

## House Bill 573

By: Representatives Ehrhart of the 28<sup>th</sup>, Stephens of the 123<sup>rd</sup>, Lucas of the 105<sup>th</sup>, Ralston of the 6<sup>th</sup>, Rogers of the 20<sup>th</sup>, and others

## 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 change the definition of gambling device; to provide that certain bona  
 4 fide coin operated amusement machines are not gambling devices or contraband; to provide  
 5 that certain bona fide coin operated amusement machines are subject to seizure and forfeiture  
 6 and to provide for procedures in connection therewith; to change provisions relating to the  
 7 application of statutes prohibiting gambling; to revise definitions; to provide that rewards for  
 8 successful play of bona fide coin operated amusement machines or crane game machines  
 9 shall not be exchangeable or redeemable for cash; to prohibit the award of alcoholic  
 10 beverages, tobacco products, or firearms for the successful play of bona fide coin operated  
 11 amusement machines or crane game machines; to change provisions defining unlawful acts  
 12 relating to coin operated amusement machines and penalties therefor; to provide for certain  
 13 language on gift certificates awarded for successful play; to amend Chapter 17 of Title 48  
 14 of the Official Code of Georgia Annotated, relating to taxation of bona fide coin operated  
 15 amusement machines, so as to revise definitions; to provide for classes of machines, location  
 16 permits, fees, procedures for collection and refunds, display of the certificate, contents of  
 17 certificates and stickers, and duplicate permits; to provide for the terms and conditions of  
 18 such location permits; to provide that applications for licenses and permits are open to public  
 19 inspection; to provide for issuance, renewal, denial, suspension, and revocation of such  
 20 permits; to provide for hearings and delivery of certain orders of the commissioner; to change  
 21 provisions relating to the maximum percentage of income derived from bona fide coin  
 22 operated amusement machines; to provide for notice, an opportunity for hearing, and  
 23 penalties; to provide for regulation of bona fide coin operated amusement machines by  
 24 counties and municipal corporations in certain circumstances; to provide a nonexclusive list  
 25 of possible provisions for an ordinance of a local government; to amend Code Section  
 26 50-18-72 of the Official Code of Georgia Annotated, relating to records exempted from  
 27 public inspection, so as to provide an exemption from public inspection for records of names  
 28 and addresses of persons or entities holding location permits; to provide that such records

1 may be inspected by representatives of law enforcement agencies and local governments; to  
 2 provide that this Act shall not be construed to prohibit the offering of certain lottery games;  
 3 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
 4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,  
 8 relating to gambling, is amended in Code Section 16-12-20, relating to definitions, by  
 9 striking paragraph (2) and inserting in lieu thereof the following:

10 "(2) 'Gambling device' means:

11 ~~(A) Any any contrivance which for a consideration affords the player an opportunity~~  
 12 ~~to obtain money or other thing of value, the award of which is determined by chance~~  
 13 ~~even though accompanied by some skill, whether or not the prize is automatically paid~~  
 14 ~~by contrivance;~~

15 ~~(B) Any slot machine or any simulation or variation thereof;~~

16 ~~(C) Any matchup or lineup game machine or device, operated for any consideration,~~  
 17 ~~in which two or more numerals, symbols, letters, or icons align in a winning~~  
 18 ~~combination on one or more lines vertically, horizontally, diagonally, or otherwise,~~  
 19 ~~without assistance by the player. Use of skill stops shall not be considered assistance~~  
 20 ~~by the player; or~~

21 ~~(D) Any video game machine or device, operated for any consideration, for the play~~  
 22 ~~of poker, blackjack, any other card game, or keno or any simulation or variation of any~~  
 23 ~~of the foregoing, including, but not limited to, any game in which numerals, numbers,~~  
 24 ~~or any pictures, representations, or symbols are used as an equivalent or substitute for~~  
 25 ~~cards in the conduct of such game.~~

26 ~~Any item described in subparagraph (B), (C), or (D) of this paragraph shall be a~~  
 27 ~~prohibited gambling device subject to and prohibited by this part, notwithstanding any~~  
 28 ~~inference to the contrary in any other law of this state."~~

29 **SECTION 2.**

30 Said part is further amended by striking in its entirety subsection (a) of Code Section  
 31 16-12-30, relating to seizure and destruction of gambling devices, and inserting in lieu  
 32 thereof the following:

33 "(a)(1) Except as provided in this subsection or subsection (b) of Code Section 16-12-24,  
 34 every gambling device is declared to be contraband and subject to seizure and

1 confiscation by any state or local authority within whose jurisdiction the same may be  
2 found.

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

7 (3) Bona fide coin operated amusement machines, as defined in Code Section 48-17-1,  
8 which are alleged to have been used in a violation of subsection (e) of Code Section  
9 16-12-35 are subject to seizure and forfeiture in accordance with the provisions of  
10 subsection (g) of Code Section 16-12-35."

### 11 SECTION 3.

12 Said part is further amended by striking Code Section 16-12-35, relating to the applicability  
13 of the part, and inserting in lieu thereof the following:

14 "16-12-35.

