

House Bill 1230

By: Representatives Lindsey of the 54th, Lucas of the 139th, Barnard of the 166th, Oliver of the 83rd, Ehrhart of the 36th, and others

**A BILL TO BE ENTITLED
AN ACT**

1 To revise provisions relating to bona fide coin operated amusement machines; to amend
2 Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
3 relating to gambling, so as to change the definition of a gambling device; to clarify that
4 provisions relating to the possession, manufacture, or transfer of gambling devices are not
5 applicable to certain materials, equipment, devices, or machines; to revise a provision
6 relating to seizure and destruction of gambling devices; to provide that provisions relating
7 to seizure and disposal of property apply to gambling devices and alleged gambling devices;
8 to provide for seizure of gambling devices and alleged gambling devices in certain
9 circumstances; to revise definitions and requirements relating to bona fide coin operated
10 amusement machines; to delete a provision relating to amusement machines that provide only
11 free replays as reward for successful play; to provide that rewards for successful play of such
12 machines shall not be exchangeable or redeemable for cash, alcoholic beverages, tobacco
13 products, or firearms; to change provisions defining unlawful acts relating to such machines
14 and penalties therefor; to change provisions relating to exchange or redemption of evidence
15 of winnings; to provide for certain language on gift certificates awarded for successful play
16 and for penalties; to limit the number of such machines to nine in a business location and to
17 provide for exceptions and penalties; to provide that statutes prohibiting gambling do not
18 apply to certain games at certain amusement or recreational establishments; to amend
19 Chapter 17 of Title 48 of the Official Code of Georgia Annotated, relating to coin operated
20 amusement machines, so as to revise definitions; to provide that video or mechanical games,
21 machines, or devices for the play of card games or variations of such games are not bona fide
22 coin operated amusement machines; to provide for the powers and duties of the state revenue
23 commissioner; to provide for rules and regulations; to provide for classes of machines,
24 location permits, fees, procedures for collection and refunds, display of certificates, contents
25 of certificates and stickers, duplicate permits, and late fees; to provide for the terms and
26 conditions of location permits and annual fees for additional machines; to provide that
27 applications for licenses and permits are open to public inspection; to provide for issuance,
28 renewal, denial, suspension, and revocation of such permits; to provide for hearings and

1 delivery of certain orders of the commissioner; to provide for the continued validity of prior
2 existing obligations to the state; to provide that this Act shall not affect offenses committed
3 or prosecutions begun under preexisting law; to change provisions relating to the maximum
4 percentage of income derived from bona fide coin operated amusement machines; to provide
5 for penalties for business owners or operators in certain circumstances; to provide for
6 regulation of bona fide coin operated amusement machines by counties and municipal
7 corporations in certain circumstances; to provide a list of authorized provisions for an
8 ordinance of a local government; to amend Code Section 50-18-72 of the Official Code of
9 Georgia Annotated, relating to when public disclosure of public records is not required, so
10 as to provide an exemption from public inspection for records of names and addresses of
11 persons or entities holding location permits; to provide that such records may be inspected
12 by representatives of law enforcement agencies and local governments; to provide that this
13 Act shall not be construed to prohibit the offering of certain lottery games; to provide for
14 related matters; to provide an effective date; to repeal conflicting laws; and for other
15 purposes.

16 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

17 **SECTION 1.**

18 Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
19 relating to gambling, is amended by revising paragraph (2) of Code Section 16-12-20,
20 relating to definitions, as follows:

21 "(2) 'Gambling device' means:

22 (A) Any any contrivance which for a consideration affords the player an opportunity
23 to obtain money or other thing of value, the award of which is determined by chance
24 even though accompanied by some skill, whether or not the prize is automatically paid
25 by contrivance; provided, however, that a bona fide coin operated amusement machine,
26 as defined in Code Section 48-17-1, is not a gambling device if the machine provides
27 rewards for successful play of such machine in compliance with the provisions of Code
28 Section 16-12-35.

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

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

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

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

SECTION 2.

