

## HOUSE SUBSTITUTE TO SENATE BILL 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 an exemption for  
 8 offering by the Georgia Lottery Corporation of games determined by the Georgia Lottery  
 9 Corporation to be otherwise authorized by the Constitution and laws of this state; to provide  
 10 for related matters; to provide for effective dates; to repeal conflicting laws; and for other  
 11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

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

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

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

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

29 **SECTION 2.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (B) The machine or device must reward a winning player exclusively with free replays  
 33 or merchandise contained within the machine itself and such merchandise must be  
 34 limited to noncash merchandise, prizes, toys, gift certificates, or novelties, each of  
 35 which has a wholesale value not exceeding \$5.00 and is not exchangeable or  
 36 redeemable in any manner in this state or in any other state, jurisdiction, or foreign  
 37 country for money, cash, or any equivalent thereof. The machine is prohibited from

1 awarding as a reward for successful play any item the sale of which is regulated by  
 2 Title 3, any tobacco products, or any firearms. A player may be rewarded with both  
 3 free replays and noncash merchandise, prizes, toys, or novelties for a single play of the  
 4 game or device as provided in this Code section;

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

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

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

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

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

19 (A) Free replays;

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

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

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

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

36 (2) A player of bona fide coin operated amusement games or devices described in  
 37 paragraph (1) of this subsection may accumulate winnings for the successful play of such

1 bona fide coin operated amusement games or devices through tokens, vouchers, points,  
 2 or tickets. Points may be accrued on the machine or device. A player may carry over  
 3 points on one play to subsequent plays. A player may redeem accumulated tokens,  
 4 vouchers, or tickets for noncash merchandise, prizes, toys, gift certificates, or novelties  
 5 so long as the amount of tokens, vouchers, or tickets received does not exceed \$5.00 for  
 6 a single play.

7 (3) Notwithstanding the provisions of paragraph (1) of this subsection, it shall be  
 8 unlawful for any person to give or receive money or noncash redemption in excess of that  
 9 amount permitted in Code Section 16-12-35 for playing any of the following devices or  
 10 games: a bona fide coin operated amusement machine, including, but not limited to,  
 11 poker or blackjack, or a matchup or lineup game machine or device which requires the  
 12 player to use skill stops to complete the game. Any person who violates this paragraph  
 13 shall be guilty of commercial gambling and punished as provided in Code Section  
 14 16-12-22.

15 (e) Any person who gives to any other person money for free replays on coin operated  
 16 games or devices described in subsection (b), (c), or (d) of this Code section shall, for a  
 17 first offense, be guilty of a misdemeanor; provided, however, that a first offense involving  
 18 transfer of more than \$100.00 in a single transaction or in the aggregate shall be a felony  
 19 punishable by imprisonment for not less than one and not more than three years or a fine,  
 20 or both. Second and subsequent convictions shall be felonies punishable by imprisonment  
 21 for not less than one and not more than three years or a fine, or both. The fine shall not  
 22 exceed \$10,000.00 for either the first or the second felony conviction and shall not exceed  
 23 \$20,000.00 for any subsequent felony conviction.

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

35 (f.1) Any person who gives to any other person money for any noncash merchandise,  
 36 prize, toy, gift certificate, or novelty received as a reward in playing a bona fide coin  
 37 operated amusement machine in accordance with subsection (c) or (d) of this Code section

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

8 (g) Any person owning or possessing an amusement game or device described in  
9 subsection (b), (c), or (d) of this Code section, or any person employed by or acting on  
10 behalf of any such person, who gives to any other person money as a reward for the  
11 successful play or winning of any such amusement game or device shall, for a first offense,  
12 be guilty of a misdemeanor of a high and aggravated nature; provided, however, that a first  
13 offense involving transfer of more than \$100.00 in a single transaction or in the aggregate  
14 shall be a felony punishable by imprisonment for not less than one and not more than three  
15 years or a fine, or both. Second and subsequent convictions shall be felonies punishable  
16 by imprisonment for not less than one and not more than three years or a fine, or both. The  
17 fine shall not exceed \$10,000.00 for either the first or the second felony conviction and  
18 shall not exceed \$20,000.00 for any subsequent felony conviction.

19 (h)(1) It shall be unlawful for any person to receive money from another person for free  
20 replays on a bona fide coin operated amusement machine as defined in Code Section  
21 48-17-1.

22 (2) It shall be unlawful for any person to receive money from a person owning or  
23 possessing a bona fide coin operated amusement machine as defined in Code Section  
24 48-17-1 or any person employed by or acting on behalf of any such person for any  
25 noncash merchandise, prize, toy, gift certificate, or novelty received as a reward in  
26 playing any such bona fide coin operated amusement machine. It shall be unlawful for  
27 any person to receive any money for a gift certificate received as a reward in playing any  
28 bona fide coin operated amusement machine.

