

The House Committee on Ways and Means offers the following substitute to HB 293:

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 provisions relating
 6 to seizure and destruction of gambling devices and property used in or derived from
 7 gambling; to revise definitions and requirements relating to bona fide coin operated
 8 amusement machines; to delete a provision relating to amusement machines that provide only
 9 free replays as reward for successful play; to change provisions defining unlawful acts
 10 relating to such machines and penalties therefor; to clarify and revise provisions relating to
 11 redemption of evidence of winnings; to provide for penalties; to limit the number of such
 12 machines to nine in a business location and to provide for exceptions and penalties; to
 13 exempt certain games at certain amusement or recreational establishments from other
 14 statutes; to amend Chapter 17 of Title 48 of the Official Code of Georgia Annotated, relating
 15 to coin operated amusement machines, so as to revise definitions; to provide that video or
 16 mechanical games, machines, or devices for the play of card games or variations of such
 17 games are not bona fide coin operated amusement machines; to provide for the powers and
 18 duties of the state revenue commissioner; to provide for classes of machines, location
 19 licenses, fees, procedures for collection and refunds, display of certificates, contents of
 20 certificates and stickers, duplicate permits, and late fees; to provide for the terms and
 21 conditions of location licenses and annual fees for additional machines; to provide that
 22 applications for licenses and permits are open to public inspection; to provide for issuance,
 23 renewal, denial, suspension, and revocation of such licenses and permits; to provide for
 24 hearings and delivery of certain orders of the commissioner; to provide for the continued
 25 validity of prior existing obligations to the state; to provide that this Act shall not affect
 26 offenses committed or prosecutions begun under preexisting law; to change provisions
 27 relating to the maximum percentage of income derived from bona fide coin operated
 28 amusement machines; to provide for penalties for violations by business owners or operators;
 29 to provide for regulation of bona fide coin operated amusement machines by counties and

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30 municipal corporations in certain circumstances; to amend Code Section 50-13-2 of the
 31 Official Code of Georgia Annotated, relating to definitions relative to administrative
 32 procedure, so as to revise a definition; to amend Code Section 50-18-72 of the Official Code
 33 of Georgia Annotated, relating to when public disclosure of public records is not required,
 34 so as to provide an exemption from public inspection for records of names and addresses of
 35 persons or entities holding location licenses; to provide that such records may be inspected
 36 by representatives of law enforcement agencies and local governments; to provide that this
 37 Act shall not be construed to prohibit the offering of certain lottery games; to provide for
 38 related matters; to provide an effective date; to repeal conflicting laws; and for other
 39 purposes.

40 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

41 **SECTION 1.**

42 Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
 43 relating to gambling, in Code Section 16-12-20, relating to definitions, by adding a new
 44 paragraph to read as follows:

45 "(5) 'Slot machine or any simulation or variation thereof' means any contrivance which,
 46 for a consideration, affords the player an opportunity to obtain money or other thing of
 47 value, the award of which is determined solely by chance, whether or not a prize is
 48 automatically paid by the contrivance."

49 **SECTION 2.**

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

53 "(c) As provided by Code Section 16-12-35, this Code section shall not apply to the
 54 manufacturing, processing, selling, possessing, or transporting of:

55 (1) Any printed materials, equipment, devices, or other materials used or designated for
 56 use in a legally authorized lottery;

57 (2) Any gaming equipment, devices, or other materials used or designated for use only
 58 in jurisdictions in which the use of such items is legal; and

59 (3) Any bona fide coin operated amusement machine, as defined in Code
 60 Section 48-17-1."

61 **SECTION 3.**

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

64 "16-12-30.

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

71 (b) At such time as there shall be a final judgment entered in ~~any case or cases in which~~
72 a civil forfeiture case in favor of the state regarding a seized gambling device ~~is necessary~~
73 ~~evidence or at such time as~~ and the state shall determine determines that the continued
74 physical existence of the seized gambling device is no longer necessary for any criminal
75 prosecution, the same such device shall be turned over by that person having custody of the
76 device to the sheriff of the county wherein the device was confiscated. The sheriff shall,
77 within ten days after receiving the device, destroy or cause to be destroyed the same ~~in the~~
78 ~~presence of the district attorney of the circuit in which such county is located~~ and shall
79 forward to the state revenue commissioner a certificate so stating which shall include the
80 serial number of the device so destroyed."

81 **SECTION 4.**

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

84 "16-12-35.