10 Said part is further amended by revising Code Section 16-12-24, relating to possession,
11 manufacture, or transfer of gambling device or parts, by adding a new subsection to read as
12 follows:

"(c) In accordance with Code Section 16-12-35, this Code section shall not apply to the manufacturing, processing, selling, possessing, or transporting of:

- (1) Any printed materials, equipment, devices, or other materials used or designated for use in a legally authorized lottery;
 - (2) Any gaming equipment, devices, or other materials used or designated for use only in jurisdictions in which the use of such items is legal; and
 - (3) Any bona fide coin operated amusement machine, as defined in Code Section 48-17-1, provided that the machine and any rewards provided by the machine for successful play of the machine do not violate the provisions of Code Section 16-12-35."

SECTION 3.

23 Said part is further amended by revising Code Section 16-12-30, relating to seizure and
24 destruction of gambling devices, as follows:

"16-12-30.

(a) Except as provided in subsection (b) of Code Section 16-12-24, every gambling device is declared to be contraband and subject to seizure and confiscation by any state or local authority within whose jurisdiction the same may be found a game, machine, or device that is or is alleged or believed to be a gambling device may be seized by a state or local law enforcement authority within whose jurisdiction such alleged gambling device may be found. Every such seizure shall be subject to the provisions of Code Section 16-12-32.

(b) At such time as there shall be a final judgment entered in any case or cases in which a seized gambling device is necessary evidence or at such time as the state shall determine that the continued physical existence of the seized gambling device is no longer necessary, the same shall be turned over by that person having custody of the device to the sheriff of

the county wherein the device was confiscated. The sheriff shall within ten days after receiving the device destroy the same in the presence of the district attorney of the circuit in which such county is located and shall forward to the state revenue commissioner a certificate so stating which shall include the serial number of the device so destroyed."

SECTION 4.

Said part is further amended by revising subsection (a) of Code Section 16-12-32, relating to seizure and disposition of property used in or derived from violation of article, as follows:

"(a) As used in this Code section, 'property' means any personal property of any type, tangible or intangible, including but not limited to vehicles, conveyances, aircraft, watercraft, funds, other things of value or choses in action or any interest in such property, ~~but shall not include a gambling device subject to seizure and destruction under Code Section 16-12-30 and including any game, machine, or device that is or is alleged or believed to be a gambling device as defined in Code Section 16-12-20.~~"

SECTION 5.

Said part is further amended by revising Code Section 16-12-35, relating to the applicability of criminal statutes relating to gambling, as follows:

"16-12-35.

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

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

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

(+) (A) A learned power of doing a thing competently;

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

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

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

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

(6)(F) Technical proficiency or expertise;

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

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

1 The term 'some skill' refers to a particular craft, coordinated effort, art, ability, strategy, or
2 tactic employed by the player to affect in some way the outcome of the game played on a
3 bona fide coin operated amusement machine as defined in paragraph (2) of Code Section
4 48-17-1. If a player can take no action to affect the outcome of the game, the bona fide it
5 is not necessary for a player to take an action to achieve a successful outcome on a coin
6 operated amusement machine. such machine does not meet the 'some skill' requirement of
7 this Code section. Any amusement game which does not require some skill is subject to
8 the provisions of this article prohibiting gambling, even if prizes are limited as provided
9 in subsections (c) and (d) of this Code section.

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

20 (c)(1) ~~Nothing in this part shall apply to a A crane game machine or device meeting the~~
21 ~~requirements of paragraph (2) of this subsection shall be a bona fide coin operated~~
22 ~~amusement machine.~~

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

25 (A) The machine or device must be designed and manufactured only for bona fide
26 amusement purposes and must involve at least some skill in its operation;
27 (B) The machine or device must reward a winning player exclusively with free replays
28 or merchandise contained within the machine itself and such merchandise must be
29 limited to noncash merchandise, prizes, toys, gift certificates, or novelties, each of
30 which has a wholesale value not exceeding \$5.00 ~~and is not exchangeable or~~
31 ~~redeemable in any manner in this state or in any other state, jurisdiction, or foreign~~
32 ~~country for money, cash, or any equivalent thereof. Tobacco products, firearms, and~~
33 ~~items the sale of which is regulated by Title 3 shall not be awarded as rewards for~~
34 ~~successful play of the machine. A player may be rewarded with both free replays and~~
35 ~~noncash merchandise, prizes, toys, or novelties for a single play of the game or device~~
36 ~~as provided in this Code section;~~

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

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

6 and

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

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

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

17 (A) Free replays;

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

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

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

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

34 (2) A player of bona fide coin operated amusement games or devices described in
35 paragraph (1) of this subsection may accumulate winnings for the successful play of such
36 bona fide coin operated amusement games or devices through tokens, vouchers, points,
37 or tickets. Points may be accrued on the machine or device. A player may carry over

such points on one play to subsequent plays. A player may redeem accumulated points, tokens, vouchers, or tickets for noncash merchandise, prizes, toys, gift certificates, or novelties so long as the amount of points, tokens, vouchers, or tickets received does not exceed \$5.00 for a single play.

