

The House Committee on Rules offered the following substitute to SB 204:

A BILL TO BE ENTITLED
AN ACT

1 To revise provisions relating to bona fide coin operated amusement machines; to amend Part
2 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating
3 to gambling, so as to provide that certain bona fide coin operated amusement machines are
4 not contraband; to provide a definition; to prohibit the award of certain items as prizes; to
5 provide that evidence of winnings from such machines shall not be exchangeable or
6 redeemable for money, cash, or its equivalent in this state or any other jurisdiction; to change
7 penalties for giving money for free replays on certain amusement machines, for giving
8 money for noncash prizes for playing certain amusement machines, and for giving money
9 for successful play of certain amusement machines; to provide penalties for any person who
10 gives to any other person money for any noncash merchandise, prize, toy, gift certificate, or
11 novelty received for playing a bona fide coin operated amusement machine; to provide
12 penalties for the receipt of money for such free replays, for such noncash prizes, and for such
13 successful play; to provide that giving or receiving any money for a gift certificate or reusing
14 a gift certificate awarded for successful play is unlawful and to provide for penalties; to
15 provide for seizure of such amusement machines in certain circumstances; to provide for a
16 civil action for forfeiture and for venue, procedures, parties, notice, and disposition of such
17 action; to require certain notice to be printed on gift certificates awarded for successful play;
18 to amend Chapter 17 of Title 48 of the Official Code of Georgia Annotated, relating to
19 taxation of bona fide coin operated amusement machines, so as to provide for notice of
20 certain criminal provisions on master licenses and permit stickers issued for bona fide coin
21 operated amusement machines; to change provisions relating to master licenses; to provide
22 for refusal to issue or renew a master license or for suspension or revocation of a master
23 license for violation of provisions relating to gambling; to provide that hearings relating to
24 licensing of bona fide coin operated amusement machines are not subject to provisions
25 relating to the Office of State Administrative Hearings; to authorize the commissioner to
26 impose certain penalties for violation of Code Section 16-12-35 by certain business owners
27 and business operators who are not licensees or applicants for licenses; to provide for verified
28 monthly reports of gross retail receipts from bona fide coin operated amusement machines

1 and total gross retail receipts from a business location in certain circumstances; to authorize
 2 audits; to provide penalties for violations by business owners or business operators who are
 3 not licensees or applicants for licenses; to provide for definitions; to prohibit local
 4 governments from prohibiting licensed bona fide coin operated amusement machines or
 5 limiting the number of such machines; to provide for exceptions; to authorize certain
 6 regulation of amusement machines by local governments, specified penalties for violations,
 7 and civil actions for injunctions in certain circumstances; to provide for related matters; to
 8 provide for effective dates; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
 12 relating to crimes involving gambling, is amended by striking in its entirety subsection (a)
 13 of Code Section 16-12-30, relating to seizure and destruction of gambling devices, and
 14 inserting in lieu thereof the following:

15 "(a)(1) Except as provided in subsection (b) of Code Section 16-12-24, every gambling
 16 device is declared to be contraband and subject to seizure and confiscation by any state
 17 or local authority within whose jurisdiction the same may be found.

18 (2) Bona fide coin operated amusement machines, as defined in Code Section 48-17-1,
 19 which reward a successful player only with noncash redemption in accordance with
 20 subsection (c) or (d) of Code Section 16-12-35 are not gambling devices and are not
 21 contraband.

22 (3) Bona fide coin operated amusement machines, as defined in Code Section 48-17-1,
 23 which are alleged to have been used in a violation of subsection (e), (f), (g), or (h) of
 24 Code Section 16-12-35 are subject to seizure and forfeiture in accordance with the
 25 provisions of subsection (i) of Code Section 16-12-35."

