

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Mahony**

# A Bill

**ACT 740 OF 1995**  
**SENATE BILL 400**

## For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 26-57-402 AND 26-57-403  
PERTAINING TO THE REGULATION OF COIN OPERATED AMUSEMENT  
DEVICES; AND FOR OTHER PURPOSES."

## Subtitle

"AN ACT TO AMEND ARKANSAS CODE 26-57-402  
AND 26-57-403 PERTAINING TO THE  
REGULATION OF COIN OPERATED AMUSEMENT  
DEVICES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 26-57-402 is amended to read as follows:

"§ 26-57-402. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) Amusement devices means any machine, device, or apparatus which provides amusement, diversion, or entertainment which is coin-operated and includes, but is not limited to, such games as radio rifles, miniature football, golf, baseball, hockey, bumper, tennis, shooting galleries, pool tables, bowling, shuffleboard, pinball tables, marble tables, music vending phonographs, jukeboxes, cranes, video games, claw machines, bowling machines, console machines, pusher machines, novelty arcade machines and other similar musical devices for entertainment, and other miniature games, whether or not such machines show a score, and which is not otherwise excluded in this subchapter;

(2) Any money or property, or other articles, or other valuable things, or any representative of anything that is esteemed of value, as used in the anti-gambling statutes, § 5-66-101 et seq., shall not be expanded to include a free amusement feature such as the privilege of playing

1 additional free games if a certain score is made on a pinball table or on any  
2 other amusement game described in this section, or to non-cash prizes, toys,  
3 novelties or representations of value redeemable for those items which are won  
4 by the player of a bona fide amusement game or device which rewards players  
5 exclusively with merchandise limited to such non-cash prizes, toys, novelties,  
6 or representations of value redeemable for those items, which have a wholesale  
7 value of not more than ten (10) times the cost charged to play the game or  
8 device once, or five dollars (\$5.00), whichever is less; *in the event of*  
9 *accumulation of redeemable representations of value by any player, no non-cash*  
10 *prize having a wholesale value of more than fifty dollars (\$50.00) may be*  
11 *given or awarded by any amusement machine operator or redeemed by any player;*

12 (3) Coin-operated means any machine, device, or apparatus which is  
13 operated by placing through a slot, or any kind of opening or container, any  
14 coin, slug, token, or other object or article necessary to be inserted before  
15 the machine operates or functions, but does not include any machine or device  
16 which is classified by the United States government as requiring a federal  
17 gaming stamp under applicable provisions of the Internal Revenue code.

18 (4) Person means and includes any individual, firm, association,  
19 company, partnership, corporation, joint-stock company, club, agency,  
20 syndicate, the State of Arkansas, county, municipal corporation or other  
21 political subdivision of this state, receiver, trustee, fiduciary, or trade  
22 association."

23

24 SECTION 2. Arkansas Code 26-57-403 is amended to read as follows:

25 "§ 26-57-403. Automatic money payoff mechanisms not legalized.

26 (1) Nothing contained in this section and §§ 26-57-306, 26-57-401,  
27 26-57-402, and 26-57-404 - 26-57-407 shall be deemed to legalize, authorize,  
28 license, or permit any machines commonly known as slot machines, roscoes,  
29 jackpots, or any machine equipped with any automatic money payoff mechanism.

30 (2) Any person owning or possessing an amusement game or device  
31 described in 26-57-402(1) or (2) of this code section, or any person employed  
32 by or acting on behalf of any such person, who gives to any other person money  
33 for a non-cash prize, toy or novelty received as a reward in playing any such  
34 amusement game or device, or free games won on any such machine, shall be  
35 guilty of a misdemeanor."

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

*/s/Mahony*

BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 3-23-95