(e) It shall be unlawful for:

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

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

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

(4) Any person to receive money from another person for one or more free replays on a bona fide coin operated amusement machine;

(5) Any person to receive money from a person owning or possessing a bona fide coin operated amusement machine or any person employed by or acting on behalf of any such person for any noncash merchandise, prize, toy, gift certificate, or novelty received as a reward in playing any such bona fide coin operated amusement machine;

(6) Any person to receive any money for a gift certificate received as a reward in playing any bona fide coin operated amusement machine or for the return of any merchandise purchased with such a gift certificate; or

(7) Any person to receive money as a reward for the successful play or winning of any bona fide coin operated amusement machine from any person owning or possessing such bona fide coin operated amusement machine or any person employed by or acting on behalf of any such person.

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

(g) Reserved.

1 (h)(1) Any gift certificates, tokens, vouchers, tickets, or other evidence of winnings
2 awarded under subsection (c) or (d) of this Code section must be redeemable only at the
3 premises on which the game or device is located. It shall be unlawful for any person to
4 provide to any other person as a reward for play on any such game or device any gift
5 certificate, token, voucher, ticket, or other evidence of winning which is redeemable or
6 exchangeable for any thing of value at any other premises. It shall be unlawful for any
7 person at any premises other than those on which the game or device is located to give
8 any thing of value to any other person for any gift certificate, token, voucher, ticket, or
9 other evidence of winning received by such other person from play on such game or
10 device. Any person who violates this subsection shall be guilty of a misdemeanor of a
11 high and aggravated nature Each gift certificate awarded for successful play on a bona
12 fide coin operated amusement machine in accordance with subsection (c) or (d) of this
13 Code section shall have printed on it the following:

14 'GEORGIA LAW PROHIBITS EXCHANGING OR REDEEMING THIS
15 CERTIFICATE FOR MONEY, CASH, OR ANY EQUIVALENT, INCLUDING
16 CHANGE IN MONEY OR CASH, AS PART OF AN EXCHANGE FOR
17 MERCHANDISE. CRIMINAL PENALTIES MAY INCLUDE A \$5,000.00 FINE OR
18 12 MONTHS IN PRISON, OR BOTH, FOR THE FIRST AND SECOND OFFENSES
19 AND ARE MORE SEVERE FOR ADDITIONAL OFFENSES.'

20 (2) Violation of this subsection shall be a misdemeanor.

21 (i)(1) The merchandise, prizes, toys, gift certificates, novelties, or rewards which may
22 be awarded under subsection (c) or (d) of this Code section may not include or be
23 redeemable or exchangeable for any firearms, alcohol, or tobacco or any lottery ticket or
24 other item enabling participation in any lottery. Any person who violates this subsection
25 shall be guilty of a misdemeanor of a high and aggravated nature Except as authorized
26 by a local ordinance, no business owner or business operator shall offer more than nine
27 bona fide coin operated amusement machines to the public for play in the same business
28 location.

29 (2) Violation of this subsection shall be a misdemeanor.

30 (j) Any other laws to the contrary notwithstanding, this part shall not be applicable to the
31 manufacturing, processing, selling, possessing, or transporting of any printed materials,
32 equipment, devices, or other materials used or designated for use in a legally authorized
33 lottery nor shall it be applicable to the manufacturing, processing, selling, possessing, or
34 transporting of any gaming equipment, devices, or other materials used or designated for
35 use only in jurisdictions in which the use of such items is legal. This part shall in no way
36 prohibit communications between persons in this state and persons involved with such
37 legal lotteries or gaming devices relative to such printed materials, equipment, devices, or

1 other materials or prohibit demonstrations of same within this state. This part shall not be
2 applicable to a coin operated amusement machine if the machine and any rewards provided
3 by the machine for successful play of such machine comply with this Code section."

