

A BILL TO BE ENTITLED

AN ACT

relating to a report by certain vessel operators on gambling device payout percentages; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2003, Occupations Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REPORT ON GAMBLING DEVICE PAYOUT PERCENTAGES

Sec. 2003.151. DEFINITIONS. In this subchapter:

(1) "Commission" means the Texas Lottery Commission.

(2) "Gambling device" has the meaning assigned by Section 47.01, Penal Code.

(3) "Payout percentage" means the percentage of the total amount of consideration wagered to play a gambling device that is paid as prizes to players of the device.

Sec. 2003.152. GAMBLING DEVICE PAYOUT PERCENTAGE REPORT.

The operator of a vessel to which this chapter applies shall annually submit to the commission a gambling device payout percentage report. The report must include for each gambling device operated on the vessel during the preceding calendar year:

(1) the programmed payout percentage for the device;

(2) the actual payout percentage for the device; and

(3) the information used to calculate the actual payout percentage under Subdivision (2), including the total amount of consideration paid to play the device, number of times the device

1 was played, and total amount paid in prizes by the device.

2 Sec. 2003.153. PUBLICATION OF REPORT. The commission shall
3 promptly publish each gambling device payout percentage report
4 submitted under Section 2003.152 on the commission's Internet
5 website.

6 Sec. 2003.154. DISTRIBUTION OF REPORT TO MUNICIPALITY. The
7 commission shall provide an electronic copy of each report
8 submitted under Section 2003.152 to:

9 (1) the department; and

10 (2) any municipality that regulates the vessel under
11 Section 2003.101.

12 Sec. 2003.155. RULES. The commission shall adopt rules
13 necessary to implement this subchapter, including rules to:

14 (1) establish the time for submission of a report
15 under Section 2003.152; and

16 (2) prescribe the form and content of a report under
17 Section 2003.152.

18 Sec. 2003.156. CIVIL PENALTY. (a) A person who violates
19 this subchapter or a rule adopted under this subchapter is liable to
20 this state for a civil penalty of not more than \$1,000 for each
21 violation.

22 (b) The amount of the penalty shall be based on:

23 (1) the seriousness of the violation;

24 (2) the history of previous violations;

25 (3) the amount necessary to deter a future violation;

26 and

27 (4) any other matter that justice may require.

1 (c) The attorney general, at the request of the commission,
2 may sue to collect a civil penalty under this section. In the suit
3 the attorney general may recover, on behalf of the state, the
4 reasonable expenses incurred in obtaining the penalty, including
5 investigation and court costs, reasonable attorney's fees, witness
6 fees, and other expenses.

7 SECTION 2. Section 467.101(c), Government Code, is amended
8 to read as follows:

9 (c) The commission also has the powers and duties granted
10 under:

- 11 (1) Chapter 2001, Occupations Code; ~~and~~
12 (2) Chapter 466 of this code; and
13 (3) Subchapter D, Chapter 2003, Occupations Code.

14 SECTION 3. Not later than December 1, 2019, the Texas
15 Lottery Commission shall adopt rules necessary to implement
16 Subchapter D, Chapter 2003, Occupations Code, as added by this Act.

17 SECTION 4. This Act takes effect September 1, 2019.