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

86 (1) 'Single play' or 'one play' means the completion of a sequence of a game, or replay
87 of a game, where the player receives a score and from the score the player can secure free
88 replays, merchandise, points, tokens, vouchers, tickets, or other evidence of winnings as
89 set forth in subsection (c) or (d) of this Code section. A player may, but is not required
90 to, exchange a score for rewards permitted by subparagraphs (A), (B), (C), and (D) of
91 paragraph (d)(1) of this Code section after each play.

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

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

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

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

- 97 ~~(4)(D)~~ A coordinated set of actions, including, but not limited to, eye-hand
 98 coordination;
- 99 ~~(5)(E)~~ Dexterity, fluency, or coordination in the execution of learned physical or
 100 mental tasks or both;
- 101 ~~(6)(F)~~ Technical proficiency or expertise;
- 102 ~~(7)(G)~~ Development or implementation of strategy or tactics in order to achieve a goal;
 103 or
- 104 ~~(8)(H)~~ Knowledge of the means or methods of accomplishing a task.

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

115 ~~(3)~~ 'Successful player' means an individual who wins on one or more plays of a bona fide
 116 coin operated amusement machine.

117 ~~(b) Nothing in this part shall apply to a coin operated game or device designed and~~
 118 ~~manufactured for bona fide amusement purposes only which may by application of some~~
 119 ~~skill entitle the player to earn replays of the game or device at no additional cost and to~~
 120 ~~discharge the accumulated free replays only by reactivating the game or device for each~~
 121 ~~accumulated free replay or by reactivating the game or device for a portion or all of the~~
 122 ~~accumulated free plays in a single play. This subsection shall not apply, however, to any~~
 123 ~~game or device classified by the United States government as requiring a federal gaming~~
 124 ~~tax stamp under applicable provisions of the Internal Revenue Code or any item described~~
 125 ~~as a gambling device in subparagraph (B), (C), or (D) of paragraph (2) of Code Section~~
 126 ~~16-12-20~~ A bona fide coin operated amusement machine, as defined in Code
 127 Section 48-17-1, is not a gambling device unless such device is used for gambling
 128 activities.

129 ~~(c)(1) Nothing~~ This subsection applies only to crane machines or devices. Except for
 130 this Code section, nothing in this part shall apply to a crane game machine or device
 131 meeting the requirements of paragraph (2) of this subsection.

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

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

136 (B) The machine or device must reward a winning player exclusively with free replays
137 or merchandise contained within the machine itself and such merchandise must be
138 limited to noncash merchandise, prizes, toys, gift certificates, or novelties, each of
139 which has a wholesale value not exceeding \$5.00 and is not exchangeable or
140 redeemable in any manner in this state or in any other state, jurisdiction, or foreign
141 country for money, cash, or any equivalent thereof. Tobacco products, firearms, and
142 items the sale of which is regulated by Title 3 shall not be awarded as rewards to a
143 successful player of the machine. A player may be rewarded with both free replays and
144 noncash merchandise, prizes, toys, or novelties for a single play of the game or device
145 as provided in this Code section;

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

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

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

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

158 (d)(1) ~~Nothing~~ This subsection does not apply to crane game machines or devices.
159 Except for this Code section, nothing in this part shall apply to a coin operated game or
160 device designed and manufactured only for bona fide amusement purposes which
161 involves some skill in its operation if it rewards ~~the player~~ a successful player of such a
162 machine exclusively with:

163 (A) Free replays;

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

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

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

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

180 (2) A successful player of bona fide coin operated amusement games or devices
 181 described in paragraph (1) of this subsection may accumulate winnings ~~for the successful~~
 182 ~~play of such bona fide coin operated amusement games or devices~~ through tokens,
 183 vouchers, points, or tickets. Points may be accrued on the machine or device. A player
 184 may carry over such points on one play to subsequent plays. A player may redeem
 185 accumulated points, tokens, vouchers, or tickets for noncash merchandise, prizes, toys,
 186 gift certificates, or novelties so long as the amount of points, tokens, vouchers, or tickets
 187 received does not exceed \$5.00 for a each and every single successful play of the
 188 machine.