4 **SECTION 6.**

5 Said part is further amended by adding a new Code section to read as follows:

6 "16-12-35.1.

7 (a) As used in this Code section, the term 'amusement or recreational establishment' means
8 an open-air establishment frequented by the public for amusement or recreation. Such an
9 establishment may be traveling or fixed in location.

10 (b) Nothing in this part shall apply to any game that:

11 (1) Uses neither electricity nor any electronic components;

12 (2) Is available to the public for play at an amusement or recreational establishment;

13 (3) Involved the use of eye-hand coordination or physical strength or both eye-hand
14 coordination and physical strength on the part of a successful player; and

15 (4) Rewards a successful player exclusively with:

16 (A) Noncash merchandise, prizes, toys, gift certificates, or novelties;

17 (B) Points, tokens, vouchers, tickets, or other evidence of winnings that may be
18 exchanged for rewards set out in subparagraph (A) of this paragraph; or

19 (C) A combination of rewards set out in subparagraphs (A) and (B) of this paragraph."

20 **SECTION 7.**

21 Chapter 17 of Title 48 of the Official Code of Georgia Annotated, relating to taxation of bona
22 fide coin operated amusement machines, is amended by revising Code Section 48-17-1,
23 relating to definitions, as follows:

24 "48-17-1.

25 As used in this chapter, the term:

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

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

31 (A)(i) Every machine ~~of any kind or character~~ used by the public to provide
32 amusement or entertainment whose operation requires the payment of or the insertion
33 of a coin, bill, other money, token, ticket, or similar object ~~and the if a successful~~
34 ~~result of whose operation in operating such machine depends in whole or in part upon~~
35 ~~the skill of exercise of some skill, as defined in Code Section 16-12-35, by the player,~~

whether or not it the machine affords an award to a successful player pursuant to subsections (b) through (g) of Code Section 16-12-35, and which can be legally shipped interstate according to federal law. Any rewards provided by such a machine shall comply with the provisions of Code Section 16-12-35. Examples of bona fide coin operated amusement machines include, but are expressly not limited to, the following:

- (i) Pinball machines;
- (ii) Console machines;
- (iii) Video games;
- (iv) Crane machines;
- (v) Claw machines;
- (vi) Pusher machines;
- (vii) Bowling machines;
- (viii) Novelty arcade games;
- (ix) Foosball or table soccer machines;
- (x) Miniature racetrack, football, or golf machines;
- (xi) Target or shooting gallery machines;
- (xii) Basketball machines;
- (xiii) Shuffleboard games;
- (xiv) Kiddie ride games;
- (xv) Skeeball machines;
- (xvi) Air hockey machines;
- (xvii) Roll down machines;
- (xviii) Trivia machines;
- (xix) Laser games;
- (xx) Simulator games;
- (xxi) Virtual reality machines;
- (xxii) Maze games;
- (xxiii) Racing games;
- (XXIV) Matchup games or lineup games that offer no reward for successful play unless the player, after the game begins, takes a specific action that actually affects the outcome of the game;
- (xxiv) Coin operated pool tables or coin operated billiard tables as defined in paragraph (3) of Code Section 43-8-1; and
- (xxv) Any other similar amusement machine which can be legally operated in Georgia; and

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

5 (B) The term 'bona fide coin operated amusement machine' does not include the
6 following:

7 (i) Any video game machine or device for the play of poker, blackjack, any other
8 card game, or any variation of the foregoing;

9 (ii) Coin operated washing machines or dryers;

10 (iii) Vending machines which for payment of money dispense products or
11 services;

12 (iv) Gas and electric meters;

13 (v) Pay telephones;

14 (vi) Pay toilets;

15 (vii) Cigarette vending machines;

16 (viii) Coin operated scales;

17 (ix) Coin operated gumball machines;

18 (x) Coin operated parking meters;

19 (xi) Coin operated television sets which provide cable or network programming;

20 (xii) Coin operated massage beds; and

21 (xiii) Games defined by subsection (b) of Code Section 16-12-35.1; and

22 (xiv) Machines which are not legally permitted to be operated in Georgia.

23 (2.1) 'Business owner or business operator' means an owner or operator of a business
24 where one or more bona fide coin operated amusement machines are available for
25 commercial use and play by the public.

