inform the person of the availability of a hearing by the commission. A request for a hearing must be made within thirty (30) days from the date the Notice of Ineligibility was filed. If no hearing is requested, the name shall be placed on the list and such listing will be considered a final order of the commission. If a hearing is requested, it shall follow the procedures as set out in 11 CSR 45-13 et seq.

(2) When a person is determined to be ineligible, that person is not eligible for any license under the provisions of sections 313.005 to 313.080, RSMo, and shall not participate in the management, conduct or operation of any bingo game or be employed or work in any capacity for any entity required to be licensed pursuant to section 313.057, RSMo.

(3) If the commission or a subsequent judicial review finds in favor of the candidate or ineligible person, then his/her name shall be removed from the ineligible persons list and his/her ineligibility shall be terminated as of the date of the action by the commission or court.

AUTHORITY: sections 313.004, RSMo 1994 and 313.065, RSMo Supp. 1998. Original rule filed Feb. 16, 1999, effective Oct. 30, 1999.*

**Original authority: 313.004, RSMo 1993, amended 1994; and 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.585 Maintenance of the List of Ineligible Persons

PURPOSE: This rule establishes procedures for the maintenance of the list and requires that all licensees submit the names of all employees/workers prior to their employment so that they may be checked against the list.

(1) The commission shall maintain a list of persons who are ineligible for any license under the provisions of 313.005 to 313.080, RSMo, and who shall not participate in the management, conduct or operation of any bingo game, or be employed or work in any capacity for any entity required to be licensed pursuant to section 313.057, RSMo. The list shall be maintained at the commission's office in Jefferson City. All bingo licensees, including those listed pursuant to section 313.057, RSMo, shall submit the names of all employees/workers to the commission

prior to their employment so that they may be checked against the list.

AUTHORITY: sections 313.004, RSMo 1994 and 313.065, RSMo Supp. 1998. Original rule filed Feb. 16, 1999, effective Oct. 30, 1999.*

**Original authority: 313.004, RSMo 1993, amended 1994; and 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.590 Duty of Licensee to Exclude Ineligible Persons

PURPOSE: This rule requires licensed organizations to exclude persons on the list from engaging in the management, conduct or operation of any bingo game. It also creates a duty on the part of the licensee to report persons they believe meet the criteria for placement on the list.

(1) No person who has been placed on the list of ineligible persons shall be permitted to participate in the management, conduct or operation of any bingo game. It shall be the duty of any licensee to exclude persons on the list from engaging in any of the above activities when the licensee or any employee/member of the licensee knows or reasonably should know of the presence of the ineligible person. In addition, no licensee shall employ or associate with a person on the list. It shall further be the duty of the holder of a license to inform the commission in writing of the names of persons the holder reasonably believes meet the criteria for placement on the list.

AUTHORITY: sections 313.004, RSMo 1994 and 313.065, RSMo Supp. 1998. Original rule filed Feb. 16, 1999, effective Oct. 30, 1999.*

**Original authority: 313.004, RSMo 1993, amended 1994; and 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.595 Petition for Removal of Name from the List of Ineligible Persons

PURPOSE: This rule establishes procedures to petition for removal from the list.

(1) Any person who has been placed on the list of ineligible persons may petition the executive director of the commission in writing and request that his/her name be removed from the list after a period of two (2) years has elapsed from the initial placement.

(2) The executive director at his/her discretion may remove the person's name from the list if sufficient evidence exists to show that such person is no longer a threat to the public interest or to the effective regulation and control of bingo or the carrying on of the business and financial arrangements incidental to the conduct of bingo. To assist in this determination, the executive director may order that an evidentiary hearing be held to determine if sufficient evidence exists to warrant a name's removal from the list.

AUTHORITY: sections 313.004, RSMo 1994 and 313.065, RSMo Supp. 1998. Original rule filed Feb. 16, 1999, effective Oct. 30, 1999.*

**Original authority: 313.004, RSMo 1993, amended 1994; and 313.065, RSMo 1981, amended 1993, 1995.*

11 CSR 45-30.600 Electronic Bingo Card Monitoring Devices

PURPOSE: This rule defines Electronic Card Monitoring Devices (EBCMD) and the requirements licensees must follow when using EBCMDs in this state.

(1) "Electronic Bingo Card Monitoring Device" (sometimes referred to as "EBCMD") means an electronic device, approved by the commission, that is used by a bingo player to monitor bingo cards purchased at the time and place of a licensed organization's bingo occasion, and which—

(A) Provides a means for bingo players to input numbers announced by a bingo caller; and

(B) Compares the numbers entered by the player to the numbers contained on cards previously stored in the electronic memory of the device; and

(C) Identifies the winning pattern; and

(D) Signals only the bingo player when a winning bingo pattern is achieved.

EBCMD shall not mean or include any device into which coin, currency, or tokens are inserted to activate play.

(2) "Electronic bingo card" means an electronic representative of a bingo card as defined in section 313.005(2), RSMo.

(3) "Site system," means the computer hardware, software, and peripheral equipment, approved by the commission, that is used by a licensed organization at the site of its bingo occasion which provides bingo card monitor-

ing devices to players, and which receipts the sale or rental of such cards and devices and generates reports relative to such sales or rentals.

(4) EBCMDs must be acquired by licensed suppliers from a licensed manufacturer and may only be rented, leased or otherwise provided by licensed suppliers to licensed bingo operators.

(5) A licensed manufacturer seeking approval of a EBCMD site system software, or other bingo equipment uniquely adapted for use with a EBCMD, may be required to submit a prototype of the device to the commission for approval.