15 (a) Any other laws to the contrary notwithstanding, this part shall not be applicable to the  
16 manufacturing, processing, selling, possessing, or transporting of any printed materials,  
17 equipment, devices, or other materials used or designated for use in a legally authorized  
18 lottery nor shall it be applicable to the manufacturing, processing, selling, possessing, or  
19 transporting of any gaming equipment, devices, or other materials used or designated for  
20 use only in jurisdictions in which the use of such items is legal. This part shall in no way  
21 prohibit communications between persons in this state and persons involved with such  
22 legal lotteries or gaming devices relative to such printed materials, equipment, devices, or  
23 other materials or prohibit demonstrations of same within this state.

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

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

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

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

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

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

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

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

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

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

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

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

15 (b) Nothing in this part shall apply to a coin operated game or device designed and  
16 manufactured for bona fide amusement purposes only which may by application of some  
17 skill entitle the player to earn replays of the game or device at no additional cost and to  
18 discharge the accumulated free replays only by reactivating the game or device for each  
19 accumulated free replay or by reactivating the game or device for a portion or all of the  
20 accumulated free plays in a single play. This subsection shall not apply, however, to any  
21 game or device classified by the United States government as requiring a federal gaming  
22 tax stamp under applicable provisions of the Internal Revenue Code ~~or any item described~~  
23 ~~as a gambling device in subparagraph (B), (C), or (D) of paragraph (2) of Code Section~~  
24 ~~16-12-20.~~

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

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

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

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

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

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

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

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

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

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

18 (A) Free replays;

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

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

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

32 This subsection shall not apply, however, to any game or device classified by the United  
 33 States government as requiring a federal gaming stamp under applicable provisions of the  
 34 Internal Revenue Code ~~or any item described as a gambling device in subparagraph (B),~~  
 35 ~~(C), or (D) of paragraph (2) of Code Section 16-12-20.~~

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 (e) It shall be unlawful for:

8 (1) Any person who gives to give to any other person money for free replays on coin  
 9 operated games or devices described in subsection (b), (c), or (d) of this Code section;  
 10 shall be guilty of a misdemeanor.

11 ~~(f)~~(2) Any person owning or possessing an amusement game or device described in  
 12 subsection (c) or (d) of this Code section or any person employed by or acting on behalf  
 13 of any such person who gives to give to any other person money for any noncash  
 14 merchandise, prize, toy, gift certificate, or novelty received as a reward in playing any  
 15 such amusement game or device; shall be guilty of a misdemeanor.

16 ~~(g)~~(3) Any person owning or possessing an amusement game or device described in  
 17 subsection (b), (c), or (d) of this Code section or any person employed by or acting on  
 18 behalf of any such person who gives to give to any other person money as a reward for  
 19 the successful play or winning of any such amusement game or device; shall be guilty of  
 20 a misdemeanor of a high and aggravated nature.

21 (4) Any person to receive money from another person for one or more free replays on  
 22 a bona fide coin operated amusement machine as defined in Code Section 48-17-1;

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

28 (6) Any person to receive any money for a gift certificate received as a reward in playing  
 29 any bona fide coin operated amusement machine; or

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

34 ~~(f) Any person owning or possessing an amusement game or device described in~~  
 35 ~~subsection (c) or (d) of this Code section or any person employed by or acting on behalf~~  
 36 ~~of any such person who gives to any other person money for any noncash merchandise,~~  
 37 ~~prize, toy, gift certificate, or novelty received as a reward in playing any such amusement~~

1 ~~game or device shall be guilty of a misdemeanor. The first and second violations of~~  
 2 ~~subsection (e) of this Code section shall be punished as high and aggravated misdemeanors.~~  
 3 ~~Third and subsequent offenses shall be felony offenses punishable by imprisonment for not~~  
 4 ~~less than one and not more than five years or a fine not to exceed \$50,000.00, or both.~~

5 (g) ~~Any person owning or possessing an amusement game or device described in~~  
 6 ~~subsection (b), (c), or (d) of this Code section or any person employed by or acting on~~  
 7 ~~behalf of any such person who gives to any other person money as a reward for the~~  
 8 ~~successful play or winning of any such amusement game or device shall be guilty of a~~  
 9 ~~misdemeanor of a high and aggravated nature. Upon the arrest of any person charged with~~  
 10 ~~a violation of subsection (e) of this Code section or subsequent to such a violation, any~~  
 11 ~~peace officer may seize one or more machines or games which are alleged to have been~~  
 12 ~~used in such violation. Such seizure shall be reported to the district attorney of the county~~  
 13 ~~where the machine or game was seized within ten days of such seizure. Within 30 days~~  
 14 ~~after receipt of notice of such a seizure, the district attorney shall cause to be filed in the~~  
 15 ~~superior court of the county in which the machine or game was seized an action against the~~  
 16 ~~property so seized and provide notice of such action to all persons having an interest in or~~  
 17 ~~right affected by the seizure or sale of such property. Otherwise, the civil action and~~  
 18 ~~disposition of the machine or game shall be governed by the provisions of subsections (e),~~  
 19 ~~(f), (g), and (h) of Code Section 16-12-32.~~