189 (e) It shall be unlawful for:

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

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

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

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

205 (5) Any person to receive money from a person owning or possessing a bona fide coin
 206 operated amusement machine or any person employed by or acting on behalf of any such

207 person for any of the items identified in subparagraph (d)(1)(A) or (d)(1)(B) of this Code
 208 section received as a reward in playing any such bona fide coin operated amusement
 209 machine;

210 (6) Any person to receive any money for any of the items identified in subparagraphs
 211 (d)(1)(A) or (d)(1)(B) of this Code section received as a reward in playing any bona fide
 212 coin operated amusement machine or for the return of any merchandise purchased with
 213 any such items; or

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

218 (f) Reserved.

219 (g) Reserved.

220 (h) Any gift certificates, tokens, vouchers, tickets, or other evidence of winnings awarded
 221 under subsection (c) or (d) of this Code section must be redeemable only at the premises
 222 on which the game or device is located. It shall be unlawful for any person to provide to
 223 any other person as a reward for play on any such game or device any gift certificate,
 224 token, voucher, ticket, or other evidence of winning which is redeemable or exchangeable
 225 for any thing of value at any other premises. It shall be unlawful for any person at any
 226 premises other than those on which the game or device is located to give any thing of value
 227 to any other person for any gift certificate, token, voucher, ticket, or other evidence of
 228 winning received by such other person from play on such game or device. Any person who
 229 violates this subsection shall be guilty of a misdemeanor of a high and aggravated nature.

230 ~~(i)(1) The merchandise, prizes, toys, gift certificates, novelties, or rewards which may~~
 231 ~~be awarded under subsection (c) or (d) of this Code section may not include or be~~
 232 ~~redeemable or exchangeable for any firearms, alcohol, or tobacco or any lottery ticket or~~
 233 ~~other item enabling participation in any lottery. Any person who violates this subsection~~
 234 ~~shall be guilty of a misdemeanor of a high and aggravated nature~~ Except as authorized
 235 by a local ordinance, no business owner or business operator shall offer more than nine
 236 bona fide coin operated amusement machines to the public for play in the same business
 237 location; provided, however, that this limitation and the limitations contained in
 238 paragraph (2) of subsection (a) and paragraph (1) of subsection (b) of Code
 239 Section 48-17-17 shall not apply to an amusement or recreational establishment as
 240 defined in Code Section 16-12-35.1.

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

242 (j) Any other laws to the contrary notwithstanding, this part, except this Code section, shall
 243 not be applicable to the manufacturing, processing, selling, possessing, or transporting of

244 any printed materials, equipment, devices, or other materials used or designated for use in
 245 a legally authorized lottery nor shall it be applicable to the manufacturing, processing,
 246 selling, possessing, or transporting of any gaming equipment, devices, or other materials
 247 used or designated for use only in jurisdictions in which the use of such items is legal. This
 248 part shall in no way prohibit communications between persons in this state and persons
 249 involved with such legal lotteries or gaming devices relative to such printed materials,
 250 equipment, devices, or other materials or prohibit demonstrations of same within this state.
 251 (k) Any person who violates this Code section shall be guilty of a misdemeanor of a high
 252 and aggravated nature. Any person who violates this Code section shall upon the second
 253 or subsequent conviction be guilty of a felony and shall be punished by imprisonment for
 254 not less than one and not more than five years, by a fine not to exceed \$50,000.00, or both."

255 **SECTION 5.**

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

257 "16-12-35.1.

258 (a) As used in this Code section, the term 'amusement or recreational establishment' means
 259 an open-air establishment frequented by the public for amusement or recreation. Such an
 260 establishment shall be in a licensed fixed location.

261 (b) Except for this Code section, nothing in this part shall apply to any game that:

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

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

264 (3) Involves the use of eye-hand coordination or physical strength or both eye-hand
 265 coordination and physical strength on the part of a successful player; and

266 (4) Rewards a successful player exclusively with:

267 (A) The items set forth in subparagraph (d)(1)(B) of Code Section 16-12-35;

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

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

271 **SECTION 6.**

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

275 "48-17-1.

276 As used in this chapter, the term:

277 (1) 'Applicant' or 'licensee' means owner as defined in this Code section including an
 278 owner's 'Applicant,' 'licensee,' or 'holder of a license' includes an entity's officers,

279 directors, shareholders, individuals, members of any association or other entity not
 280 specified, and, when applicable in context, the business entity itself.

