

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 745

5 By: Senator J. Hutchinson
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE TAX APPLICABLE
9 TO COIN-OPERATED AMUSEMENT DEVICES; TO AMEND THE
10 DEFINITIONS APPLICABLE TO COIN-OPERATED AMUSEMENT
11 DEVICES; TO MAKE TECHNICAL CHANGES; AND FOR OTHER
12 PURPOSES.
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Subtitle

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15 TO AMEND THE LAW CONCERNING THE TAX
16 APPLICABLE TO COIN-OPERATED AMUSEMENT
17 DEVICES; AND TO AMEND THE DEFINITIONS
18 APPLICABLE TO COIN-OPERATED AMUSEMENT
19 DEVICES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 26-57-402 is amended to read as follows:

26 26-57-402. Definitions.

27 As used in this subchapter:

28 (1) "Amusement device" means ~~any~~ a coin-operated machine, device,
29 or apparatus ~~which~~ that provides amusement, diversion, or entertainment and
30 includes, ~~but is not limited to,~~ without limitation such games as:

- 31 (A) Radio rifles;
32 (B) Miniature football;
33 (C) Golf;
34 (D) Baseball;
35 (E) Hockey~~;~~
36 (F) Bumper pool;



- 1 (G) Tennis;
- 2 (H) Shooting galleries;
- 3 (I) Pool tables;
- 4 (J) Bowling;
- 5 (K) Shuffleboard;
- 6 (L) Pinball tables;
- 7 (M) Marble tables;
- 8 (N) Music vending phonographs;
- 9 (O) Jukeboxes;
- 10 (P) Cranes;
- 11 (Q) Video games;
- 12 (R) Claw machines;
- 13 (S) Bowling machines;
- 14 (T) Countertop machines;
- 15 (U) Novelty arcade machines;
- 16 (V) Other similar musical devices for entertainment; and
- 17 (W) Other miniature games, whether or not the games show a

18 score, ~~which~~ that are not otherwise excluded in this subchapter;

19 (2)(A) "Any money or property", "other articles", "other
20 valuable things", or "any representative of anything that is esteemed of
21 value", as used in the antigambling statutes, § 5-66-101 et seq., shall not
22 be expanded to include:

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

26 (ii) Toys, novelties, candy, or representations of
27 value redeemable for those items ~~which~~ that are won by the player of a bona
28 fide amusement device ~~which~~ that rewards players exclusively with merchandise
29 limited to toys, novelties, or representations of value redeemable for those
30 items, ~~which~~ that have a wholesale value of not more than ten (10) times the
31 cost charged to play the amusement device one (1) time or five dollars
32 (\$5.00), whichever is less.

33 (B)(i) ~~In the event of the accumulation of~~ If a player
34 accumulates redeemable representations of value ~~by any player, no a~~ by a toy or
35 novelty having a wholesale value of more than ~~twelve dollars and fifty cents~~
36 ~~(\$12.50) may be~~ eight hundred fifty dollars (\$850) shall not be given or

1 awarded by ~~any~~ an amusement device operator or redeemed by ~~any~~ a player.

2 (ii) The toys and novelties shall be displayed in a
3 single area on each premises.

4 (iii) Furthermore, each operator shall maintain
5 records validating the wholesale value of the toys and novelties.

6 (iv) The toys and novelties shall be located solely
7 on the premises where the amusement device is played;

8 (3) "Candy" means a food item that:

9 (A) Has sugar as its principal ingredient; and

10 (B) Does not contain alcohol;

11 ~~(3)~~ (4) "Coin-operated" means ~~any~~ a machine, device, or
12 apparatus ~~which~~ that is operated by placing through a slot or any kind of
13 opening or container ~~any~~ a coin, slug, token, or other object or article
14 necessary to be inserted before the machine operates or functions but does
15 not include ~~any~~ a machine or device ~~which~~ that is classified by the United
16 States Government as requiring a federal gaming stamp under applicable
17 provisions of the Internal Revenue Code;

18 ~~(4)~~ (5) "Novelty" means an article of trade whose value is
19 chiefly decorative, comic, commemorative, or the like, and whose appeal is
20 often transitory;

21 ~~(5)~~ (6) "Person" means ~~any~~ an individual, firm, association,
22 company, partnership, limited liability company, corporation, joint-stock
23 company, club, agency, syndicate, the State of Arkansas, county, municipal
24 corporation or other political subdivision of this state, receiver, trustee,
25 fiduciary, or trade association; and

26 ~~(6)~~ (7) "Toy" means ~~a small~~ an article ~~of little value but~~ that
27 has a wholesale value that does not exceed eight hundred fifty dollars (\$850)
28 and that is prized as a souvenir or for some other special reason, ~~a trinket,~~
29 ~~a knickknack, or a bauble~~ including without limitation a stuffed animal,
30 game, or electronic device.

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