20 (h) ~~Any gift certificates, tokens, vouchers, tickets, or other evidence of winnings awarded~~  
 21 ~~under subsection (c) or (d) of this Code section must be redeemable only at the premises~~  
 22 ~~on which the game or device is located. It shall be unlawful for any person to provide to~~  
 23 ~~any other person as a reward for play on any such game or device any gift certificate,~~  
 24 ~~token, voucher, ticket, or other evidence of winning which is redeemable or exchangeable~~  
 25 ~~for any thing of value at any other premises. It shall be unlawful for any person at any~~  
 26 ~~premises other than those on which the game or device is located to give any thing of value~~  
 27 ~~to any other person for any gift certificate, token, voucher, ticket, or other evidence of~~  
 28 ~~winning received by such other person from play on such game or device. Any person who~~  
 29 ~~violates this subsection shall be guilty of a misdemeanor of a high and aggravated nature.~~  
 30 ~~Each gift certificate awarded for successful play on a bona fide coin operated amusement~~  
 31 ~~machine in accordance with subsection (c) or (d) of this Code section shall have printed on~~  
 32 ~~it the following:~~

33 ~~'GEORGIA LAW PROHIBITS EXCHANGING OR REDEEMING THIS~~  
 34 ~~CERTIFICATE FOR MONEY, CASH, OR ANY EQUIVALENT, INCLUDING~~  
 35 ~~CHANGE IN MONEY OR CASH AS PART OF AN EXCHANGE FOR~~  
 36 ~~MERCHANDISE. CRIMINAL PENALTIES MAY INCLUDE A \$1,000.00 FINE OR~~

1 ONE YEAR IN PRISON, OR BOTH, FOR THE FIRST AND SECOND OFFENSES  
 2 AND ARE MORE SEVERE FOR ADDITIONAL OFFENSES.'

3 ~~(i) The merchandise, prizes, toys, gift certificates, novelties, or rewards which may be~~  
 4 ~~awarded under subsection (c) or (d) of this Code section may not include or be redeemable~~  
 5 ~~or exchangeable for any firearms, alcohol, or tobacco or any lottery ticket or other item~~  
 6 ~~enabling participation in any lottery. Any person who violates this subsection shall be~~  
 7 ~~guilty of a misdemeanor of a high and aggravated nature."~~

8 **SECTION 4.**

9 Chapter 17 of Title 48 of the Official Code of Georgia Annotated, relating to taxation of bona  
 10 fide coin operated amusement machines, is amended by striking Code Section 48-17-1,  
 11 relating to definitions, and inserting in lieu thereof the following:

12 "48-17-1.

13 As used in this chapter, the term:

14 (1) ~~'Applicant' or 'licensee' means owner as defined in this Code section including an~~  
 15 ~~owner's~~ 'Applicant,' 'licensee,' or 'holder of a license or permit' includes an entity's  
 16 officers, directors, shareholders, individuals, members of any association or other entity  
 17 not specified, and, when applicable in context, the business entity itself.

18 (2) 'Bona fide coin operated amusement machine' means:

19 (A) Every machine of any kind or character used by the public to provide amusement  
 20 or entertainment whose operation requires the payment of or the insertion of a coin, bill,  
 21 other money, token, ticket, or similar object and the result of whose operation depends  
 22 in whole or in part upon the skill of the player, whether or not it affords an award to a  
 23 successful player pursuant to subsections (b) through (g) of Code Section 16-12-35, and  
 24 which can be legally shipped interstate according to federal law. Examples of bona fide  
 25 coin operated amusement machines include, but are expressly not limited to, the  
 26 following:

- 27 (i) Pinball machines;  
 28 (ii) Console machines;  
 29 (iii) Video games;  
 30 (iv) Crane machines;  
 31 (v) Claw machines;  
 32 (vi) Pusher machines;  
 33 (vii) Bowling machines;  
 34 (viii) Novelty arcade games;  
 35 (ix) Foosball or table soccer machines;  
 36 (x) Miniature racetrack, football, or golf machines;