26 (2.2) 'Class A machine' means a bona fide coin operated amusement machine that is not
27 a Class B machine and:

28 (A) Provides no reward for successful play;

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

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

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

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

37 (2.3) 'Class B machine' means a bona fide coin operated amusement machine that:

- (A) Is a matchup or lineup game; and
 - (B) Rewards a successful player as provided in subparagraph (C), (D), or (E) of paragraph (2.2) of this Code section.

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

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

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

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

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

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

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

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

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

SECTION 8.

Said chapter is further amended by adding a new Code section to read as follows:

"48-17-1.1.

34 The commissioner is authorized and empowered, subject to the provisions of this chapter,
35 to act in the name of and on behalf of this state to institute any action or judicial proceeding
36 to collect any license fees, location permit fees, or other fees or taxes on bona fide coin

1 operated amusement machines that are due to the state and to take other actions authorized
2 by this chapter with regard to licensees, applicants, and owners or possessors of bona fide
3 coin operated amusement machines."

SECTION 9.

5 Said chapter is further amended by revising Code Section 48-17-2, relating to license fees,
6 as follows:

7 "48-17-2.

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

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

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

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

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

20 (B) For six or more machines but not more than 60 machines, the owner shall pay a
21 master license fee of \$1,500.00. In the event such owner acquires a sixty-first or
22 greater number of machines during a calendar year which require a certificate for lawful
23 operation under this chapter, such owner shall pay an additional master license fee of
24 \$1,000.00; or

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

27 (2) For any number of Class B machines, the owner shall pay a master license fee of
28 \$5,000.00.

The cost of the license shall be paid to the commissioner by company check, cash, cashier's check, or money order. Upon said payment, the commissioner shall issue a master license certificate to the owner. The master license fee levied by this ~~chapter~~ Code section shall be collected by the commissioner on an annual basis, provided that an owner may purchase a six-month master license during the calendar year for \$175.00 for a level one license, \$1,050.00 for a level two license, or \$1,750.00 for a level three license ~~for one-half the applicable annual fee. For the year 2008 only, the amount of the master license fee shall be calculated by dividing the amount of the annual fee by 12 and multiplying the quotient~~

1 by the number of months remaining in the year when the license is issued. The
2 commissioner may establish procedures for master license collection and set due dates for
3 these license payments. No refund or credit of the master license charge levied by this
4 chapter Code section may be allowed to any owner who ceases the operation of bona fide
5 coin operated amusement machines prior to the end of any calendar year.

6 (a.1) Every business owner or business operator, as defined in Code Section 48-17-1, shall
7 pay an annual location permit fee for each bona fide coin operated amusement machine
8 offered to the public for play. The annual location permit fee shall be \$10.00 for each
9 Class A machine and \$125.00 for each Class B machine. The location permit fee shall be
10 paid to the commissioner by company check, cash, cashier's check, or money order. Upon
11 payment, the commissioner shall issue a location permit certificate that shall state the
12 number of bona fide coin operated amusement machines permitted for each class without
13 further description or identification of specific machines. The commissioner may establish
14 procedures for location permit fee collection and set due dates for payment of such fees.
15 For the year 2008 only, the amount of the location permit fee shall be calculated by
16 dividing the amount of the annual fee by 12 and multiplying the quotient by the number of
17 months remaining in the year when the license is issued. No refund or credit of the
18 location permit fee shall be allowed to any business owner or business operator who ceases
19 to offer bona fide coin operated amusement machines to the public for commercial use
20 prior the end of any calendar year.

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

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

30 (d) The commissioner may provide a duplicate original master license certificate or
31 location permit certificate if the original ~~master license~~ certificate has been lost, stolen, or
32 destroyed. The fee for a duplicate original ~~master license~~ certificate is \$100.00. If the
33 original ~~master license~~ certificate is lost, stolen, or destroyed, a sworn, written statement
34 must be submitted explaining the circumstances by which the ~~master license~~ certificate was
35 lost, stolen, or destroyed and including the number of the lost, stolen, or destroyed ~~master~~
36 ~~license certificate, if applicable,~~ before a duplicate original ~~master license~~ certificate can

1 be issued. A ~~master~~ license certificate for which a duplicate ~~master~~ license certificate has
2 been issued is void.