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

282 (A)(i) Every machine of any kind or character used by the public to provide
 283 amusement or entertainment whose operation requires the payment of or the insertion
 284 of a coin, bill, other money, token, ticket, or similar object ~~and the result of whose~~
 285 ~~operation~~ if a successful result in operating such machine depends in whole or in part
 286 upon the ~~skill of~~ exercise of some skill, as defined in Code Section 16-12-35, by the
 287 player, whether or not it the machine affords an award to a successful player ~~pursuant~~
 288 ~~to subsections (b) through (g) of Code Section 16-12-35~~, and which can be legally
 289 shipped interstate according to federal law. Examples of bona fide coin operated
 290 amusement machines include, but are expressly not limited to, the following:

- 291 (i)(I) Pinball machines;
- 292 (ii)(II) Console machines;
- 293 (iii)(III) Video ~~games~~ game machines;
- 294 (iv)(IV) Crane machines;
- 295 (v)(V) Claw machines;
- 296 (vi)(VI) Pusher machines;
- 297 (vii)(VII) Bowling machines;
- 298 (viii)(VIII) Novelty arcade ~~games~~ game machines;
- 299 (ix)(IX) Foosball or table soccer machines;
- 300 (x)(X) Miniature racetrack, football, or golf machines;
- 301 (xi)(XI) Target or shooting gallery machines;
- 302 (xii)(XII) Basketball machines;
- 303 (xiii)(XIII) Shuffleboard ~~games~~ game machines;
- 304 (xiv)(XIV) Kiddie ride ~~games~~ game machines;
- 305 (xv)(XV) Skee-ball machines;
- 306 (xvi)(XVI) Air hockey machines;
- 307 (xvii)(XVII) Roll down machines;
- 308 (xviii)(XVIII) Trivia machines;
- 309 (xix)(XIX) Laser ~~games~~ game machines;
- 310 (xx)(XX) Simulator ~~games~~ game machines;
- 311 (xxi)(XXI) Virtual reality machines;
- 312 (xxii)(XXII) Maze ~~games~~ game machines;
- 313 (xxiii)(XXIII) Racing ~~games~~ game machines;

314 (XXIV) Matchup game machines or lineup game machines that offer no reward to
 315 a successful player unless the player, after the game begins, takes a specific action
 316 that actually affects the outcome of the game;

317 ~~(xxiv)~~(XXV) Coin operated pool tables or coin operated billiard tables as defined
 318 in paragraph (3) of Code Section 43-8-1; and

319 ~~(xxv)~~(XXVI) Any other similar amusement machine which can be legally operated
 320 in Georgia; and

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

325 (B) The term 'bona fide coin operated amusement machine' does not include, but is
 326 expressly not limited to, the following:

327 (i) Any gambling device as defined under subparagraph (B), (C), or (D) of paragraph
 328 (2) of Code Section 16-12-20;

329 ~~(i)~~(ii) Coin operated washing machines or dryers;

330 ~~(ii)~~(iii) Vending machines which for payment of money dispense products or
 331 services;

332 ~~(iii)~~(iv) Gas and electric meters;

333 ~~(iv)~~(v) Pay telephones;

334 ~~(v)~~(vi) Pay toilets;

335 ~~(vi)~~(vii) Cigarette vending machines;

336 ~~(vii)~~(viii) Coin operated scales;

337 ~~(viii)~~(ix) Coin operated gumball machines;

338 ~~(ix)~~(x) Coin operated parking meters;

339 ~~(x)~~(xi) Coin operated television sets which provide cable or network programming;

340 ~~(xi)~~(xii) Coin operated massage beds; ~~and~~

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

342 ~~(xii)~~(xiv) Machines which are not legally permitted to be operated in Georgia; and

343 (xv) Any video game machine or device for the play of poker, blackjack, any other
 344 card game, or any variation of the foregoing video game machines or devices.

345 (2.1) 'Business owner or business operator' means an owner or operator of a business
 346 where one or more bona fide coin operated amusement machines are available for
 347 commercial use and play by the public.

348 (2.2) 'Class A machine' means a bona fide coin operated amusement machine that is not
 349 a Class B machine and:

350 (A) Provides no reward to a successful player; or

351 (B) Rewards a successful player with free replays or additional time to play.
 352 (2.3) 'Class B machine' means a bona fide coin operated amusement machine that
 353 rewards a successful player with any combination of items listed in subparagraphs (B)
 354 and (C) of paragraph (1) of subsection (d) of Code Section 16-12-35.
 355 (3) 'Commissioner' means the state revenue commissioner.
 356 (3.1) 'Location license' means the initial and annually renewed license which every
 357 business owner or business operator must purchase and display in the location where one
 358 or more bona fide coin operated amusement machines are available for commercial use
 359 by the public for play in order to operate legally any such machine in this state.
 360 (3.2) 'Location license fee' means the fee paid to obtain the location license.
 361 (4) 'Master license' means the certificate which every owner of a bona fide coin operated
 362 amusement machine must purchase and display in the ~~owner's or operator's~~ place of
 363 business where the machine is located for commercial use by the public for play in order
 364 to legally operate the machine in the state.
 365 (4.1) 'Net receipts' means the entire amount of moneys received from the public for play
 366 of an amusement machine, minus the amount of expenses for noncash redemption of
 367 winnings from the amusement machine, and minus the amount of moneys refunded to the
 368 public for malfunction of the amusement machine.
 369 (5) 'Operator' means any person, individual, firm, company, association, corporation, or
 370 other business entity who exhibits, displays, or permits to be exhibited or displayed, ~~in~~
 371 ~~a place of business other than his own~~, any bona fide coin operated amusement machine
 372 in this state.
 373 (6) 'Owner' means any person, individual, firm, company, association, corporation, or
 374 other business entity owning any bona fide coin operated amusement machine in this
 375 state.
 376 (7) 'Permit fee' means the annual per machine charge which every owner of a bona fide
 377 coin operated amusement machine in commercial use must ~~purchase and display in either~~
 378 ~~the owner's or operator's place of business~~ pay in order to legally operate the machine in
 379 the state.
 380 (8) 'Sticker' means the decal issued for every bona fide coin operated amusement
 381 machine to show proof of payment of the permit fee.
 382 (9) 'Temporary location permit' means the permit which every business owner or
 383 business operator must purchase and display in the location where one or more bona fide
 384 coin operated amusement machines are available for commercial use by the public for
 385 play in order to operate legally the machine or machines in this state for seven days or
 386 less. Such temporary location permits shall be subject to the same regulations and
 387 conditions as location licenses."

388 **SECTION 7.**

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

390 "48-17-1.1.

391 The commissioner is authorized and empowered, subject to the provisions of this chapter,
 392 to act in the name of and on behalf of this state to institute any action or judicial proceeding
 393 to collect any license fees, location license fees, or other fees or taxes on bona fide coin
 394 operated amusement machines that are due to the state and to take other actions authorized
 395 by this chapter with regard to licensees, applicants, and owners or possessors of bona fide
 396 coin operated amusement machines."

397 **SECTION 8.**398 Said chapter is further amended by revising Code Section 48-17-2, relating to license fees,
399 as follows:400 "48-17-2.

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

405 (1) ~~Level one license.~~ For Class A machines:406 (A) For five or fewer machines, the owner shall pay a master license fee of ~~\$250.00~~
407 \$500.00.408 ~~(B)~~ In the event such owner acquires a sixth or greater number of machines during
409 a calendar year which require a certificate for lawful operation under this chapter so
410 that the total number of machines owned does not exceed 60 machines or more, such
411 owner shall pay an additional master license fee of ~~\$1,250.00~~ \$1,500.00;412 ~~(2) Level two license. (A) For six or more machines but not more than 60 machines,~~
413 ~~the owner shall pay a master license fee of \$1,500.00.~~414 (B) For six or more machines but not more than 60 machines, the owner shall pay a
415 master license fee of \$2,000.00. In the event such owner acquires a sixty-first or
416 greater number of machines during a calendar year which require a certificate for lawful
417 operation under this chapter, such owner shall pay an additional master license fee of
418 ~~\$1,000.00~~ \$1,500.00; or419 ~~(C)(3) Level three license.~~ For 61 or more machines, the owner shall pay a master
420 license fee of ~~\$2,500.00~~ \$3,500.00; and421 (2) For any number of Class B machines, the owner shall pay a master license fee of
422 \$5,000.00.

423 The cost of the license shall be paid to the commissioner by company check, cash, cashier's
 424 check, or money order. Upon said payment, the commissioner shall issue a master license
 425 certificate to the owner. The master license fee levied by this ~~chapter~~ Code section shall
 426 be collected by the commissioner on an annual basis; ~~provided that an owner may purchase~~
 427 ~~a six-month master license during the calendar year for \$175.00 for a level one license,~~
 428 ~~\$1,050.00 for a level two license, or \$1,750.00 for a level three license for the period from~~
 429 July 1 to June 30. The commissioner may establish procedures for master license
 430 collection and set due dates for these license payments. No refund or credit of the master
 431 license charge levied by this ~~chapter~~ Code section may be allowed to any owner who
 432 ceases the operation of bona fide coin operated amusement machines prior to the end of
 433 any calendar year license period.