- 1 (xi) Target or shooting gallery machines;
- 2 (xii) Basketball machines;
- 3 (xiii) Shuffleboard games;
- 4 (xiv) Kiddie ride games;
- 5 (xv) Skee-ball machines;
- 6 (xvi) Air hockey machines;
- 7 (xvii) Roll down machines;
- 8 (xviii) Trivia machines;
- 9 (xix) Laser games;
- 10 (xx) Simulator games;
- 11 (xxi) Virtual reality machines;
- 12 (xxii) Maze games;
- 13 (xxiii) Racing games;
- 14 (xxiv) Matchup or lineup games that require the player to take some action to affect
- 15 the outcome of the game;
- 16 ~~(xxiv)~~(xxv) Coin operated pool tables or coin operated billiard tables as defined in
- 17 paragraph (3) of Code Section 43-8-1; and
- 18 ~~(xxv)~~(xxvi) Any other similar amusement machine which can be legally operated in
- 19 Georgia; and
- 20 (B) Every machine of any kind or character used by the public to provide music whose
- 21 operation requires the payment of or the insertion of a coin, bill, other money, token,
- 22 ticket, or similar object such as jukeboxes or other similar types of music machines.
- 23 The term 'bona fide coin operated amusement machine' does not include the following:
- 24 (i) Coin operated washing machines or dryers;
- 25 (ii) Vending machines which for payment of money dispense products or services;
- 26 (iii) Gas and electric meters;
- 27 (iv) Pay telephones;
- 28 (v) Pay toilets;
- 29 (vi) Cigarette vending machines;
- 30 (vii) Coin operated scales;
- 31 (viii) Coin operated gumball machines;
- 32 (ix) Coin operated parking meters;
- 33 (x) Coin operated television sets which provide cable or network programming;
- 34 (xi) Coin operated massage beds; and
- 35 (xii) Machines which are not legally permitted to be operated in Georgia.

1 (2.1) 'Business owner or business operator' means an owner or operator of a business  
 2 where one or more bona fide coin operated amusement machines are available for  
 3 commercial use and play by the public.

4 (2.2) 'Class A machine' means a bona fide coin operated amusement machine that is not  
 5 a Class B machine and:

6 (A) Provides no reward for successful play;

7 (B) Rewards a successful player with free replays or additional time to play;

8 (C) Rewards a successful player with noncash merchandise, prizes, toys, gift  
 9 certificates, or novelties;

10 (D) Rewards a successful player with points, tokens, tickets, or other evidence that may  
 11 be exchanged only for items listed in subparagraph (C) of this paragraph; or

12 (E) Rewards a successful player with any combination of items listed in subparagraphs  
 13 (B), (C), and (D) of this paragraph.

14 (2.3) 'Class B machine' means a bona fide coin operated amusement machine that:

15 (A) Is a matchup game, lineup game, or a game that involves actual playing cards or  
 16 images or representations of playing cards; and

17 (B) Rewards a successful player as provided in subparagraph (C), (D), or (E) of  
 18 paragraph (2.2) of this Code section.

19 (3) 'Commissioner' means the state revenue commissioner.

20 (3.1) 'Location permit' means the certificate which every business owner or business  
 21 operator must purchase and display in the location where one or more machines are  
 22 available for commercial use by the public for play in order to legally operate the  
 23 machine or machines in this state.

24 (3.2) 'Location permit fee' means the fee paid to obtain the location permit.

25 (4) 'Master license' means the certificate which every owner of a bona fide coin operated  
 26 amusement machine must purchase and display in the owner's or operator's place of  
 27 business where the machine is located for commercial use by the public for play in order  
 28 to legally operate the machine in the state.

29 (4.1) 'Net receipts' means the entire amount of moneys received from the public for play  
 30 of an amusement machine, minus the amount of expenses for noncash redemption of  
 31 winnings from the amusement machine, and minus the amount of moneys refunded to the  
 32 public for malfunction of the amusement machine.

33 (5) 'Operator' means any person, individual, firm, company, association, corporation, or  
 34 other business entity who exhibits, displays, or permits to be exhibited or displayed, in  
 35 a place of business other than his or her own, any bona fide coin operated amusement  
 36 machine in this state.

1 (6) 'Owner' means any person, individual, firm, company, association, corporation, or  
 2 other business entity owning any bona fide coin operated amusement machine in this  
 3 state.

4 (7) 'Permit fee' means the annual per machine charge which every owner of a bona fide  
 5 coin operated amusement machine in commercial use must purchase and display in either  
 6 the owner's or operator's place of business in order to legally operate the machine in the  
 7 state.

8 (8) Playing cards are any cards from a deck including four each of cards marked one  
 9 through ten; four each of face cards designated as jacks, queens, or kings; and two jokers.

10 (9) 'Sticker' means the decal issued for every bona fide coin operated amusement  
 11 machine to show proof of payment of the permit fee."

## 12 SECTION 5.

13 Said chapter is further amended by striking Code Section 48-17-2, relating to master licenses,  
 14 and inserting a new Code section to read as follows:

15 "48-17-2.

16 (a) Every owner, except an owner holding a bona fide coin operated amusement machine  
 17 solely for personal use or resale, who offers others the opportunity to play for a charge,  
 18 whether directly or indirectly, any bona fide coin operated amusement machine shall pay  
 19 annual master license fees as follows:

20 (1) ~~Level one license. For Class A machines:~~

21 (A) For five or fewer machines, the owner shall pay a master license fee of \$250.00.