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

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

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

- 14 (1) Is effective for a single business entity;
- 15 (2) Vests no property or right in the licensee holder of the license or permit except to
16 conduct the licensed or permitted business during the period the license or permit is in
17 effect;
- 18 (3) Is nontransferable, nonassignable by and between owners or business owners and
19 business operators, and not subject to execution; and
- 20 (4) Expires upon the death of an individual licensee holder of a license or permit or upon
21 the dissolution of any other licensee holder of a license or permit.

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

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

31 (h) An application for a ~~master~~ license or permit to do business under this chapter shall
32 contain a complete statement regarding the ownership of the business to be licensed or the
33 business where the permitted machines are to be located. This statement of ownership shall
34 specify the same information that is required of by the application to secure a sales tax
35 number for the State of Georgia.

36 (i) The An application for a master license shall be accompanied by either the annual or
37 semiannual fee plus the required permit fee due for each machine. Additional per machine

permits can be purchased during the year if needed by the owner. An application for a location permit shall be accompanied by either the annual or semiannual location permit fee.

(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
An application is subject to public inspection.

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

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

SECTION 10.

Said chapter is further amended by revising Code Section 48-17-3, relating to refund of license, as follows:

"48-17-3.

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

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

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

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

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

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

(b) Before a refund will be allowed if the renewal of a master license or location permit is denied, the commissioner shall verify that the applicant has no machines in operation and does not possess any machines except those that are exempt from the fees. If a master

1 license or location permit is not issued, the commissioner may retain \$100.00 to cover
2 administrative costs.

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

6 **SECTION 11.**

7 Said chapter is further amended by revising Code Section 48-17-4, relating to refusal to issue
8 or renew license, as follows:

9 "48-17-4.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 12.

Said chapter is further amended by revising Code Section 48-17-5, relating to right to notice and hearing, as follows:

"48-17-5.

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

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

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

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

For purposes of this paragraph, sanctions shall not include:

(A) Issuance of a citation;

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

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

(b) The written notice provided by this Code section may be served personally by the commissioner or an authorized representative or sent by United States certified mail or statutory overnight delivery addressed to the applicant, licensee, or registration certificate or holder of a license or permit at its last known address. In the event that notice cannot be effected by either of these methods after due diligence, the commissioner may prescribe any reasonable method of notice calculated to inform a person of average intelligence and

1 prudence of the commissioner's action, including publishing the notice in a newspaper of
2 general circulation in the area in which the applicant, licensee, or registration certificate or
3 holder of a license or permit conducts its business activities. The written notice shall state
4 with particularity the basis upon which the commissioner is taking the proposed actions."

5 **SECTION 13.**

6 Said chapter is further amended by revising Code Section 48-17-6, relating to delivery of
7 order refusing application or imposing sanction, as follows:

8 "48-17-6.

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

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

14 (1) Personal service upon an individual applicant or licensee holder of a license or
15 permit;

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

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

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

23 (5) Posting notice upon the outside door of the business premises of the applicant or
24 licensee holder of a license or permit.

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

27 **SECTION 14.**

28 Said chapter is further amended by revising Code Section 48-17-9, relating to payment and
29 collection of annual permit fee, as follows:

30 "48-17-9.

31 (a) Every owner, except an owner holding a coin operated machine solely for personal use
32 or resale, who offers others the opportunity to play for a charge, whether direct or indirect,
33 any bona fide coin operated amusement machine shall pay a uniform an annual permit fee
34 of \$25.00 per for each bona fide coin operated amusement machine in the amount of
35 \$25.00 for each Class A machine and \$125.00 for each Class B machine. The fee shall be

paid to the commissioner by company check, cash, cashier's check, or money order. Upon payment, the commissioner shall issue a sticker for each \$25.00 payment for each coin operated machine. The annual fees levied by this chapter ~~will shall~~ be collected by the commissioner on an annual basis. The commissioner may establish procedures for annual collection and set due dates for the fee payments. No refund or credit of the annual fee levied by this chapter shall be allowed to any owner who ceases the exhibition or display of any coin operated machine prior to the end of any calendar year.

(b) The sticker issued by the commissioner to evidence the payment of the fee under this Code section shall be securely attached to the machine. Owners may transfer stickers from one machine to another and from location to location so long as all machines in commercial use available for play by the public have a sticker and the owner uses the stickers only for machines that it owns.