26 **SECTION 2.**

27 Said part is further amended in Code Section 16-12-35, relating to the applicability of the
 28 part prohibiting gambling, by striking in their entirety subsections (a.1), (c), (d), (e), (f), and
 29 (g) and inserting in lieu thereof the following:

30 "(a.1) As used in this Code section, the term:

31 (1) 'Single play' or 'one play' means the completion of a sequence of a game where the
 32 player receives a score and from the score the player can secure free replays,
 33 merchandise, points, tokens, vouchers, tickets, or other evidence of winnings as set forth
 34 in subsection (c) or (d) of this Code section.

1 (2) 'Some ~~'some~~ skill' means any presence of the following factors, alone or in
2 combination with one another:

3 ~~(1)~~(A) A learned power of doing a thing competently;

4 ~~(2)~~(B) A particular craft, art, ability, strategy, or tactic;

5 ~~(3)~~(C) A developed or acquired aptitude or ability;

6 ~~(4)~~(D) A coordinated set of actions, including, but not limited to, eye-hand
7 coordination;

8 ~~(5)~~(E) Dexterity, fluency, or coordination in the execution of learned physical or
9 mental tasks or both;

10 ~~(6)~~(F) Technical proficiency or expertise;

11 ~~(7)~~(G) Development or implementation of strategy or tactics in order to achieve a goal;
12 or

13 ~~(8)~~(H) Knowledge of the means or methods of accomplishing a task.

14 The term some skill refers to a particular craft, coordinated effort, art, ability, strategy,
15 or tactic employed by the player to affect in some way the outcome of the game played
16 on a bona fide coin operated amusement machine as defined in paragraph (2) of Code
17 Section 48-17-1. If a player can take no action to affect the outcome of the game, the
18 bona fide coin operated amusement machine does not meet the 'some skill' requirement
19 of this Code section. Any amusement game, including any video card game, which does
20 not require some skill, is subject to the provisions of this article prohibiting gambling,
21 even if prizes are limited as provided in subsections (c) and (d) of this Code section."

22 "(c)(1) Nothing in this part shall apply to a crane game machine or device meeting the
23 requirements of paragraph (2) of this subsection.

24 (2) A crane game machine or device acceptable for the purposes of paragraph (1) of this
25 subsection shall meet the following requirements:

26 (A) The machine or device must be designed and manufactured only for bona fide
27 amusement purposes and must involve at least some skill in its operation;

28 (B) The machine or device must reward a winning player exclusively with free replays
29 or merchandise contained within the machine itself and such merchandise must be
30 limited to noncash merchandise, prizes, toys, gift certificates, or novelties, each of
31 which has a wholesale value not exceeding \$5.00 and is not exchangeable or
32 redeemable in any manner in this state or in any other state, jurisdiction, or foreign
33 country for money, cash, or any equivalent thereof. The machine is prohibited from
34 awarding as a reward for successful play any item the sale of which is regulated by
35 Title 3, any tobacco products, or any firearms. A player may be rewarded with both
36 free replays and noncash merchandise, prizes, toys, or novelties for a single play of the
37 game or device as provided in this Code section;

1 (C) The player of the machine or device must be able to control the timing of the use
2 of the claw or grasping device to attempt to pick up or grasp a prize, toy, or novelty;

3 (D) The player of the machine or device must be made aware of the total time which
4 the machine or device allows during a game for the player to maneuver the claw or
5 grasping device into a position to attempt to pick up or grasp a prize, toy, or novelty;

6 (E) The claw or grasping device must not be of a size, design, or shape that prohibits
7 picking up or grasping a prize, toy, or novelty contained within the machine or device;
8 and

9 (F) The machine or device must not be classified by the United States government as
10 requiring a federal gaming stamp under applicable provisions of the Internal Revenue
11 Code.