22 ~~(B) In the event such owner acquires a sixth or greater number of machines during a~~  
 23 ~~calendar year which require a certificate for lawful operation under this chapter so that~~  
 24 ~~the total number of machines owned does not exceed 60 machines or more, such owner~~  
 25 ~~shall pay an additional master license fee of \$1,250.00;~~

26 ~~(2) Level two license. (A) For six or more machines but not more than 60 machines,~~  
 27 ~~the owner shall pay a master license fee of \$1,500.00.~~

28 (B) For six or more machines but not more than 60 machines, the owner shall pay a  
 29 master license fee of \$1,500.00. In the event such owner acquires a sixty-first or  
 30 greater number of machines during a calendar year which require a certificate for lawful  
 31 operation under this chapter, such owner shall pay an additional master license fee of  
 32 \$1,000.00; or

33 ~~(3) Level three license. (C) For 61 or more machines, the owner shall pay a master~~  
 34 ~~license fee of \$2,500.00; and~~

35 (2) For any number of Class B machines, the owner shall pay a master license fee of  
 36 \$5,000.00.

1 The cost of the license shall be paid to the commissioner by company check, cash, cashier's  
 2 check, or money order. Upon said payment, the commissioner shall issue a master license  
 3 certificate to the owner. The master license fee levied by this ~~chapter~~ Code section shall be  
 4 collected by the commissioner on an annual basis, provided that an owner may purchase  
 5 a six-month master license during the calendar year for ~~\$175.00 for a level one license,~~  
 6 ~~\$1,050.00 for a level two license, or \$1,750.00 for a level three license~~ for half the  
 7 applicable annual fee. For the year 2003 only, the amount of the master license fee shall  
 8 be calculated by dividing the amount of the annual fee by 12 and multiplying the quotient  
 9 by the number of months remaining in the year when the license is issued. The  
 10 commissioner may establish procedures for master license collection and set due dates for  
 11 these license payments. No refund or credit of the master license charge levied by this  
 12 ~~chapter~~ Code section may be allowed to any owner who ceases the operation of bona fide  
 13 coin operated amusement machines prior to the end of any calendar year.

14 (a.1) Every business owner or business operator, as defined in Code Section 48-17-1, shall  
 15 pay an annual location permit fee for each amusement machine offered to the public for  
 16 play. The annual location permit fee shall be \$10.00 for each Class A machine and  
 17 \$125.00 for each Class B machine. The location permit fee shall be paid to the  
 18 commissioner by company check, cash, cashier's check, or money order. Upon payment,  
 19 the commissioner shall issue a location permit certificate that shall state the number of  
 20 bona fide coin operated amusement machines permitted for each class without further  
 21 description or identification of specific machines. The commissioner may establish  
 22 procedures for location permit fee collection and set due dates for payment of such fees.  
 23 For the year 2003 only, the amount of the location permit fee shall be calculated by  
 24 dividing the amount of the annual fee by 12 and multiplying the quotient by the number of  
 25 months remaining in the year when the license is issued. No refund or credit of the location  
 26 permit fee may be allowed to any business owner or business operator who ceases to offer  
 27 bona fide amusement machines to the public for commercial use prior to the end of any  
 28 calendar year.

29 (b) A copy of an owner's master license and the business owner's or business operator's  
 30 location permit shall be prominently displayed at all locations where the owner ~~has~~ and  
 31 business owner or business operator have bona fide coin operated amusement machines  
 32 available for commercial use and for play by the public to evidence the payment of the ~~fee~~  
 33 fees levied under this Code section.

34 (c) Each master license and each location permit shall ~~not~~ list the name and address of the  
 35 owner ~~but shall have a control number which corresponds with the control number issued~~  
 36 ~~on the permit sticker to allow for effective monitoring of the licensing and permit system~~  
 37 or business owner or business operator, as applicable.

1 (d) The commissioner may provide a duplicate original master license certificate or  
 2 location permit certificate if the original ~~master license~~ certificate has been lost, stolen, or  
 3 destroyed. The fee for a duplicate original ~~master license~~ certificate is \$100.00. If the  
 4 original ~~master license~~ certificate is lost, stolen, or destroyed, a sworn, written statement  
 5 must be submitted explaining the circumstances by which the ~~master license~~ certificate was  
 6 lost, stolen, or destroyed and including the number of the lost, stolen, or destroyed ~~master~~  
 7 ~~license~~ certificate, if applicable, before a duplicate original ~~master license~~ certificate can  
 8 be issued. A ~~master license~~ certificate for which a duplicate ~~master license~~ certificate has  
 9 been issued is void.

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

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

20 (e) A ~~master license~~ or permit issued under this ~~chapter~~ Code section:

- 21 (1) Is effective for a single business entity;  
 22 (2) Vests no property or right in the ~~licensee~~ holder of the license or permit except to  
 23 conduct the licensed or permitted business during the period the license or permit is in  
 24 effect;  
 25 (3) Is nontransferable, nonassignable by and between owners or business owners and  
 26 business operators, and not subject to execution; and  
 27 (4) Expires upon the death of an individual ~~licensee~~ holder of a license or permit or upon  
 28 the dissolution of any other ~~licensee~~ holder of a license or permit.

29 (f) An application for the renewal of a license or permit must be made to the commissioner  
 30 by December 1 of each year.