(c) Each permit sticker shall not list the name of the owner but shall have a control number which corresponds with the control number issued on the master license certificate to allow for effective monitoring of the licensing and permit system. Permit stickers are only required for bona fide coin operated amusement machines in commercial use available to the public for play at a location.

(d) Each permit sticker issued for a bona fide coin operated amusement machine which rewards a winning player exclusively with free replays, noncash redemption merchandise, prizes, toys, gift certificates, or novelties; or points, tokens, tickets, or other evidence of winnings that may be exchanged for free replays or noncash redemption merchandise, prizes, toys, gift certificates, or novelties, in accordance with the provisions of subsections

(b) through (d) of Code Section 16-12-35 shall include the following:

'GEORGIA LAW PROHIBITS THE PAYMENT OR RECEIPT OF ANY MONEY FOR REPLAYS OR MERCHANDISE AWARDED FOR PLAYING THIS MACHINE.

O.C.G.A. SECTION 16-12-35.'

(d)(e) The commissioner may provide a duplicate permit sticker if a valid permit sticker has been lost, stolen, or destroyed. The fee for a duplicate permit sticker shall be \$10.00. If a permit sticker is lost, stolen, or destroyed, a sworn, written statement must be submitted explaining the circumstances by which the permit sticker was lost, stolen, or destroyed and including the number of the lost, stolen, or destroyed permit before a replacement permit can be issued. A permit for which a duplicate permit sticker has been issued is void."

SECTION 15.

Said chapter is further amended by revising Coded Section 48-17-11, relating to permit fees for additional machines, as follows:

1 "48-17-11.

2 If an owner purchases or receives additional coin operated machines during the calendar
3 year, the \$25.00 applicable annual permit fee shall be paid to the commissioner and the
4 sticker shall be affixed to the machine ~~or placed at the location where the machine is~~
5 ~~located~~ before the machine may be legally operated. A penalty fee of \$50.00 equal to twice
6 the applicable annual permit fee shall be assessed by the commissioner for every machine
7 in operation without a permit sticker."

8 **SECTION 16.**

9 Said chapter is further amended by revising subsections (a) and (g) of Code Section
10 48-17-13, relating to criminal violations, as follows:

11 "(a) If any owner or operator of any bona fide coin operated amusement machine in this
12 state shall violate any provision of this chapter or any rule and regulation promulgated
13 under this chapter, the commissioner may investigate the violation and may seek sanctions,
14 including late fees of \$50.00 equal to twice the applicable annual permit fee for failure to
15 pay timely permit sticker fees, \$125.00 \$500.00 for failure to pay timely the master license
16 fee, suspension or revocation of a license, seizure of equipment, interest penalty, and
17 debarment for repeat offenders."

18 "(g) The commissioner or an authorized representative of the commissioner may seal in
19 a manner that will prevent its full operation any such bona fide coin operated amusement
20 machine that is in commercial use available to the public for play whose master license or
21 sticker under this chapter has been suspended or revoked, upon which the fee has not been
22 paid, or that is not registered with the commissioner under this chapter. Whoever shall
23 break the seal affixed by the commissioner or an authorized representative of the
24 commissioner without the commissioner's approval or whoever shall provide in
25 commercial use available to the public for play any such bona fide coin operated
26 amusement machine after said seal has been broken without the commissioner's approval
27 or whoever shall remove any bona fide coin operated amusement machine from a location
28 after the same has been sealed by the commissioner shall be guilty of a misdemeanor. The
29 commissioner shall charge a reasonable fee of \$75.00 for the release of any bona fide coin
30 operated amusement machine which is sealed. The fee shall be paid to the commissioner."

31 **SECTION 17.**

32 Said chapter is further amended by revising Code Section 48-17-14, relating to validity of
33 prior existing obligations to state, as follows:

1 "48-17-14.

2 (a) All taxes, fees, penalties, and interest accruing to the State of Georgia under any other
3 provision of this title as it existed prior to ~~January 1, 1993, the effective date of the~~
4 ~~amendment of this Code section~~ shall be and remain valid and binding obligations to the
5 State of Georgia for all taxes, penalties, and interest accruing under the provisions of prior
6 or preexisting laws and all such taxes, penalties, and interest now or hereafter becoming
7 delinquent to the State of Georgia prior to ~~January 1, 1993, the effective date of the~~
8 ~~amendment of this Code section~~ are expressly preserved and declared to be legal and valid
9 obligations to the state.

