

2022 -- H 7790

LC005234

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE LOTTERY - LOTTERY  
SALES AGENT RENEWAL PERIOD

Introduced By: Representatives Slater, and Diaz

Date Introduced: March 03, 2022

Referred To: House Finance

(Dept. of Revenue)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-61-5 of the General Laws in Chapter 42-61 entitled "State Lottery"  
2 is hereby amended to read as follows:

3 **42-61-5. Sales agents.**

4 (a) For the purpose of this chapter, the term "person" shall be construed to mean and include  
5 an individual, association, partnership, corporation, trust, estate, company, receiver, trustee,  
6 referee, or other person acting in a fiduciary or representative capacity, whether appointed by a  
7 court or otherwise, and any combination of individuals. "Person" shall be construed to mean all  
8 departments, committees, commissions, agencies, and instrumentalities of the state, including  
9 counties and municipalities and agencies and instrumentalities of the state.

10 (b)(1) The director of lotteries may license any person as a lottery sales agent as provided  
11 in this chapter. No license shall be issued to any person to engage in the sale of lottery tickets as  
12 his or her sole occupation or business.

13 (2) As part of its investigation as to whether to issue a lottery sales agent license, the Rhode  
14 Island lottery shall require criminal background checks of the applicant for a retail sales agent  
15 license as it deems appropriate and said individuals shall apply to the bureau of criminal  
16 investigation of the Rhode Island state police or the Rhode Island department of the attorney general  
17 for a national criminal records check with fingerprinting. The applicant whose criminal records  
18 check is being conducted shall be responsible for the payment of the costs of said criminal records

1 check. The Rhode Island state police or the Rhode Island department of attorney general, as  
2 applicable, shall send the results of such criminal records check to the Rhode Island lottery. Once  
3 said results are sent to and received by the Rhode Island lottery, the Rhode Island state police and  
4 the Rhode Island department of attorney general shall promptly destroy said fingerprint record(s).  
5 On or before February 1, 2011, the agency shall adopt rules and regulations establishing criteria to  
6 be used in determining whether based upon a criminal records check an application will be  
7 approved.

8 (c) Before issuing any license to a lottery sales agent the director shall consider:

9 (1) The financial responsibility and security of the person and his or her business or  
10 activity;

11 (2) The accessibility of his or her place of business or activity to the public;

12 (3) The sufficiency of existing licensed agents to serve the public interest;

13 (4) The volume of expected sales by the applicant;

14 (5) Any other factors pertaining to the public interest, convenience or trust.

15 (d) The director shall refuse to grant or shall suspend, pending a hearing before the division,  
16 or recommend a revocation of a license if the applicant or licensee:

17 (1) Has been convicted of a felony;

18 (2) Has been engaging in gambling as a significant source of income;

19 (3) Has been convicted of violating any gambling statutes;

20 (4) Has been convicted of fraud or misrepresentation in any connection;

21 (5) Has been found to have violated any rule, regulation, or order of the state lottery  
22 division.

23 The license of an agent shall be suspended by the director for any charge which may result  
24 in a conviction for conduct prescribed in subdivisions (d)(1) -- (d)(5); which suspension shall be  
25 effective until a final judicial determination.

26 (e) The director shall refuse to grant, or shall suspend, pending a hearing before the  
27 division, or recommend revocation of a license if the applicant or licensee is a corporation:

28 (1) Any of whose directors, officers, or controlling shareholders have been found guilty of  
29 any of the activities specified in subsection (d);

30 (2) In which it appears to the director of lotteries that due to the experience, character, or  
31 general fitness of any director, officer, or controlling shareholder, the granting of a license as a  
32 lottery sales agent would be inconsistent with the public interest, convenience, or trust;

33 (3) Not the owner or lessee of the business at which it will conduct a lottery sales agency  
34 pursuant to the license applied for, or that any person, firm, association, or corporation other than

1 the applicant shares or will share in the profits of the applicant, other than receiving dividends as a  
2 shareholder, or will participate in the management of the affairs of the applicant.

3 (f) Every holder of a license as a lottery sales agent shall renew the license ~~annually~~  
4 biennially pursuant to the rules and regulations of the division. Licensees shall pay to the division  
5 a fee to be determined by the director upon receipt or renewal of a license.

6 (g) Whenever requested by the director, the division of criminal identification of the  
7 department of the attorney general, the superintendent of state police, any superintendent or chief  
8 of police or sergeant of any city or town, shall furnish all information on convictions, arrests and  
9 present investigations concerning any person who is an applicant for a license or who is a licensee  
10 of the state lottery.

11 (h) Notwithstanding any other provision of law, any person licensed as provided in this  
12 chapter is authorized and empowered to act as a lottery sales agent.

13 (i) Every licensed sales agent authorized pursuant to this section and every licensed video  
14 lottery retailer authorized by chapter 61.2 of this title shall keep conspicuously posted on his or her  
15 premises the name and telephone number of a council on problem gambling recognized by an  
16 appropriate authority within state government or within the professional field of addiction disorders  
17 and a statement of its availability to offer assistance. The lottery division shall supply each licensee  
18 with the required notice.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE LOTTERY - LOTTERY  
SALES AGENT RENEWAL PERIOD

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- 1           This act would extend the renewal period for lottery sales agent's license from one year to
- 2 two (2) years.
- 3           This act would take effect upon passage.

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