31 (g) Acceptance of a ~~master license~~ or permit issued under this ~~chapter~~ Code section  
 32 constitutes consent by the licensee and the business owner or business operator of the  
 33 business where bona fide coin operated amusement machines are available for commercial  
 34 use and for play by the public that the commissioner or ~~his~~ the commissioner's agents may  
 35 freely enter the ~~licensed~~ business premises where the licensed and permitted machines are  
 36 located during normal business hours for the purpose of ensuring compliance with this  
 37 chapter.

1 (h) An application for a ~~master~~ license or permit to do business under this chapter shall  
 2 contain a complete statement regarding the ownership of the business to be licensed or  
 3 permitted. This statement of ownership shall specify the same information that is required  
 4 of the application to secure a sales tax number for the State of Georgia.

5 (i) ~~An~~ ~~The~~ application for a master license shall be accompanied by either the annual or  
 6 semiannual fee plus the required permit fee due for each machine. Additional per machine  
 7 permits can be purchased during the year if needed by the owner. An application for a  
 8 location permit shall be accompanied by either the annual or semiannual location permit  
 9 fee.

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

13 (k) A renewal application filed on or after January 1, but before the ~~master license or~~  
 14 ~~permit~~ expires, shall be accompanied by a late fee of \$125.00. ~~If an owner's master license~~  
 15 ~~has been expired for more than 90 days, the owner may not renew the master license.~~ A  
 16 master license or location permit which has been expired for more than 90 days may not  
 17 be renewed. In such a case, the owner shall obtain a new master license or the business  
 18 owner or business operator shall obtain a new location permit as applicable by complying  
 19 with the requirements and procedures for obtaining an original master license or location  
 20 permit.

21 (l) A holder of a license or location permit ~~An owner~~ who properly completes the  
 22 application and remits all fees with it by the due date may continue to operate bona fide  
 23 coin operated amusement machines after the expiration date if its license or permit renewal  
 24 has not been issued, unless the ~~licensee~~ holder of a license or location permit is notified by  
 25 the commissioner prior to the ~~license~~ expiration date of a problem with the license  
 26 renewal."

## 27 SECTION 6.

28 Said chapter is further amended by striking Code Section 48-17-3, relating to refund of  
 29 license fees, and inserting in lieu thereof the following:

30 "48-17-3.

31 (a) No refund is allowed for fees for a master license or location permit except as follows:

32 (1) The ~~owner~~ holder of the license or permit makes a written request to the  
 33 commissioner for a refund prior to the beginning of the calendar year for which it was  
 34 purchased;

35 (2) The ~~owner~~ holder of the license or permit makes a written request prior to the  
 36 issuance of the master license or ~~registration~~ location permit certificate;

1 (3) The ~~owner~~ holder of the license or permit makes a written request for a refund  
 2 claiming the master license or ~~registration~~ location permit certificate was mistakenly  
 3 purchased due to reliance on incorrect information from the commissioner;

4 (4) The processing of the master license or location permit is discontinued; or

5 (5) The issuance of the master license or location permit is denied.

6 (b) Before a refund will be allowed if the renewal of a master license or location permit  
 7 is denied, the commissioner shall verify that the applicant has no machines in operation and  
 8 does not possess any machines except those that are exempt from the fees. If a master  
 9 license or location permit is not issued, the commissioner may retain \$100.00 to cover  
 10 administrative costs.

11 (c) No refund will be allowed if the ~~owner~~ holder of the license or permit has an existing  
 12 liability for any other fees or taxes due. Any refund will be applied to the existing liability  
 13 due."

#### 14 SECTION 7.

15 Said chapter is further amended by striking Code Section 48-17-4, relating to refusal to issue  
 16 or renew a license, revocation or suspension, and hearings; Code Section 48-17-5, relating  
 17 to notice, service of notice, and hearings; and Code Section 48-17-6, relating to delivery of  
 18 an order refusing an application or imposing a sanction, and inserting in lieu thereof the  
 19 following:

20 "48-17-4.

21 (a) The commissioner shall not renew a master license or location permit for a business  
 22 under this chapter and shall suspend for any period of time or cancel a master license or  
 23 location permit if the commissioner finds that the applicant or ~~licensee~~ holder of a license  
 24 or permit is indebted to the state for any fees, costs, penalties, or delinquent fees.

25 (b) The commissioner shall not issue or renew a license for a business under this chapter  
 26 if the applicant does not designate and maintain an office in this state or if the applicant  
 27 does not permit inspection by the commissioner of ~~his~~ the place of business or of all  
 28 records which the applicant or ~~licensee~~ holder of a license or permit is required to maintain.