10 (b) The enactment and amendment of this chapter shall not affect offenses committed or
11 prosecutions begun under any preexisting law, but any such offenses or prosecutions may
12 be conducted under the law as it existed at the time of the commission of the offense.

13 (c) Nothing in this chapter shall be construed or have the effect to license, permit,
14 authorize, or legalize any machine, device, table, or bona fide coin operated amusement
15 machine the keeping, exhibition, operation, display, or maintenance of which is in violation
16 of the laws or Constitution of this state."

17 SECTION 18.

18 Said chapter is further amended by revising Code Section 48-17-15, relating to limitation on
19 percent of annual income derived from machines, as follows:

20 "48-17-15.

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

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

24 (2) 'Gross retail receipts' means the total revenue derived by a business at any one
25 business location from the sale of goods and services and the commission earned at any
26 one business location on the sale of goods and services but does not include revenue from
27 the sale of goods or services for which the business will receive only a commission.

28 Revenue from the sale of goods and services at wholesale is not included.

29 (a)(b) No business owner or business operator shall derive more than 50 percent of such
30 business owner's or business operator's annual income from monthly gross retail receipts
31 for the business location in which the Class B bona fide coin operated amusement machine
32 or machines are situated from such Class B bona fide coin operated amusement machines
33 that provide for noncash redemption as described in subsection (c) or (d) of Code Section
34 46-12-35.

35 (c) For each business location which offers to the public one or more Class B bona fide
36 coin operated amusement machines, the business owner or business operator shall prepare

a monthly verified report setting out separately the gross retail receipts from the Class B bona fide coin operated amusement machines and the gross retail receipts for 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) 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 holder of a license or permit, refuse to issue or renew a location permit or master license, or may revoke or suspend a location permit or master license for single or repeated violations of subsection (a) (b) of this Code section."

SECTION 19.

12 Said chapter is further amended by adding new Code sections to read as follows:

13 "48-17-16.

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

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

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

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

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

1 48-17-17.

2 (a) Provided that the business owner or business operator and the owner or operator of a
3 bona fide coin operated amusement machine, as defined in Code Section 48-17-1, have
4 complied with the provisions of Code Section 16-12-35 and of this chapter, the governing
5 authority of the county or municipal corporation where such bona fide coin operated
6 amusement machine is located is not authorized to:

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

9 (2) Establish the number of bona fide coin operated amusement machines in any lawful
10 business except as otherwise provided in paragraph (1) of subsection (b) of this Code
11 section.

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

15 (1) Permitting the offering to the public of more than nine bona fide coin operated
16 amusement machines that reward the player exclusively with noncash merchandise,
17 prizes, toys, gift certificates, or novelties at the same business location;

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

22 (3) Requiring the owner or possessor of any bona fide coin operated amusement machine
23 which rewards the player exclusively as described in subsection (d) of Code Section
24 16-12-35 to inform each business owner or business operator of the business location
25 where such machine is located of the prohibitions and penalties set out in subsections (e)
26 and (f) of Code Section 16-12-35;

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

32 (5) Providing for the suspension or revocation of a license granted by such local
33 governing authority to manufacture, distribute, or sell alcoholic beverages or for the
34 suspension or revocation of any other license granted by such local governing authority
35 as a penalty for conviction of the business owner or business operator of a violation of
36 subsection (e) of Code Section 16-12-35, or both. An ordinance providing for the
37 suspension or revocation of a license shall conform to the due process guidelines for

granting, refusal, suspension, or revocation of a license for the manufacture, distribution, or sale of alcoholic beverages set out in subsection (b) of Code Section 3-3-2;

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

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

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

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

(10) Imposing age restrictions on players of Class B bona fide coin operated amusement machines."

SECTION 20.

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of public records is not required, is amended by revising subsection (a) by striking "or" at the end of paragraph (19), striking the period at the end of paragraph (20) and inserting in lieu thereof "; or", and adding a new paragraph to read as follows:

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

SECTION 21.

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

1

SECTION 22.

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

4

SECTION 23.

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