

House Bill 891

By: Representatives Ehrhart of the 28th, Lucas of the 105th, Stephens of the 123rd, Teper of the 42nd, Post 1, Benfield of the 56th, Post 1, 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 a gambling device; to delete a provision that
4 requires redemption of evidence of winnings from certain bona fide coin operated
5 amusement machines on the premises where the game or device is located; to amend Title
6 48 of the Official Code of Georgia Annotated, relating to revenue, so as to repeal Chapter 17,
7 relating to bona fide coin operated amusement machines; to correct cross-references; to
8 amend Chapter 27 of Title 50 of the Official Code of Georgia Annotated, the "Georgia
9 Lottery for Education Act," so as to provide for regulation of bona fide coin operated
10 amusement machines by rules and regulations promulgated by the board of directors of the
11 Georgia Lottery Corporation; to revise definitions; to provide for application of the "Georgia
12 Administrative Procedure Act"; to provide for transmission of fees and fines to the general
13 treasury of the state; to provide for related matters; to provide for an effective date; to repeal
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 style="text-align:center">**SECTION 1.**

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

20 "(2) 'Gambling device' means:

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

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

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

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

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

14 SECTION 2.

15 Said part is further amended in Code Section 16-12-35, relating to the applicability of the
 16 part, by striking the undesignated language of subsection (a.1) that immediately follows
 17 paragraph (8) and subsection (h) and inserting in lieu thereof the following:

18 "The term some skill refers to a particular craft, coordinated effort, art, ability, strategy, or
 19 tactic employed by the player to affect in some way the outcome of the game played on a
 20 bona fide coin operated amusement machine as defined in ~~paragraph (2) of Code Section~~
 21 ~~48-17-1~~ Code Section 50-27-3. If a player can take no action to affect the outcome of the
 22 game, the bona fide coin operated amusement machine does not meet the 'some skill'
 23 requirement of this Code section."

24 ~~"(h) Any gift certificates, tokens, vouchers, tickets, or other evidence of winnings awarded~~
 25 ~~under subsection (c) or (d) of this Code section must be redeemable only at the premises~~
 26 ~~on which the game or device is located. It shall be unlawful for any person to provide to~~
 27 ~~any other person as a reward for play on any such game or device any gift certificate,~~
 28 ~~token, voucher, ticket, or other evidence of winning which is redeemable or exchangeable~~
 29 ~~for any thing of value at any other premises. It shall be unlawful for any person at any~~
 30 ~~premises other than those on which the game or device is located to give any thing of value~~
 31 ~~to any other person for any gift certificate, token, voucher, ticket, or other evidence of~~
 32 ~~winning received by such other person from play on such game or device. Any person who~~
 33 ~~violates this subsection shall be guilty of a misdemeanor of a high and aggravated nature.~~

34 Reserved."

1 successful player pursuant to subsections (b) through (g) of Code Section 16-12-35, and
 2 which can be legally shipped interstate according to federal law. Examples of bona fide
 3 coin operated amusement machines include, but are expressly not limited to, the
 4 following:

5 (i) Pinball machines;

6 (ii) Console machines;

7 (iii) Video games;

8 (iv) Crane machines;

9 (v) Claw machines;

10 (vi) Pusher machines;

11 (vii) Bowling machines;

12 (viii) Novelty arcade games;

13 (ix) Foosball or table soccer machines;

14 (x) Miniature racetrack, football, or golf machines;

15 (xi) Target or shooting gallery machines;

16 (xii) Basketball machines;

17 (xiii) Shuffleboard games;

18 (xiv) Kiddie ride games;

19 (xv) Skee-ball machines;

20 (xvi) Air hockey machines;

21 (xvii) Roll down machines;

22 (xviii) Trivia machines;

23 (xix) Laser games;

24 (xx) Simulator games;

25 (xxi) Virtual reality machines;

26 (xxii) Maze games;

27 (xxiii) Racing games;

28 (xxiv) Matchup or lineup games that require the player to take some action to affect
 29 the outcome of the game;

30 (xxv) Coin operated pool tables or coin operated billiard tables as defined in
 31 paragraph (3) of Code Section 43-8-1; and

32 (xxvi) Any other similar amusement machine which can be legally operated in
 33 Georgia; and

34 (B) Every machine of any kind or character used by the public to provide music whose
 35 operation requires the payment of or the insertion of a coin, bill, other money, token,
 36 ticket, or similar object such as jukeboxes or other similar types of music machines.

1 (C) The term 'bona fide coin operated amusement machine' does not include the
 2 following:

3 (i) Coin operated washing machines or dryers;

4 (ii) Vending machines which for payment of money dispense products or services;

5 (iii) Gas and electric meters;

6 (iv) Pay telephones;

7 (v) Pay toilets;

8 (vi) Cigarette vending machines;

9 (vii) Coin operated scales;

10 (viii) Coin operated gumball machines;

11 (ix) Coin operated parking meters;

12 (x) Coin operated television sets which provide cable or network programming;

13 (xi) Coin operated massage beds; and

14 (xii) Machines which are not legally permitted to be operated in Georgia."

15 "(9) 'Lottery,' 'lotteries,' 'lottery game,' or 'lottery games' means any game of chance
 16 approved by the board and operated pursuant to this chapter, including, but not limited
 17 to, instant tickets, on-line games, and games using mechanical or electronic devices but
 18 excluding bona fide coin operated amusement machines, pari-mutuel betting, and casino
 19 gambling as defined in this Code section."

20 SECTION 6.

21 Said chapter is further amended by inserting a new article to be designated Article 3 to read
 22 as follows:

23 "ARTICLE 3

24 50-27-70.

25 (a) The board shall issue rules and regulations for the possession, leasing, and operation
 26 of bona fide coin operated amusement machines, as defined in Code Section 50-27-3, that
 27 are offered to the public for play. The board's regulation of such machines shall include
 28 but not be limited to the licensing of owners of such machines and owners or operators of
 29 the premises where such machines are offered to the public for play and imposing fees for
 30 such licenses and fines for violations of its rules and regulations. Rules and regulations
 31 shall include procedures and grounds for issuing, renewing, denying, revoking, and
 32 suspending such licenses. The board shall promulgate and implement rules and regulations
 33 that incorporate and reinforce the limitations of Code Section 16-12-35 on the use of coin
 34 operated games or devices manufactured and designed for bona fide amusement purposes

1 and shall serve the citizens and residents of this state by preserving their access to
2 recreational use of bona fide coin operated amusement machines while protecting them
3 from the evils associated with gambling. Such rules and regulations shall become effective
4 January 1, 2004.

5 (b) The board shall be subject to the provisions of Chapter 13 of this title, the 'Georgia
6 Administrative Procedure Act,' in discharging its duties in accordance with this article.

7 (c) The board shall transmit fees and fines collected in accordance with this article to the
8 general treasury of the state."

9 **SECTION 7.**

10 This Act shall become effective upon its approval by the Governor or upon its becoming law
11 without such approval.

12 **SECTION 8.**

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