12 (d)(1) Nothing in this part shall apply to a coin operated game or device designed and
13 manufactured only for bona fide amusement purposes which involves some skill in its
14 operation if it rewards the player exclusively with:

15 (A) Free replays;

16 (B) Merchandise limited to noncash merchandise, prizes, toys, gift certificates, or
17 novelties, each of which has a wholesale value of not more than \$5.00 received for a
18 single play of the game or device and is not exchangeable or redeemable in any manner
19 in this state or in any other state, jurisdiction, or foreign country for money, cash, or any
20 equivalent thereof. The machine is prohibited from awarding as a reward for successful
21 play any item the sale of which is regulated by Title 3, any tobacco products, or any
22 firearms;

23 (C) Points, tokens, vouchers, tickets, or other evidence of winnings which may be
24 exchanged only for rewards set out in subparagraph (A) of this paragraph or
25 subparagraph (B) of this paragraph or a combination of rewards set out in subparagraph
26 (A) and subparagraph (B) of this paragraph; or

27 (D) Any combination of rewards set out in two or more of subparagraph (A), (B), or
28 (C) of this paragraph.

29 This subsection shall not apply, however, to any game or device classified by the United
30 States government as requiring a federal gaming stamp under applicable provisions of the
31 Internal Revenue Code.

32 (2) A player of bona fide coin operated amusement games or devices described in
33 paragraph (1) of this subsection may accumulate winnings for the successful play of such
34 bona fide coin operated amusement games or devices through tokens, vouchers, points,
35 or tickets. Points may be accrued on the machine or device. A player may carry over
36 points on one play to subsequent plays. A player may redeem accumulated tokens,
37 vouchers, or tickets for noncash merchandise, prizes, toys, gift certificates, or novelties

1 so long as the amount of tokens, vouchers, or tickets received does not exceed \$5.00 for
2 a single play.

3 (e) Any person who gives to any other person money for free replays on coin operated
4 games or devices described in subsection (b), (c), or (d) of this Code section shall, for a
5 first offense, be guilty of a misdemeanor; provided, however, that a first offense involving
6 transfer of more than \$100.00 in a single transaction or in the aggregate shall be a felony
7 punishable by imprisonment for not less than one and not more than three years or a fine,
8 or both. Second and subsequent convictions shall be felonies punishable by imprisonment
9 for not less than one and not more than three years or a fine, or both. The fine shall not
10 exceed \$10,000.00 for either the first or the second felony conviction and shall not exceed
11 \$20,000.00 for any subsequent felony conviction.

12 (f) Any person owning or possessing an amusement game or device described in
13 subsection (c) or (d) of this Code section or any person employed by or acting on behalf
14 of any such person who gives to any other person money for any noncash merchandise,
15 prize, toy, gift certificate, or novelty received as a reward in playing any such amusement
16 game or device shall, for a first offense, be guilty of a misdemeanor; provided, however,
17 that a first offense involving transfer of more than \$100.00 in a single transaction or in the
18 aggregate shall be a felony punishable by imprisonment for not less than one and not more
19 than three years or a fine, or both. Second and subsequent convictions shall be felonies
20 punishable by imprisonment for not less than one and not more than three years or a fine,
21 or both. The fine shall not exceed \$10,000.00 for either the first or the second felony
22 conviction and shall not exceed \$20,000.00 for any subsequent felony conviction.

23 (f.1) Any person who gives to any other person money for any noncash merchandise,
24 prize, toy, gift certificate, or novelty received as a reward in playing a bona fide coin
25 operated amusement machine in accordance with subsection (c) or (d) of this Code section
26 shall, for a first offense, be guilty of a misdemeanor; provided, however, that a first offense
27 involving transfer of more than \$100.00 in a single transaction or in the aggregate shall be
28 a felony punishable by imprisonment for not less than one and not more than three years
29 or a fine, or both. Second and subsequent convictions shall be felonies punishable by
30 imprisonment for not less than one and not more than three years or a fine, or both. The
31 fine shall not exceed \$10,000.00 for either the first or the second felony conviction and
32 shall not exceed \$20,000.00 for any subsequent felony conviction.