434 (a.1) Every business owner or business operator, as defined in Code Section 48-17-1, shall
 435 pay an annual location license fee for each bona fide coin operated amusement machine
 436 offered to the public for play. The annual location license fee shall be \$25.00 for each
 437 Class A machine and \$125.00 for each Class B machine. The annual location license fee
 438 levied by this Code section shall be collected by the commissioner on an annual basis from
 439 July 1 to June 30. The location license fee shall be paid to the commissioner by company
 440 check, cash, cashier's check, or money order. Upon payment, the commissioner shall issue
 441 a location license certificate that shall state the number of bona fide coin operated
 442 amusement machines permitted for each class without further description or identification
 443 of specific machines. The commissioner may establish procedures for location license fee
 444 collection and set due dates for payment of such fees. No refund or credit of the location
 445 license fee shall be allowed to any business owner or business operator who ceases to offer
 446 bona fide coin operated amusement machines to the public for commercial use prior the
 447 end of any license period.

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

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

457 (d) The commissioner may provide a duplicate original master license certificate or
 458 location license certificate if the original ~~master license~~ certificate has been lost, stolen, or
 459 destroyed. The fee for a duplicate original ~~master license~~ certificate is \$100.00. If the

460 original ~~master license~~ certificate is lost, stolen, or destroyed, a sworn, written statement
 461 must be submitted explaining the circumstances by which the ~~master license~~ certificate was
 462 lost, stolen, or destroyed and including the number of the lost, stolen, or destroyed ~~master~~
 463 ~~license~~ certificate, if applicable, before a duplicate original ~~master license~~ certificate can
 464 be issued. A ~~master license~~ certificate for which a duplicate ~~master license~~ certificate has
 465 been issued is void.

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

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

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

- 477 (1) Is effective for a single business entity;
 478 (2) Vests no property or right in the ~~licensee~~ holder of the license or permit except to
 479 conduct the licensed or permitted business during the period the license or permit is in
 480 effect;
 481 (3) Is nontransferable, nonassignable by and between owners or business owners and
 482 business operators, and not subject to execution; and
 483 (4) Expires upon the death of an individual ~~licensee~~ holder of a license or permit or upon
 484 the dissolution of any other ~~licensee~~ holder of a license or permit.

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

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

494 (h) An application for a ~~master license~~ or permit to do business under this chapter shall
 495 contain a complete statement regarding the ownership of the business to be licensed or the
 496 business where the permitted machines are to be located. This statement of ownership shall

497 specify the same information that is required ~~of~~ by the application to secure a sales tax
498 number for the State of Georgia.

499 (i) ~~The~~ An application for a master license shall be accompanied by either the annual or
500 semiannual fee plus the required permit fee due for each machine. Additional per machine
501 permits can be purchased during the year if needed by the owner. An application for a
502 location license shall be accompanied by the appropriate fee.

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

506 (k) A renewal application filed on or after January 1, but before the ~~master~~ license expires,
507 shall be accompanied by a late fee of \$125.00. ~~If an owner's master license has been~~
508 ~~expired for more than 90 days, the owner may not renew the master license.~~ A master
509 license or location license that has been expired for more than 90 days may not be renewed.

510 In such a case, the owner shall obtain a new master license or the business owner or
511 business operator shall obtain a new location license, as applicable, by complying with the
512 requirements and procedures for obtaining an original master license or location license.

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

518 SECTION 9.

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

521 "48-17-3.

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

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

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

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

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

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

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

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

539 **SECTION 10.**

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

542 "48-17-4.

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

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

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

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

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

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

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

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

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

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

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

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

582 **SECTION 11.**

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

585 "48-17-5.

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

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

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

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

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

593 (A) Issuance of a citation;

594 (B) Imposition of a late fee, penalty fee, or interest penalty under subsection (k) of
595 Code Section 48-17-2, Code Section 48-17-11, or subsection (a) of Code Section
596 48-17-13; or

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

599 (b) The written notice provided by this Code section may be served personally by the
600 commissioner or an authorized representative or sent by United States certified mail or
601 statutory overnight delivery addressed to the applicant, ~~licensee, or registration certificate~~
602 holder or holder of a license at its last known address. In the event that notice cannot be

603 effected by either of these methods after due diligence, the commissioner may prescribe
 604 any reasonable method of notice calculated to inform a person of average intelligence and
 605 prudence of the commissioner's action, including publishing the notice in a newspaper of
 606 general circulation in the area in which the applicant, ~~licensee, or registration certificate~~
 607 ~~holder~~ or holder of a license conducts its business activities. The written notice shall state
 608 with particularity the basis upon which the commissioner is taking the proposed actions."

