

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 2201

4
5 By: Representative Rodgers
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7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND TITLE 24, CHAPTER 57, SUBCHAPTER 4 OF
10 THE ARKANSAS CODE RELATING TO COIN OPERATED
11 AMUSEMENTS; AND FOR OTHER PURPOSES."

Subtitle

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14 "TO AMEND TITLE 24, CHAPTER 57,
15 SUBCHAPTER 4 OF THE ARKANSAS CODE
16 RELATING TO COIN OPERATED AMUSEMENTS."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

22 "§ 26-57-402. Definitions.

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

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

35 (2)(A) 'Any money or property', or 'other articles', or 'other
36 valuable things', or 'any representative of anything that is esteemed of

1 value', as used in the antigambling statutes, § 5-66-101 et seq., shall not be
2 expanded to include:

3 (i) A free amusement feature such as the privilege of
4 playing additional free games if a certain score is made on a pinball table or
5 on any other amusement game described in this section; or

6 (ii) ~~To n~~Noncash prizes, toys, novelties, gift
7 certificates, or representations of value redeemable for those items which are
8 won by the player of a bona fide amusement game or device which rewards
9 players exclusively with merchandise limited to such noncash prizes, toys,
10 novelties, gift certificates, or representations of value redeemable for those
11 items, which have a wholesale value of not more than ~~ten (10) times the cost~~
12 ~~charged to play the game or device once, or five dollars (\$5.00), whichever is~~
13 ~~less.~~

14 (B) In the event of accumulation of redeemable
15 representations of value by any player, no noncash prize having a wholesale
16 value of more than fifty dollars (\$50.00) may be given or awarded by any
17 amusement machine operator or redeemed by any player;

18 (3) 'Coin-operated' means any machine, device, or apparatus which
19 is operated by placing through a slot, or any kind of opening or container,
20 any coin, slug, token, or other object or article necessary to be inserted
21 before the machine operates or functions, but does not include any machine or
22 device which is classified by the United States government as requiring a
23 federal gaming stamp under applicable provisions of the Internal Revenue Code;

24 (4) 'Person' means and includes any individual, firm,
25 association, company, partnership, limited liability company, corporation,
26 joint-stock company, club, agency, syndicate, the State of Arkansas, county,
27 municipal corporation or other political subdivision of this state, receiver,
28 trustee, fiduciary, or trade association.

29 (5) 'Amusement arcade center' means an establishment or location
30 that holds or contains more than ten (10) and less than twenty-five (25)
31 amusement devices. Each amusement arcade center shall be issued a license as
32 set forth in § 26-56-412. No establishment or location may contain more than
33 twenty-five (25) amusement devices. Any establishment or location that
34 contains more than twenty-five (25) amusement devices shall be subject to the
35 provisions of § 26-57-406."

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1 SECTION 2. Arkansas Code § 26-57-403(b) relating to automatic money
2 payoff mechanisms is amended to read as follows:

3 "(b) Any person owning or possessing an amusement game or device
4 described in § 26-57-402(1) or (2), or any person employed by or acting on
5 behalf of any such person, who gives to any other person money or alcohol for
6 a noncash prize, toy, or novelty received as a reward in playing any such
7 amusement game or device, or for free games won on any such machine, shall be
8 guilty of a Class A misdemeanor."

9
10 SECTION 3. Arkansas Code § 26-57-404 is amended to read as follows:

11 "§ 26-57-404. Privilege tax on amusement games.

12 (a) On each amusement game there shall be imposed an annual privilege
13 tax of ~~five dollars (\$5.00)~~ one hundred twenty dollars (\$120.00).

14 (b) The Director of the Department of Finance and Administration shall
15 collect for each machine the full annual license fee when paid during the
16 first ~~six (6)~~ months of the fiscal year, but any license fee paid ~~during the~~
17 last six (6) after the first months of the fiscal year shall be ~~upon the basis~~
18 of one-half (1/2) of the annual tax in an amount equal to ten dollars (\$10.00)
19 for each month remaining in the fiscal year."

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22 SECTION 4. Arkansas Code § 26-57-406 is amended to read as follows:

23 "§ 26-57-406. Unlicensed games a public nuisance - Seizure and sale -
24 Redemption.

25 (a) Every amusement game as defined in § 26-57-402 upon which the
26 individual privilege tax of ~~five dollars (\$5.00)~~ has not been paid is declared
27 to be a public nuisance and may be seized by any ~~authorized agent of the~~
28 Department of Finance and Administration county sheriff or police department
29 ~~and sold by the Director of the Department of Finance and Administration~~ on an
30 order of the Pulaski County Chancery Court. ~~However, t~~The owner of the game
31 shall not have the privilege of redeeming the amusement game ~~within ten (10)~~
32 ~~days by paying the tax due and costs.~~

33 (b) Any location or establishment that contains more than twenty-five
34 (25) games shall be declared a public nuisance, and all games at such location
35 may be seized by any county sheriff or police department on an order of the
36 appropriate county chancery court.

1 (c) Any operator, vendor, location or establishment that advertises
 2 playing amusement devices with references to any indicia of gambling shall be
 3 declared a public nuisance, and all games at such location may be seized by
 4 any county sheriff or police department and on an order of the appropriate
 5 county chancery court.

6 (d) All proceeds from any sale of games under this section shall be
 7 disposed of as set forth in § 26-57-407."

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 9 SECTION 5. Arkansas Code § 26-57-409 is amended to read as follows:

10 "§ 26-57-409. Annual license fee - Renewals.

11 (a) The annual fee for the license provided for in § 26-57-412 shall:

12 (1) For all licensees operating not more than three (3) amusement
 13 devices, be the sum of five hundred dollars (\$500); and

14 (2) For all licensees operating more than three (3) amusement
 15 devices, be the sum of ~~one thousand dollars (\$1,000)~~ two thousand five hundred
 16 dollars (\$2,500).

17 (3) For a license to operate an amusement arcade center, the
 18 license fee shall be one thousand dollars (\$1,000) per location or
 19 establishment."

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 21 SECTION 6. Arkansas Code § 26-57-412 is amended to read as follows:

22 "§ 26-57-412. Licenses - Issuance.

23 (a) (1) Licenses for the privilege of owning, operating, or leasing
 24 coin-operated amusement devices shall be issued by the Director of the
 25 Department of Finance and Administration.

26 (2) Licenses for the privilege of operating an amusement arcade
 27 center shall be issued by the Director of the Department of Finance and
 28 Administration.

29 (b) Applications for the licenses shall be on a form prescribed by the
 30 director.

31 (c) At the time of the issuance of such licenses, each amusement arcade
 32 center licensee shall be assigned a number."

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 34 SECTION 7. All provisions of this act of a general and permanent nature
 35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 36 Revision Commission shall incorporate the same in the Code.

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SECTION 8. 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 9. All laws and parts of laws in conflict with this act are hereby repealed.