33 (g) Any person owning or possessing an amusement game or device described in
34 subsection (b), (c), or (d) of this Code section, or any person employed by or acting on
35 behalf of any such person, who gives to any other person money as a reward for the
36 successful play or winning of any such amusement game or device shall, for a first offense,
37 be guilty of a misdemeanor of a high and aggravated nature; provided, however, that a first

1 offense involving transfer of more than \$100.00 in a single transaction or in the aggregate
2 shall be a felony punishable by imprisonment for not less than one and not more than three
3 years or a fine, or both. Second and subsequent convictions shall be felonies punishable
4 by imprisonment for not less than one and not more than three years or a fine, or both. The
5 fine shall not exceed \$10,000.00 for either the first or the second felony conviction and
6 shall not exceed \$20,000.00 for any subsequent felony conviction.

7 (h)(1) It shall be unlawful for any person to receive money from another person for free
8 replays on a bona fide coin operated amusement machine as defined in Code Section
9 48-17-1.

10 (2) It shall be unlawful for any person to receive money from a person owning or
11 possessing a bona fide coin operated amusement machine as defined in Code Section
12 48-17-1 or any person employed by or acting on behalf of any such person for any
13 noncash merchandise, prize, toy, gift certificate, or novelty received as a reward in
14 playing any such bona fide coin operated amusement machine. It shall be unlawful for
15 any person to receive any money for a gift certificate received as a reward in playing any
16 bona fide coin operated amusement machine.

17 (3) It shall be unlawful for any person to receive money as a reward for the successful
18 play or winning of any bona fide coin operated amusement machine, as defined in Code
19 Section 48-17-1, from any person owning or possessing such bona fide coin operated
20 amusement machine or any person employed by or acting on behalf of such a person.

21 (4) Violation of paragraph (1), (2), or (3) of this subsection shall, for a first offense, be
22 a misdemeanor of a high and aggravated nature; provided, however, that a first conviction
23 involving receipt of more than \$100.00 in a single transaction or in the aggregate shall
24 be a felony offense punishable by imprisonment for not less than one nor more than three
25 years or a fine, or both. Second and subsequent convictions shall be felonies punishable
26 with imprisonment for not less than one nor more than three years or a fine, or both. The
27 fine shall not exceed \$10,000.00 for either the first or the second felony conviction and
28 shall not exceed \$20,000.00 for any subsequent felony conviction.

29 (i) Upon the arrest of any person charged with a violation of subsection (e), (f), (g), or (h)
30 of this Code section or subsequent to such a violation, any peace officer may seize one or
31 more machines or games which are alleged to have been used in such violation. Such
32 seizure shall be reported to the district attorney of the county where the machine or game
33 was seized within ten days of such seizure. Within 30 days after receipt of notice of such
34 a seizure, the district attorney shall cause to be filed in the superior court of the county in
35 which the machine or game was seized an action against the property so seized and provide
36 notice of such action to all persons having an interest in or right affected by the seizure or
37 sale of such property. Otherwise, the civil action and disposition of the machine or game

1 shall be governed by the provisions of subsections (e), (f), (g), and (h) of Code Section
 2 16-12-32.

3 (j) Each gift certificate awarded for successful play on a bona fide coin operated
 4 amusement machine in accordance with subsection (c) or (d) of this Code section shall
 5 have printed on it the following:

6 'GEORGIA LAW PROHIBITS EXCHANGING OR REDEEMING THIS
 7 CERTIFICATE FOR MONEY, CASH, OR ANY EQUIVALENT, INCLUDING
 8 CHANGE IN MONEY OR CASH AS PART OF AN EXCHANGE FOR
 9 MERCHANDISE. CRIMINAL PENALTIES MAY INCLUDE A \$1,000.00 FINE OR
 10 ONE YEAR IN PRISON, OR BOTH, FOR THE FIRST OFFENSE AND ARE MORE
 11 SEVERE FOR ADDITIONAL OFFENSES.'