609 **SECTION 12.**

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

612 "48-17-6.

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

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

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

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

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

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

625 (5) Posting notice upon the outside door of the business premises of the applicant or
 626 ~~licensee~~ holder of a license.

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

629 **SECTION 13.**

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

632 "48-17-9.

633 (a) Every owner, except an owner holding a coin operated machine solely for personal use
 634 or resale, who offers others the opportunity to play for a charge, whether direct or indirect,
 635 any bona fide coin operated amusement machine shall pay a ~~uniform~~ an annual permit fee
 636 ~~of \$25.00 per~~ for each bona fide coin operated amusement machine in the amount of
 637 \$25.00 for each Class A machine and \$125.00 for each Class B machine. The fee shall be

638 paid to the commissioner by company check, cash, cashier's check, or money order. Upon
 639 payment, the commissioner shall issue a sticker for each ~~\$25.00 payment for each~~ coin
 640 operated machine. The annual fees levied by this chapter ~~will~~ shall be collected by the
 641 commissioner on an annual basis for the period from July 1 to June 30. The commissioner
 642 may establish procedures for annual collection and set due dates for the fee payments. No
 643 refund or credit of the annual fee levied by this chapter shall be allowed to any owner who
 644 ceases the exhibition or display of any coin operated machine prior to the end of any
 645 calendar year.

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

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

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

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

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

671 **SECTION 14.**

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

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674 "48-17-11.

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

681 **SECTION 15.**

682 Said chapter is further amended by revising subsections (a) and (g) of Code Section
 683 48-17-13, relating to criminal violations, and adding a new subsection to read as follows:

684 "(a) If any owner or operator of any bona fide coin operated amusement machine in this
 685 state shall violate any provision of this chapter or any rule and regulation promulgated
 686 under this chapter, the commissioner may investigate the violation and may seek sanctions,
 687 including late fees of ~~\$50.00~~ equal to twice the applicable annual permit fee for failure to
 688 pay timely permit sticker fees, ~~\$125.00~~ \$500.00 for failure to pay timely the master license
 689 fee, suspension or revocation of a license, seizure of equipment, interest penalty, and
 690 debarment for repeat offenders. Failure of the operator to affix a valid permit sticker may
 691 result in the seizure of the machine by law enforcement."

692 "(g) The commissioner or an authorized representative of the commissioner may seal in
 693 a manner that will prevent its full operation any such bona fide coin operated amusement
 694 machine that is in commercial use available to the public for play whose master license or
 695 sticker under this chapter has been suspended or revoked, upon which the fee has not been
 696 paid, or that is not registered with the commissioner under this chapter. Whoever shall
 697 break the seal affixed by the commissioner or an authorized representative of the
 698 commissioner without the commissioner's approval or whoever shall provide in
 699 commercial use available to the public for play any such bona fide coin operated
 700 amusement machine after said seal has been broken without the commissioner's approval
 701 or whoever shall remove any bona fide coin operated amusement machine from a location
 702 after the same has been sealed by the commissioner shall be guilty of a misdemeanor. The
 703 commissioner shall charge a fee of ~~\$75.00~~ not to exceed \$100.00 for the release of any
 704 bona fide coin operated amusement machine which is sealed. The fee shall be paid to the
 705 commissioner.

706 (h) Upon a conviction of illegal gambling by the holder of a location license or temporary
 707 location permit, the commissioner may revoke or suspend any master license, location
 708 license, or temporary location permit."

709 **SECTION 16.**

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

712 "48-17-14.

713 (a) All taxes, fees, penalties, and interest accruing to the State of Georgia under any other
 714 provision of this title as it existed prior to ~~January 1, 1993~~, the effective date of the
 715 amendment of this Code section shall be and remain valid and binding obligations to the
 716 State of Georgia for all taxes, penalties, and interest accruing under the provisions of prior
 717 or preexisting laws and all such taxes, penalties, and interest now or hereafter becoming
 718 delinquent to the State of Georgia prior to ~~January 1, 1993~~, the effective date of the
 719 amendment of this Code section are expressly preserved and declared to be legal and valid
 720 obligations to the state.

