State of Arkansas 1 As Engrossed: H3/11/99 A Bill 2 82nd General Assembly Act 1231 of 1999 3 Regular Session, 1999 HOUSE BILL 2105 4 By: Representatives French, J. Jeffress, Broadway, Vess, Teague, Hathorn, Biggs, G. Jeffress, Hausam, 5 Haak, Womack, Wood, M. Steele, Milum, Milligan, Eason, Morris, Bond, Cook, Gullett, Elliott, 6 7 Magnus, Files, Bledsoe, L. Thomas, Agee, Hickinbotham, T. Thomas, Prater, House, Hunt, Bevis, Bennett, Cleveland, Willis, Pappas, Bush, Duggar, Parks, Horn, Creekmore, Gillespie, Wilkinson, 8 9 Minton, Green By: Senator Mahony 10 11 12 For An Act To Be Entitled 13 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE 14 REGARDING AMUSEMENT DEVICES; AND FOR OTHER PURPOSES." 15 16 **Subtitle** 17 18 "TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE REGARDING AMUSEMENT 19 20 DEVICES. " 21 22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 23 24 SECTION 1. Arkansas Code 26-57-402 is amended to read as follows: 25 "26-57-402. Definitions. 26 As used in this subchapter, unless the context otherwise requires: 27 28 (1) 'Amusement devices' means any machine, device, or apparatus which 29 provides amusement, diversion, or entertainment which is coin-operated and includes, but is not limited to, such games as radio rifles, miniature 30 football, golf, baseball, hockey, bumper pool, tennis, shooting galleries, 31 pool tables, bowling, shuffleboard, pinball tables, marble tables, music 32 vending phonographs, jukeboxes, cranes, video games, claw machines, bowling 33 machines, console countertop machines, pusher machines, novelty arcade 34 machines, other similar musical devices for entertainment, and other miniature 35 games, whether or not such machines show a score, and which is not otherwise 36

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1 excluded in this subchapter;

- (2)(A) '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 antigambling statutes, § 5-66-101 et seq., shall not be expanded to include:
- (i) A free amusement feature such as the privilege of playing additional free games if a certain score is made on a pinball table or on any other amusement game described in this section; or
- (ii) To noncash prizes, toys, novelties, or representations of value redeemable for those items which are won by the player of a bona fide amusement game or device which rewards players exclusively with merchandise limited to such noncash prizes, toys, novelties, or representations of value redeemable for those items, which have a wholesale value of not more than ten (10) times the cost charged to play the game or device once, or five dollars (\$5.00), whichever is less.
 - (B) In the event of accumulation of redeemable representations of value by any player, no noncash prize toy or novelty having a wholesale value of more than fifty twelve dollars and fifty cents (\$50.00) (\$12.50) may be given or awarded by any amusement machine operator or redeemed by any player; Said toys and novelties shall be displayed in a single area on each premises. Furthermore, each operator shall maintain records validating the wholesale value of said toys and novelties. Said toys and novelties shall be located solely on the premises where the game is played.
 - (3) 'Coin-operated' means any machine, device, or apparatus which is operated by placing through a slot, or any kind of opening or container, any coin, slug, token, or other object or article necessary to be inserted before the machine operates or functions, but does not include any machine or device which is classified by the United States government as requiring a federal gaming stamp under applicable provisions of the Internal Revenue Code;
- (4) 'Novelty' means an article of trade whose value is chiefly 30 decorative, comic, or the like, and whose appeal is often transitory. 31
- (4)(5) 'Person' means and includes any individual, firm, 33 association, company, partnership, limited liability company, corporation, joint-stock company, club, agency, syndicate, the State of Arkansas, county, municipal corporation or other political subdivision of this state, receiver, trustee, fiduciary, or trade association.

1	(6) 'Toy' means a small article of little value but prized as a
2	souvenir or some other special reason; trinket; knickknack, or bauble."
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4	SECTION 2. Arkansas Code 26-57-404 is amended to read as follows:
5	"26-57-404. Privilege tax on amusement games.
6	(a) On each amusement game there shall be imposed an annual privilege
7	tax of five dollars (\$5.00).
8	(b) The Director of the Department of Finance and Administration shall
9	collect for each machine the full annual license fee when paid during the
10	first six (6) months of the fiscal year, but any license fee paid during the
11	last six (6) months of the fiscal year shall be upon the basis of one-half
12	(1/2) of the annual tax."
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14	SECTION 3. All provisions of this act of a general and permanent nature
15	are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16	Revision Commission shall incorporate the same in the Code.
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18	SECTION 4. If any provision of this act or the application thereof to
19	any person or circumstance is held invalid, such invalidity shall not affect
20	other provisions or applications of the act which can be given effect without
21	the invalid provision or application, and to this end the provisions of this
22	act are declared to be severable.
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24	SECTION 5. All laws and parts of laws in conflict with this act are
25	hereby repeal ed.
26	/s/ French, et al
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29	APPROVED: 4/8/1999
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