12 SECTION 3.

13 Chapter 17 of Title 48 of the Official Code of Georgia Annotated, relating to taxation of bona
 14 fide coin operated amusement machines, is amended in Code Section 48-17-2, relating to
 15 master licenses, by inserting a new subsection to be designated subsection (d.1) to read as
 16 follows:

17 "(d.1) Each master license issued for bona fide coin operated amusement machines shall
 18 include the following:

19 'GEORGIA LAW PROHIBITS GIVING OR RECEIPT OF ANY MONEY FOR
 20 WINNING A GAME OR GAMES ON THIS AMUSEMENT MACHINE; GIVING OR
 21 RECEIPT OF MONEY FOR FREE REPLAYS WON ON THIS AMUSEMENT
 22 MACHINE; GIVING OR RECEIPT OF MONEY FOR ANY MERCHANDISE, PRIZE,
 23 TOY, GIFT CERTIFICATE, OR NOVELTY WON ON THIS AMUSEMENT
 24 MACHINE; OR AWARDING ANY MERCHANDISE, PRIZE, TOY, GIFT
 25 CERTIFICATE, OR NOVELTY OF A VALUE EXCEEDING \$5.00 FOR A SINGLE
 26 PLAY OF THIS MACHINE.'

27 SECTION 4.

28 Said chapter is further amended by striking subsection (c) of Code Section 48-17-2, relating
 29 to master licenses, in its entirety and inserting in lieu thereof the following:

30 "(c) Each master license shall ~~not~~ list the name, address of the owner ~~but shall have~~ , and
 31 a control number which corresponds with the control number issued on the permit sticker
 32 to allow for effective monitoring of the licensing and permit system."

SECTION 5.

Said chapter is further amended by striking subsection (j) of Code Section 48-17-2, relating to master licenses, in its entirety and inserting in lieu thereof the following:

"(j) ~~The statement of ownership information which is contained in the application will be treated in the same manner as sales tax information records maintained by the department is subject to public inspection.~~"

SECTION 6.

Said chapter is further amended in Code Section 48-17-4, relating to refusal to issue or renew licenses, revocation or suspensions of licenses, and hearings, by striking paragraph (1) of subsection (c) and by adding a new subsection immediately after subsection (d) so that paragraph (1) of subsection (c) and subsection (e) read as follows:

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

"(e) Notwithstanding any other provision of law, Article 2 of Chapter 13 of Title 50 shall not apply to hearings required or authorized by this chapter."

SECTION 7.

Said chapter is further amended in Code Section 48-17-9, relating to annual permit fees and annual permit stickers for bona fide coin operated amusement machines, by redesignating subsection (d) as subsection (e) and inserting a new subsection (d) to read as follows:

"(d) Each permit sticker issued for a bona fide coin operated amusement machine which rewards a winning player exclusively with free replays; noncash redemption merchandise, prizes, toys, gift certificates, or novelties; or points, tokens, tickets, or other evidence of winnings which may be exchanged for free replays or noncash redemption merchandise, prizes, toys, gift certificates, or novelties, in accordance with the provisions of subsections (b) through (d) of Code Section 16-12-35 shall include the following:

'GEORGIA LAW PROHIBITS THE PAYMENT OR RECEIPT OF ANY MONEY FOR REPLAYS OR MERCHANDISE AWARDED FOR PLAYING THIS MACHINE.
O.C.G.A. 16-12-35.'

SECTION 8.

Said chapter is further amended by striking in its entirety Code Section 48-17-15, relating to the limitation on percent of annual income derived from machines and revocation or suspension of license for violations, and inserting in lieu thereof the following:

1 "48-17-15.

2 (a) In this Code section and in Code Section 48-17-16, the term:

3 (1) 'Business location' means any structure, vehicle, or establishment where a business
 4 is conducted.

5 (2) 'Gross retail receipts' means the total revenue derived by the business at any one
 6 business location from the sale of goods or services and the commission earned at any
 7 one business location on the sale of goods or services but does not include revenue from
 8 the sale of goods or services for which the business will receive only a commission.
 9 Revenue from the sale of goods or services at wholesale is not included.

