

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  
4

As Engrossed: S2/23/99 S2/25/99

## A Bill

SENATE BILL 263

5 By: Senator Mahony  
6 By: Representatives French, J. Jeffress, Broadway  
7

### For An Act To Be Entitled

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9  
10 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE  
11 REGARDING AMUSEMENT DEVICES; AND FOR OTHER PURPOSES."

### Subtitle

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13  
14 "TO AMEND VARIOUS SECTIONS OF THE  
15 ARKANSAS CODE REGARDING AMUSEMENT  
16 DEVICES. "  
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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 which  
25 provides amusement, diversion, or entertainment which is coin-operated and  
26 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~~ countertop machines, ~~pusher machines~~, novelty arcade  
31 machines, other similar musical devices for entertainment, and other miniature  
32 games, whether or not such machines show a score, and which is not otherwise  
33 excluded in this subchapter;

34 (2)(A) 'Any money or property', or 'other articles', or 'other valuable  
35 things', or 'any representative of anything that is esteemed of value', as  
36 used in the antigambling statutes, § 5-66-101 et seq., shall not be expanded

1 to include:

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

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

12 (B) In the event of accumulation of redeemable representations of  
13 value by any player, no ~~noncash prize toy or novelty~~ having a wholesale value  
14 of more than ~~fifty ten~~ dollars ~~(\$50.00)~~ (\$10.00) may be given or awarded by  
15 any amusement machine operator or redeemed by any player. Said toys and  
16 novelties shall be displayed in a single area on each premises. Furthermore,  
17 each operator shall maintain records validating the wholesale value of said  
18 toys and novelties. Said toys and novelties shall be located solely on the  
19 premises where the game is played.

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

26 (4) 'Novelty' means an article of trade whose value is chiefly  
27 decorative, comic, or the like, and whose appeal is often transitory.

28 ~~(4)(5)~~ (5) 'Person' means and includes any individual, firm, association,  
29 company, partnership, limited liability company, corporation, joint-stock  
30 company, club, agency, syndicate, the State of Arkansas, county, municipal  
31 corporation or other political subdivision of this state, receiver, trustee,  
32 fiduciary, or trade association.

33 (6) 'Toy' means a small article of little value but prized as a souvenir  
34 or some other special reason; trinket; knickknack, or bauble."

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36 SECTION 2. Arkansas Code 26-57-404 is amended to read as follows:

1           *"26-57-404. Privilege tax on amusement games.*

2           *(a) On each amusement game there shall be imposed an annual privilege*  
3 *tax of five dollars (\$5.00).*

4           *(b) The Director of the Department of Finance and Administration shall*  
5 *collect for each machine the full annual license fee when paid during the*  
6 *first six (6) months of the fiscal year, but any license fee paid during the*  
7 *last six (6) months of the fiscal year shall be upon the basis of one-half*  
8 *(1/2) of the annual tax."*

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

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

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

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*/s/ Mahony*

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