29 (c) The commissioner may refuse to issue or renew a master license or location permit or  
 30 may revoke or suspend a master license or location permit issued under this chapter if:

31 (1) The ~~licensee or applicant~~ holder of a license or permit has intentionally violated  
 32 a provision of this chapter, ~~or~~ a regulation promulgated under this chapter, or any  
 33 provision of Chapter 12 of Title 16;

34 (2) The ~~licensee or applicant~~ holder of a license or permit has intentionally failed to  
 35 answer a question or has intentionally made a false statement in or in connection with his  
 36 or her application or renewal;

1 (3) The ~~licensee or applicant~~ holder of a license or permit used coercion to accomplish  
2 a purpose or to engage in conduct regulated by the commissioner;

3 (4) ~~A licensee or applicant that~~ An applicant or holder of a license or permit allows the  
4 use of its master license certificate, location permit, or per machine permit stickers by any  
5 other business entity or person who owns or operates bona fide coin operated amusement  
6 machines available for commercial use and available to the public for play. If such  
7 unauthorized use occurs, the commissioner may fine the ~~licensee~~ holder of the license or  
8 permit as follows:

9 (A) One hundred and fifty dollars for each improper use of a per machine permit  
10 sticker; and

11 (B) One thousand dollars for each improper use of a master license certificate or  
12 location permit.

13 In addition, the commissioner is authorized to seize the machines in question and assess  
14 the master license, ~~and permit fees,~~ and location permit fees as required by law and to  
15 assess the costs of such seizure to the ~~owner or operator of the machines~~ holder of a  
16 license or permit; or

17 (5) Failure to suspend or revoke the license or location permit would be contrary to the  
18 intent and purpose of this chapter.

19 (d) The commissioner, on the request of a ~~licensee~~ holder of a license or permit or  
20 applicant for a license or location permit, shall conduct a hearing to ascertain whether a  
21 ~~licensee or an applicant for a license~~ or location permit or holder of a license or permit has  
22 engaged in conduct which would be grounds for revocation, suspension, or refusal to issue  
23 or renew a license or location permit.

24 (e) The commissioner may refuse to issue a location permit if the location has been the site  
25 of one or more violations of Article 2 of Chapter 12 of Title 16 and there is a familial,  
26 business, or affectional relationship between the applicant and the holder of the location  
27 permit at the time of said violation or violations.

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

30 48-17-5.

31 (a) An applicant or ~~licensee~~ holder of a license or permit is entitled to at least 30 days´  
32 written notice and, if requested, a hearing in the following instances:

33 (1) After an application for an original or renewal license or location permit has been  
34 refused;

35 (2) Before the commissioner may revoke a license or location permit; or



1 (3) Before the commissioner may invoke any other sanctions provided by this chapter.

2 For purposes of this paragraph, sanctions shall not include:

3 (A) Issuance of a citation;

4 (B) Imposition of a late fee, penalty fee, or interest penalty under subsection (k) of  
5 Code Section 48-17-2, Code Section 48-17-11, or subsection (a) of Code Section  
6 48-17-13; or

7 (C) Sealing a machine or imposing charges related thereto under subsection (g) of  
8 Code Section 48-17-13.

9 (b) The written notice provided by this Code section may be served personally by the  
10 commissioner or an authorized representative or sent by United States certified mail or  
11 statutory overnight delivery addressed to the applicant, ~~licensee, or registration certificate~~  
12 ~~holder~~ or holder of a license or permit at its last known address. In the event that notice  
13 cannot be effected by either of these methods after due diligence, the commissioner may  
14 prescribe any reasonable method of notice calculated to inform a person of average  
15 intelligence and prudence of the commissioner's action, including publishing the notice in  
16 a newspaper of general circulation in the area in which the applicant, ~~licensee, or~~  
17 ~~registration certificate holder~~ or holder of a license or permit conducts its business  
18 activities. The written notice shall state with particularity the basis upon which the  
19 commissioner is taking the proposed actions.

20 48-17-6.

21 (a) The commissioner shall deliver to the applicant or ~~licensee~~ holder of a license or permit  
22 a written copy of the order refusing an application or renewal application, revoking a  
23 master license or location permit, or imposing any other sanction provided in this chapter  
24 issued after any required hearing.

25 (b) Delivery of the commissioner's order may be given by:

26 (1) Personal service upon an individual applicant or ~~licensee~~ holder of a license or  
27 permit;

28 (2) Personal service upon any officer, director, partner, trustee, or receiver, as the case  
29 may be;

30 (3) Personal service upon the person in charge of the business premises, temporarily or  
31 otherwise, of the applicant or ~~licensee~~ holder of a license or permit;

32 (4) Sending such notice by United States certified mail or statutory overnight delivery  
33 addressed to the business premises of the applicant or ~~licensee~~ holder of a license or  
34 permit; or

35 (5) Posting notice upon the outside door of the business premises of the applicant or  
36 licensee.

1 (c) Notice shall be deemed complete upon the performance of any action authorized in this  
2 Code section."