10 ~~(a)~~(b) No business owner or business operator shall derive more than 50 percent of such
 11 business owner's or business operator's ~~annual income from~~ monthly gross retail receipts
 12 for the business location in which the bona fide coin operated amusement machine or
 13 machines are situated from bona fide coin operated amusement machines that provide for
 14 noncash redemption as described in subsection (c) or (d) of Code Section 16-12-35.

15 (c) For each business location which offers to the public one or more bona fide coin
 16 operated amusement machines, as defined in Code Section 48-17-1, the business owner or
 17 business operator shall prepare a monthly verified report setting out separately the gross
 18 retail receipts from the bona fide coin operated amusement machines and the gross retail
 19 receipts from the business location. Upon request, the business owner or business operator
 20 shall supply such monthly reports to the commissioner. The department is authorized to
 21 audit any records for any such business location.

22 ~~(b)~~(d) In accordance with the provisions of Code Section 48-17-4 and the procedures set
 23 out in Code Sections 48-17-5 and 48-17-6, the commissioner may fine an applicant or
 24 licensee, refuse to issue or renew a master license, or may revoke or suspend a master
 25 license for single or repeated violations of subsection ~~(a)~~(b) of this Code section.

26 (e) As a penalty for violation of the provisions of subsection (b) or (c) of this Code section,
 27 the commissioner may:

28 (1) Fine:

29 (A) A business owner who is not an applicant for a license or a licensee; and

30 (B) A business operator who is not an applicant for a license or a licensee; or

31 (2) Issue an order barring a person described in paragraph (1) of this subsection from
 32 offering any bona fide coin operated amusement machine to the public for commercial
 33 use at the business location which was the site or subject of the violation for a period not
 34 to exceed six months; or

35 (3) Fine as provided in paragraph (1) of this subsection and issue an order as provided
 36 in paragraph (2) of this subsection.

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

7 SECTION 9.

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

10 "48-17-15.1.

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

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

17 (2) A suspension or revocation of the privilege of offering one or more bona fide coin
 18 operated amusement machines for play by the public.

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

25 (c) In the case of a suspension or revocation in accordance with this Code section, the
 26 commissioner shall require the business owner or business operator to post a notice in the
 27 business location setting out the period of the suspension or revocation. No master licensee
 28 or applicant for a master license shall allow a bona fide coin operated amusement machine
 29 under the control of such licensee or applicant to be placed in a business location owned
 30 or operated by a business owner or business operator who has been penalized by a
 31 suspension or revocation during the period of the suspension or revocation."

SECTION 10.

Said chapter is further amended by inserting a new Code section to be designated Code Section 48-17-16 to read as follows:

"48-17-16.

(a) Providing that the owner and possessor of a bona fide coin operated amusement machine, as defined in Code Section 48-17-1, have complied with the provisions of this chapter, the governing authority of the county or municipal corporation where such a bona fide coin operated amusement machine is located is not authorized to:

(1) Prohibit the possession, use, or offering to the public of such a bona fide coin operated amusement machine in any lawful business; or

(2) Restrict the number of bona fide coin operated amusement machines in any lawful business, except as otherwise provided in paragraphs (1), (6), and (13) of subsection (b) of this Code section.

(b) The governing authority of any county or municipal corporation is authorized to enact and enforce an ordinance which includes but is not limited to any or a combination of the following provisions:

(1) Prohibiting the commercial offering to the public of more than six bona fide coin operated amusement machine which rewards the player exclusively as described in subsection (d) of Code Section 16-12-35 at any business location which sells alcoholic beverages by the package;

(2) Requiring the owner or operator of a business location which offers to the public any bona fide coin operated amusement machine which rewards the player exclusively as described in subsection (d) of Code Section 16-12-35 to inform all employees of the prohibitions and penalties set out in subsections (e), (f), (g), and (h) of Code Section 16-12-35;

