

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

A Bill

SENATE BILL 296

For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. § 26-57-402(1) AND § 26-
9 57-411 TO EXPAND THE DEFINITION OF AMUSEMENT DEVICES; TO
10 WAIVE THE SURETY BOND REQUIREMENT ON TEMPORARY AMUSEMENT
11 MACHINE OPERATORS; AND FOR OTHER PURPOSES.

Subtitle

14 "AN ACT TO EXPAND THE DEFINITION OF
15 AMUSEMENT DEVICES AND WAIVE THE SURETY
16 BOND REQUIREMENT ON TEMPORARY AMUSEMENT
17 MACHINE OPERATORS."

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

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

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

33 SECTION 2. Arkansas Code § 26-57-411 is amended to read as follows:

34 "26-57-411. Licenses - Surety bond required.

35 Prior to the issuance or renewal of any license under this subchapter, the

1 Director of the Department of Finance and Administration shall require the
2 applicant to procure a suitable surety bond in the principal sum of six
3 thousand dollars (\$6,000) to insure the faithful and prompt payment of all
4 sales taxes, use taxes, or privilege taxes which may become due in connection
5 with the operation of the licensed business and to secure the faithful
6 performance of all duties and obligations imposed by this subchapter.
7 However, if the licensee restricts the placement of amusement devices to
8 carnivals and county, district, and state fairs for a period not exceeding
9 three (3) months in any one (1) calendar year, no surety bond will be
10 required."

11

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

15

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

21

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

24

25 SECTION 6. EMERGENCY. It is hereby found and determined by the
26 General Assembly that the current definition of "amusement devices," is
27 unclear as it applies to modern amusement devices; that the existing surety
28 bond requirement on temporary amusement machine operators creates an undue
29 hardship on those operators; that this act is designed to insure that modern
30 amusement devices are included in the definition of "amusement devices"; and
31 that temporary amusement machine operators are relieved of the burden of
32 obtaining a surety bond. Therefore, an emergency is hereby declared to exist
33 and this act being necessary for the preservation of public peace, health and
34 safety shall be in full force and effect on and after July 1, 1995.

35

1

2