3 **SECTION 8.**

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

8 "(a) Every owner, except an owner holding a coin operated machine solely for personal use  
9 or resale, who offers others the opportunity to play for a charge, whether direct or indirect,  
10 any bona fide coin operated amusement machine shall pay ~~a uniform~~ an annual permit fee  
11 ~~of \$25.00 per for each~~ bona fide coin operated amusement machine in the amount of  
12 \$10.00 for each Class A machine and \$125.00 for each Class B machine. The fee shall be  
13 paid to the commissioner by company check, cash, cashier's check, or money order. Upon  
14 payment, the commissioner shall issue a sticker for each ~~\$25.00 payment for each~~ coin  
15 operated machine. The annual fees levied by this chapter will be collected by the  
16 commissioner on an annual basis. The commissioner may establish procedures for annual  
17 collection and set due dates for the fee payments. No refund or credit of the annual fee  
18 levied by this chapter shall be allowed to any owner who ceases the exhibition or display  
19 of any coin operated machine prior to the end of any calendar year."

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

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

29 **SECTION 9.**

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

33 "48-17-15.

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

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

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

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

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

21 ~~(b)~~(d) In accordance with the provisions of Code Section 48-17-4 and the procedures set  
 22 out in Code Sections 48-17-5 and 48-17-6, the commissioner may fine an applicant or  
 23 licensee, refuse to issue or renew a location permit or master license, or may revoke or  
 24 suspend a location permit or master license for single or repeated violations of subsection  
 25 (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) For a first or second violation, fine a business owner or business operator who is an  
 29 applicant for or holds a location permit;

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

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

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

1 Such written notice may be served in the manner provided for written notices to applicants  
 2 for licenses and licensees in subsection (b) of Code Section 48-17-5, and an order imposing  
 3 a penalty may be delivered in the manner provided for delivery of the commissioner's  
 4 orders to applicants for licenses or licensees in Code Section 48-17-6. In the case of an  
 5 order barring offering a bona fide amusement game to the public for commercial use at a  
 6 location, the commissioner shall require the business owner or business operator to post a  
 7 notice in the business location setting out the period of time that commercial use of a bona  
 8 fide amusement machine is barred at such location."

### 9 **SECTION 10.**

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

12 "48-17-15.1.

13 (a) For single or repeated violations of Code Section 16-12-35 by a business owner or  
 14 business operator who offers one or more bona fide coin operated amusement machines for  
 15 play by the public, the commissioner may impose the following penalties on such a  
 16 business owner or business operator:

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

19 (2) For a third or subsequent offense, a suspension or revocation of the privilege of  
 20 offering one or more bona fide coin operated amusement machines for play by the public.

21 (b) Before a penalty is imposed in accordance with this Code section, a business owner or  
 22 business operator is entitled to at least 30 days' written notice and, if requested, a hearing.

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

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

**SECTION 11.**

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 business owner or business operator and the owner 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) and (11) 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 nine bona fide coin operated amusement machines that reward the player exclusively with noncash merchandise, prizes, toys, gift certificates, or novelties at any business location; provided, however, that this limitation shall not apply to any Class A bona fide coin operated amusement machine;

(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) and (f) 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) and (f) of Code Section 16-12-35;

(4) Providing for penalties, including fines or suspension or revocation of a license as provided in paragraph (5) of this subsection, or both, for a violation of any ordinance enacted pursuant to this subsection; 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;

1 (5) Providing for the suspension or revocation of a license granted by such local  
2 governing authority to manufacture, distribute, or sell alcoholic beverages or for the  
3 suspension or revocation of any other license granted by such local governing authority  
4 as a penalty for conviction of the owner or operator of a business location of a violation  
5 of subsection (e) of Code Section 16-12-35, or both. An ordinance providing for the  
6 suspension or revocation of a license shall conform to the due process guidelines for  
7 granting, refusal, suspension, or revocation of a license for the manufacture, distribution,  
8 or sale of alcoholic beverages set out in subsection (b) of Code Section 3-3-2;

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

16 (7) Requiring any business owner or business operator subject to Code Section 48-17-15  
17 to provide to the local governing authority a copy of each verified monthly report  
18 prepared in accordance with such Code section, incorporating the provisions of such  
19 Code section in the ordinance, and providing for any or all of the penalties authorized by  
20 Code Section 48-17-15;

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

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

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

32 (11) Requiring an arcade permit for any business commercially offering to the public  
33 more than nine bona fide coin operated amusement machines which provide for noncash  
34 redemption in a single location; and denying such an arcade permit on any grounds which  
35 are not arbitrary or capricious;

36 (12) Imposing age restrictions on players of Class B bona fide coin operated amusement  
37 machines; and

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

4 **SECTION 12.**

5 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to records  
6 exempted from public inspection, is amended in subsection (a) by striking "or" at the end of  
7 paragraph (13), striking the period at the end of paragraph (14) and inserting in lieu thereof  
8 "; or", and inserting a new paragraph to be designated paragraph (15) to read as follows:

9 "(15) Records that show the names and addresses of persons and entities who hold a  
10 location permit for one or more bona fide coin operated amusement machines in  
11 accordance with Chapter 17 of Title 48, except that such records may be inspected by  
12 representatives of law enforcement agencies or local governments."

13 **SECTION 13.**

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

17 **SECTION 14.**

18 This Act shall become effective on the first day of the month following the month in which  
19 it is approved by the Governor or in which it becomes law without such approval.

20 **SECTION 15.**

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