

ADOPTED

1 Senators Polak of the 42nd and Dean of the 31st offered the following amendment:

2 Amend the Senate Finance and Public Utilities Committee substitute to SB 204 (LC 9 0781S)
3 by striking line 21 of page 1 and inserting in lieu thereof the following:

4 "operated amusement machines; to change the provision relating to master licenses; to
5 provide for refusal to issue or renew a master license or for suspension or revocation of a
6 master license for violation of provisions relating to gambling; to".

7 By striking line 23 of page 1 and inserting in lieu thereof the following:

8 "are not subject to provisions relating to the Office of State Administrative Hearings; to
9 authorize the commissioner to impose certain penalties for violation of Code Section
10 16-12-35 by certain business owners and business operators who are not licensees or
11 applicants for licenses; to".

12 By striking line 15 of page 3 and inserting in lieu thereof the following:

13 "of this Code section. Any amusement game, including any video card game, which does
14 not require some skill, is subject to the provisions of this article prohibiting gambling, even
15 if prizes are limited as provided in subsections (c) and (d) of this Code section."

16 Striking lines 6 and 7 of page 8 and inserting in lieu thereof the following:

17 "renew licenses, revocation or suspensions of licenses, and hearings, by striking paragraph
18 (1) of subsection (c) and by adding a new subsection immediately after subsection (d) so
19 that paragraph (1) of subsection (c) and subsection (e) read as follows:

20 '(1) The licensee or applicant has intentionally violated a provision of this chapter, ~~or a~~
21 regulation promulgated under this chapter, or any provision of Article 2 of Chapter 12 of
22 Title 16;".

23 By inserting after line 35 of page 9 the following:

24 **"SECTION 6.1.**

25 Said chapter is further amended by inserting a new Code section to be designated Code
26 Section 48-17-15.1 to read as follows:

27 '48-17-15.1.

1 (a) For single or repeated violations of Code Section 16-12-35 by a business owner or
 2 business operator who offers one or more bona fide coin operated amusement machines,
 3 the commissioner may impose the following penalties on such a business owner or business
 4 operator who is not an applicant for a license or a licensee:

5 (1) A civil fine in an amount specified in rules and regulations promulgated in
 6 accordance with this chapter; or

7 (2) A suspension or revocation of the privilege of offering one or more bona fide coin
 8 operated amusement machines to the public.

9 (b) Before a penalty is imposed in accordance with this Code section, a business owner or
 10 business operator is entitled to at least 30 days' written notice and, if requested, a hearing.
 11 Such written notice may be served in the manner provided for written notices to applicants
 12 for licenses and licensees in subsection (b) of Code Section 48-17-5, and an order imposing
 13 a penalty may be delivered in the manner provided for delivery of the commissioner's
 14 orders to applicants for licenses and licensees in Code Section 48-17-6.

15 (c) In the case of a suspension or revocation in accordance with this Code section, the
 16 commissioner shall require the business owner or business operator to post a notice in the
 17 business location setting out the period of the suspension or revocation. No master licensee
 18 or applicant for a master license shall allow a bona fide coin operated amusement machine
 19 under the control of such licensee or applicant to be placed in a business location owned
 20 or operated by a business owner or business operator who has been penalized by a
 21 suspension or revocation during the period of the suspension or revocation."
 22

23 Striking line 12 of page 10 and inserting in lieu thereof the following:

24 "business, except as otherwise provided in paragraphs (1), (6), and (13) of subsection (b)
 25 of this".

26 By striking line 4 of page 11 and inserting in lieu thereof the following:

27 "(5)(A) Providing that, after the arrest of the owner or operator of a".

28 By striking line 10 of page 11 and inserting in lieu thereof the following:

29 "violation occurred for up to 90 days; and

30 (B) Providing that, after the conviction of the owner or operator of a business location
 31 or an employee or agent of such an owner or operator for a violation of subsection (e),
 32 (f), or (g) of Code Section 16-12-35, the prosecuting attorney of the county or
 33 municipal corporation, as the case may be, is authorized to seek an order of the superior
 34 court enjoining the owner and operator of the business location from offering to the

1 public any bona fide coin operated amusement machine at the business location where
2 the violation occurred for up to 90 days;”.

3

4 By striking lines 34 and 35 of page 11 and inserting in lieu thereof the following:

5 “(12) Providing for any or all of the penalties authorized by paragraph (6) of this
6 subsection for violation of Code Section 48-17-15;”.

7 By striking line 1 of page 12 and inserting in lieu thereof the following:

8 “(13) Requiring an arcade permit for any business offering to the public more than 15 bona
9 fide coin operated amusement machines in a single location; denying such an arcade permit
10 on any grounds which are not arbitrary or capricious; and imposing other reasonable
11 restrictions, not in actual conflict with this chapter or Code Section 16-12-35, concerning
12 the commercial offering to the public of more than 15 bona fide coin operated amusement
13 machines which provide for noncash redemption in a single location; and

14 (14) Imposing other reasonable restrictions, not in actual conflict with this chapter or”.