(6) No EBCMD shall be able to monitor more than fifty-four (54) bingo cards per game.

(A) Bingo card monitoring can only be used in conjunction with disposable bingo cards and must be entered into the EBCMD in a manner approved by the commission.

(B) If the EBCMD is not used in conjunction with a site system but rather requires a licensed organization to enter bingo card face numbers from disposable paper bingo cards, the device must not be able to have more than fifty-four (54) bingo card face numbers entered into its data base at any one time.

(7) Each EBCMD shall be programmed to automatically erase all electronic bingo cards and/or bingo card face numbers stored in the device a) upon turning off the device after the last bingo game of the occasion has been played, and b) by some secondary timing method.

(8) No EBCMD may be designed to allow bingo players the ability to design their own bingo cards by choosing, rearranging, or placing numbers on a card.

(9) A site system shall not be able to engage in any type of sale, void, or reload transaction unless the EBCMD is connected to and communicating with the site system.

(10) A site system shall not be able to load more than fifty-four (54) electronic bingo cards per bingo game into any one (1) bingo card monitoring device, and the site system must be interfaced with a printer which produces a continuous hard copy transaction log and a printout for the player showing the device identification number, and all of the bingo cards and their face numbers loaded into the device. A receipting function for

electronic bingo cards must be self-contained within the site system and must record and print out on a copy which is given to the player, the device identification number, the date, number of electronic bingo cards purchased or loaded, and the total amount charged for the electronic bingo cards.

(11) A site system shall be able to provide the winning numbers and game patterns required for the entire bingo occasion on a hard copy printout. The printout must be available upon demand at the bingo occasion, if requested by commission personnel.

(12) If the commission detects or discovers any malfunction or problem with a EBCMD or site system that could affect the security or integrity of the bingo game, the bingo card monitoring devices, or the site system, the commission may direct the supplier or licensed organization to cease providing or using the bingo card monitoring devices or site system, as applicable. The commission may require the supplier to correct the problem or recall the devices or system immediately upon notification by the commission to the supplier. Failure to take the corrective action requested may result in confiscation or seizure of the devices and/or site system.

(A) If a supplier or licensed organization detects or discovers any malfunction or problem with the EBCMD or site system which could affect the security or integrity of the bingo game, EBCMD, or site system, the supplier or licensed organization, as applicable, shall discontinue use of the devices or site system and notify the commission the next working day.

(13) The licensed supplier shall serve as the initial contact for the licensed organization with respect to requests for installation, service, maintenance, or repair of EBCMD and site systems.

(A) A licensed supplier may, with commission approval, authorize or subcontract with a person or company to service, maintain, or repair EBCMD and/or site systems; however, the ultimate liability for such service, maintenance, or repair shall be solely that of the licensed supplier.

(14) The licensed supplier shall invoice the licensed organization and collect any and all payments for the sale, rental, lease, or other use of electronic bingo cards, EBCMD and site systems by the licensed organization.

(15) EBCMDs may be transported by a licensed supplier from one (1) location to another for use by more than one (1) licensed organization provided the supplier notifies the commission of the rotation schedule of the EBCMD. However, each licensed organization utilizing a site system must have its own site system, which cannot be moved from its bingo location or be used by another organization without prior approval from the commission. A licensed organization may obtain computer terminals and/or printers to be used in conjunction with site system software obtained from a licensed supplier, from any source.

(16) The use of a player-owned EBCMD at a bingo occasion is prohibited.

(17) EBCMDs shall be rented, leased, or otherwise provided to bingo players only by the licensed organization conducting the bingo occasion, and only at the time and place of the bingo occasion. A bingo player using a bingo card monitoring device must be physically present on the premises, during the time of the bingo occasion, in order to be eligible to play bingo or win any bingo prize.

(18) Regardless of the number of EBCMDs made available for play, at least one (1) device shall be reserved by the licensed organization as a back-up device, in the event a device in play malfunctions.

(19) EBCMDs shall be made available to players on a first-come, first-serve basis. No EBCMD may be reserved for any player, except that a device may be reserved for any player with a disability that would restrict his or her ability to mark cards and such disability is consistent with definitions set forth in the Americans with Disabilities Act.

(20) No bingo player shall be allowed to utilize more than one EBCMD at any time during a bingo occasion.

(21) At the licensed organization's discretion, a bingo player may, in addition to the maximum fifty-four (54) bingo cards per game which he or she purchases to monitor with a EBCMD, purchase additional bingo cards to play.

(22) A licensed organization may, at its discretion, charge a separate fee to players for the use of a EBCMD; however, if an organization charges a separate fee for the use of a EBCMD—

(A) The fee charged must be a flat fee, regardless of the number of bingo cards purchased or any other factor; and

(B) The fee charged must be separately stated.

(23) All bingo cards used in conjunction with EBCMDs must conform to the restrictions in section 313.040(17), RSMo. Organizations utilizing EBCMDs must ensure that all bingo cards used in conjunction with EBCMD are disposable and are adequately marked to prevent reuse. Bingo cards of a series dedicated to or uniquely compatible with EBCMDs are permitted, provided that the design of any such bingo card does not necessitate the use of an EBCMDs for play.

(24) Numbers appearing on a bingo card, identified by a EBCMD to be a winning bingo card, must be verified in the presence of the majority of the players or entry into an electronic card verifier.

AUTHORITY: section 313.065, RSMo Supp. 1997. Original rule filed Nov. 10, 1998, effective June 30, 1999.*

**Original authority: 313.065, RSMo 1981, amended 1993, 1995.*