(3) Requiring the owner or possessor of any bona fide coin operated amusement machine which rewards the player exclusively as described in subsection (d) of Code Section 16-12-35 to inform each business owner or business operator of the business location where such machine is located of the prohibitions and penalties set out in subsections (e), (f), (g), and (h) of Code Section 16-12-35;

(4) Providing for fines and the suspension or revocation of a license granted by such local governing authority to manufacture, distribute, or sell alcoholic beverages or for the suspension or revocation of any other license granted by such local governing authority as a penalty for conviction of the owner or operator of a business location of a violation of subsection (e), (f), or (g) of Code Section 16-12-35, or both; provided, however, that a municipal corporation is not authorized to impose any penalty greater than the maximum penalty authorized by such municipal corporation's charter. An ordinance

1 providing for the suspension or revocation of a license shall conform to the due process
2 guidelines for granting, refusal, suspension, or revocation of a license for the
3 manufacture, distribution, or sale of alcoholic beverages set out in subsection (b) of Code
4 Section 3-3-2;

5 (5)(A) Providing that, after the arrest of the owner or operator of a business location
6 or an employee or agent of such an owner or operator for a violation of subsection (e),
7 (f), or (g) of Code Section 16-12-35, the prosecuting attorney of the county or
8 municipal corporation, as the case may be, is authorized to seek an order of the superior
9 court enjoining the owner and operator of the business location from offering to the
10 public any bona fide coin operated amusement machine at the business location where
11 the violation occurred for up to 90 days; and

12 (B) Providing that, after the conviction of the owner or operator of a business location
13 or an employee or agent of such an owner or operator for a violation of subsection (e),
14 (f), or (g) of Code Section 16-12-35, the prosecuting attorney of the county or
15 municipal corporation, as the case may be, is authorized to seek an order of the superior
16 court enjoining the owner and operator of the business location from offering to the
17 public any bona fide coin operated amusement machine at the business location where
18 the violation occurred for up to 90 days;

19 (6) Requiring any business owner or business operator subject to Code Section 48-17-15
20 to provide to the local governing authority a copy of each verified monthly report
21 prepared in accordance with such Code section and incorporating the provisions of such
22 Code section in the ordinance;

23 (7) Requiring that the business owner or business operator of any business location
24 which offers to the public one or more bona fide coin operated amusement machines
25 posts prominently a notice including the words set forth in subsection (d.1) of Code
26 Section 48-17-2 for inclusion on a master license for bona fide coin operated amusement
27 machines or words which are substantially similar;

28 (8) Providing for restrictions relating to distance from specified structures or uses, so
29 long as those distance requirements are no more restrictive than such requirements
30 applicable to the sale of alcoholic beverages;

31 (9) Requiring, as a condition for doing business in the jurisdiction, disclosure by the
32 business owner or business operator of the name and address of the owner of the bona
33 fide coin operated amusement machine or machines;

34 (10) Prohibiting the award for successful play of bona fide coin operated amusement
35 machines of gift certificates redeemable at any business location other than the location
36 where the prize was won;

1 (11) Providing for penalties, including fines or suspension or revocation of a license as
 2 provided in paragraph (4) of this subsection, or both, for a violation of any ordinance
 3 enacted pursuant to this subsection; provided, however, that a municipal corporation is
 4 not authorized to impose any penalty greater than the maximum penalty authorized by
 5 such municipal corporation's charter;

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

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

15 (14) Imposing age restrictions on players of certain bona fide coin operated amusement
 16 machines; and

17 (15) Imposing other reasonable restrictions, not in actual conflict with this chapter or
 18 Code Section 16-12-35, concerning the commercial offering to the public of bona fide
 19 coin operated amusement machines."

20 **SECTION 11.**

21 (a) Except as otherwise provided in subsection (b) of this section, this Act shall become
 22 effective on July 1, 2001.

23 (b) Sections 3 and 7 of this Act shall become effective January 1, 2002.

24 **SECTION 12.**

25 All laws and parts of laws in conflict with this Act are repealed.