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

33 (4) Violation of paragraph (1), (2), or (3) of this subsection shall, for a first offense, be  
34 a misdemeanor of a high and aggravated nature; provided, however, that a first conviction  
35 involving receipt of more than \$100.00 in a single transaction or in the aggregate shall  
36 be a felony offense punishable by imprisonment for not less than one nor more than three  
37 years or a fine, or both. Second and subsequent convictions shall be felonies punishable

1 with imprisonment for not less than one nor more than three years or a fine, or both. The  
 2 fine shall not exceed \$10,000.00 for either the first or the second felony conviction and  
 3 shall not exceed \$20,000.00 for any subsequent felony conviction.

4 (i) Upon the arrest of any person charged with a violation of subsection (e), (f), (g), or (h)  
 5 of this Code section or subsequent to such a violation, any peace officer may seize one or  
 6 more machines or games which are alleged to have been used in such violation. Such  
 7 seizure shall be reported to the district attorney of the county where the machine or game  
 8 was seized within ten days of such seizure. Within 30 days after receipt of notice of such  
 9 a seizure, the district attorney shall cause to be filed in the superior court of the county in  
 10 which the machine or game was seized an action against the property so seized and provide  
 11 notice of such action to all persons having an interest in or right affected by the seizure or  
 12 sale of such property. Otherwise, the civil action and disposition of the machine or game  
 13 shall be governed by the provisions of subsections (e), (f), (g), and (h) of Code Section  
 14 16-12-32.

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

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

24 (k) Notwithstanding the provisions of paragraph (1) of this subsection, it shall be unlawful  
 25 for any person to give or receive anything of value other than one or more free replays for  
 26 playing any of the following devices or games:

27 (A) Any slot machine or any video game or device operated by a slot in which is  
 28 deposited a coin or thing of value for the play of poker, blackjack, or keno or any  
 29 simulation or variation thereof; or

30 (B) Any matchup or lineup game machine or device which requires the player to use  
 31 skill stops to complete the game.

32 Any person who violates this paragraph shall be guilty of commercial gambling and  
 33 punished as provided in Code Section 16-12-22. Provided, however, nothing herein shall  
 34 be construed to prohibit any game sanctioned by the Georgia Lottery Corporation."

35 **SECTION 3.**

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

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

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

#### SECTION 4.

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

"(c) Each master license shall ~~not~~ list the name, address of the owner ~~but shall have~~ , and a control number which corresponds with the control number issued on the permit sticker 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;"



business operator shall prepare a monthly verified report setting out separately the gross retail receipts from the bona fide coin operated amusement machines and the gross retail receipts from the business location. Upon request, the business owner or business operator shall supply such monthly reports to the commissioner. The department is authorized to audit any records for any such business location.

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

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

(1) Fine:

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

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

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

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

Before a penalty is imposed in accordance with this subsection, a business owner or business operator is entitled to at least 30 days' written notice and, if requested, a hearing.

Such written notice may be served in the manner provided for written notices to applicants for licenses and licensees in subsection (b) of Code Section 48-17-5, and an order imposing a penalty may be delivered in the manner provided for delivery of the commissioner's orders to applicants for licenses or licensees in Code Section 48-17-6."

## **SECTION 9.**

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

"48-17-15.1.

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

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

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

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

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

#### 16 SECTION 10.

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

19 "48-17-16.

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

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

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

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

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

1 (2) Requiring the owner or operator of a business location which offers to the public any  
2 bona fide coin operated amusement machine which rewards the player exclusively as  
3 described in subsection (d) of Code Section 16-12-35 to inform all employees of the  
4 prohibitions and penalties set out in subsections (e), (f), (g), and (h) of Code Section  
5 16-12-35;

6 (3) Requiring the owner or possessor of any bona fide coin operated amusement machine  
7 which rewards the player exclusively as described in subsection (d) of Code Section  
8 16-12-35 to inform each business owner or business operator of the business location  
9 where such machine is located of the prohibitions and penalties set out in subsections (e),  
10 (f), (g), and (h) of Code Section 16-12-35;

11 (4) Providing for fines and the suspension or revocation of a license granted by such  
12 local governing authority to manufacture, distribute, or sell alcoholic beverages or for the  
13 suspension or revocation of any other license granted by such local governing authority  
14 as a penalty for conviction of the owner or operator of a business location of a violation  
15 of subsection (e), (f), or (g) of Code Section 16-12-35, or both; provided, however, that  
16 a municipal corporation is not authorized to impose any penalty greater than the  
17 maximum penalty authorized by such municipal corporation's charter. An ordinance  
18 providing for the suspension or revocation of a license shall conform to the due process  
19 guidelines for granting, refusal, suspension, or revocation of a license for the  
20 manufacture, distribution, or sale of alcoholic beverages set out in subsection (b) of Code  
21 Section 3-3-2;

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

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

36 (6) Requiring any business owner or business operator subject to Code Section 48-17-15  
37 to provide to the local governing authority a copy of each verified monthly report

1 prepared in accordance with such Code section and incorporating the provisions of such  
2 Code section in the ordinance;

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

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

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

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

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

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

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

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

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

36 **SECTION 11.**

1 This Act shall not be construed to prohibit the Georgia Lottery Corporation from offering to  
2 the public any game which the Georgia Lottery Corporation determines is otherwise  
3 authorized by the Constitution and laws of this state.

4 **SECTION 12.**

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

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

8 **SECTION 13.**

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