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

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

728 **SECTION 17.**

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

731 "48-17-15.

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

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

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

740 ~~(a)~~(b) No business owner or business operator shall derive more than 50 percent of such
 741 business owner's or business operator's ~~annual income from~~ monthly gross retail receipts
 742 for the business location in which the Class B bona fide coin operated amusement machine
 743 or machines are situated from such Class B bona fide coin operated amusement machines

744 ~~that provide for noncash redemption as described in subsection (c) or (d) of Code Section~~
745 ~~16-12-35.~~

746 (c) For each business location which offers to the public one or more Class B bona fide
747 coin operated amusement machines, the business owner or business operator shall prepare
748 a monthly verified report setting out separately the gross retail receipts from the Class B
749 bona fide coin operated amusement machines and the gross retail receipts for the business
750 location. Upon request, the business owner or business operator shall supply such monthly
751 reports to the commissioner. The department is authorized to audit any records for any
752 such business location.

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

758 (e) The operator of each such location shall report the information prescribed in this Code
759 section in the form required by the commissioner. Such report shall be submitted in an
760 electronic format approved by the commissioner."

761 **SECTION 18.**

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

763 "48-17-16.

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

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

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

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

779 (c) In the case of a suspension or revocation in accordance with this Code section, the
 780 commissioner shall require the business owner or business operator to post a notice in the
 781 business location setting out the period of the suspension or revocation. No applicant or
 782 holder of a license or permit shall allow a bona fide coin operated amusement machine
 783 under the control of such applicant or holder of a license or permit to be placed in a
 784 business location owned or operated by a business owner or business operator who has
 785 been penalized by a suspension or revocation during the period of the suspension or
 786 revocation.

787 48-17-17.

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

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

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

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

801 (1) Permitting the offering to the public of more than nine bona fide coin operated
 802 amusement machines that reward the player exclusively with the items set forth in
 803 subparagraph (d)(1)(B) of Code Section 16-12-35 at the same business location;

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

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

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

815 enacted pursuant to this subsection; provided, however, that a municipal corporation is
 816 not authorized to impose any penalty greater than the maximum penalty authorized by
 817 such municipal corporation's charter;

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

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

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

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

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

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

844 **SECTION 19.**

845 Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions
 846 relative to administrative procedure, is amended by revising paragraph (1) as follows:

847 "(1) 'Agency' means each state board, bureau, commission, department, activity, or
 848 officer authorized by law expressly to make rules and regulations or to determine
 849 contested cases, except the General Assembly; the judiciary; the Governor; the State
 850 Board of Pardons and Paroles; the State Financing and Investment Commission; the State

851 Properties Commission; the Board of Bar Examiners; the Board of Corrections and its
 852 penal institutions; the State Board of Workers' Compensation; all public authorities
 853 except as otherwise expressly provided by law; the State Personnel Board (Merit
 854 System); the Department of Administrative Services or commissioner of administrative
 855 services; the Technical College System of Georgia; the Department of Revenue when
 856 conducting hearings relating to alcoholic beverages or relating to bona fide coin operated
 857 amusement machines or any violations relating thereto; the Georgia Tobacco Community
 858 Development Board; the Georgia Higher Education Savings Plan; any school, college,
 859 hospital, or other such educational, eleemosynary, or charitable institution; or any agency
 860 when its action is concerned with the military or naval affairs of this state. The term
 861 'agency' shall include the State Board of Education and Department of Education, subject
 862 to the following qualifications:

863 (A) Subject to the limitations of subparagraph (B) of this paragraph, all otherwise valid
 864 rules adopted by the State Board of Education and Department of Education prior to
 865 January 1, 1990, are ratified and validated and shall be effective until January 1, 1991,
 866 whether or not such rules were adopted in compliance with the requirements of this
 867 chapter; and

868 (B) Effective January 1, 1991, any rule of the State Board of Education or Department
 869 of Education which has not been proposed, submitted, and adopted in accordance with
 870 the requirements of this chapter shall be void and of no effect."

871 **SECTION 20.**

872 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
 873 disclosure of public records is not required, is amended by revising subsection (a) by striking
 874 "or" at the end of paragraph (21), striking the period at the end of paragraph (22) and
 875 inserting in lieu thereof "; or", and adding a new paragraph to read as follows:

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

880 **SECTION 21.**

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

883 **SECTION 22.**

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

886 **SECTION 23.**

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