

House Bill 164 (COMMITTEE SUBSTITUTE)

By: Representatives Ramsey of the 72<sup>nd</sup>, Lindsey of the 54<sup>th</sup>, Lucas of the 139<sup>th</sup>, Oliver of the 83<sup>rd</sup>, Ehrhart of the 36<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and  
2 taxation, so as to revise and add definitions relating to coin operated amusement machines;  
3 to provide for fees; to authorize the commissioner of revenue to retain a portion of certain  
4 fees as administrative costs; to provide that the commissioner is not authorized to impose any  
5 additional fee; to provide for noncash redemption by gift card; to prohibit local governments  
6 from prohibiting bona fide coin operated amusement machines or establishing the number  
7 of such machines in certain circumstances; to authorize local governments to adopt any  
8 combination of a list of ordinance provisions relating to bona fide coin operated amusement  
9 machines; to provide for public inspection of certain information; to provide that certain  
10 information shall be deemed trade secrets; to provide for certain promotions and contests and  
11 the use of certain devices in promotions; to provide conditions, licensing, license fees, and  
12 restrictions for such promotions and contests; to authorize the commissioner of revenue to  
13 retain a portion of such fees as administrative costs; to authorize rules and regulations; to  
14 provide for the authority of the commissioner regarding such promotions and contests and  
15 for penalties; to provide for related matters; to provide for an effective date and applicability;  
16 to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 SECTION 1.

19 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
20 amended by revising paragraphs (2.2) and (2.3) of Code Section 48-17-1, relating to  
21 definitions relative to coin operated amusement machines, and adding new paragraphs to  
22 read as follows:

23 "(2.2) 'Class A machine' means a bona fide coin operated amusement machine that is not  
24 a Class B machine, does not allow a successful player to carry over points won on one  
25 play to a subsequent play or plays, and:

- 26 (A) Provides no reward to a successful player; ~~or~~
- 27 (B) Rewards a successful player only with free replays or additional time to play;

28 (C) Rewards a successful player with noncash merchandise, prizes, toys, gift  
 29 certificates, or novelties in compliance with the provisions of subsection (c) or  
 30 paragraph (1) of subsection (d) of Code Section 16-12-35, and does not reward a  
 31 successful player with any item prohibited as a reward in subsection (i) of Code  
 32 Section 16-12-35 or any reward redeemable as an item prohibited as a reward in  
 33 subsection (i) of Code Section 16-12-35;

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

37 (E) Rewards a successful player with any combination of items listed in  
 38 subparagraphs (B), (C), or (D) of this paragraph.

39 (2.3) 'Class B machine' means a bona fide coin operated amusement machine that  
 40 ~~rewards a successful player with any combination of items listed in subparagraphs~~  
 41 ~~(d)(1)(B) and (d)(1)(C) of Code Section 16-12-35~~ allows a successful player to accrue  
 42 points on the machine and carry over points won on one play to a subsequent play or  
 43 plays in accordance with paragraph (2) of subsection (d) of Code Section 16-12-35 and:

44 (A) Rewards a successful player in compliance with the provisions of paragraphs (1)  
 45 and (2) of subsection (d) of Code Section 16-12-35; and

46 (B) Does not reward a successful player with any item prohibited as a reward in  
 47 subsection (i) of Code Section 16-12-35 or any reward redeemable as an item  
 48 prohibited as a reward in subsection (i) of Code Section 16-12-35."

49 "(3.05) 'Gift card' means a plastic card given as a reward to a successful player of a bona  
 50 fide coin operated amusement machine:

51 (A) That has a magnetic strip or computer chip allowing only noncash redemption;

52 (B) Is configured to subtract automatically the applicable sales or use tax in addition  
 53 to the dollar value of the noncash redemption;

54 (C) May not lawfully be redeemed for cash, a firearm, alcohol, tobacco, a lottery ticket,  
 55 or any item enabling participation in a lottery; and

56 (D) That contains the following disclaimer printed on the face of the card:

57 'This card cannot be redeemed for cash, firearms, alcohol, tobacco, or lottery tickets  
 58 or participation items.'

59 (3.06) 'Gift certificate' is a document, electronic transmission, coupon, or other medium  
 60 of exchange, other than currency or a gift card. A gift certificate can be exchanged for  
 61 noncash merchandise, prizes, toys, or novelties for which applicable sales or use tax may  
 62 or may not be subtracted."

63

**SECTION 2.**

64 Said title is further amended by revising subsection (a) of Code Section 48-17-2, relating to  
65 license fees regarding coin operated amusement machines, as follows:

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

70 (1) For Class A machines:

71 (A) For five or fewer machines, the owner shall pay a master license fee of \$500.00.

72 In the event such owner acquires a sixth or greater number of machines during a  
73 calendar year which require a certificate for lawful operation under this chapter so that  
74 the total number of machines owned does not exceed 60 machines or more, such owner  
75 shall pay an additional master license fee of \$1,500.00;

76 (B) For six or more machines but not more than 60 machines, the owner shall pay a  
77 master license fee of \$2,000.00. In the event such owner acquires a sixty-first or  
78 greater number of machines during a calendar year which require a certificate for lawful  
79 operation under this chapter, such owner shall pay an additional master license fee of  
80 \$1,500.00; or

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

83 (2) For any number of Class B machines, the owner shall pay a master license fee of  
84 \$5,000.00.

85 The cost of the license shall be paid to the commissioner by company check, cash, cashier's  
86 check, or money order, and the commissioner shall be authorized to retain as the cost of  
87 administration an amount not to exceed \$75.00. Upon said payment, the commissioner  
88 shall issue a master license certificate to the owner. The master license fee levied by this  
89 Code section shall be collected by the commissioner on an annual basis for the period from  
90 July 1 to June 30. The commissioner may establish procedures for master license  
91 collection and set due dates for these license payments. No refund or credit of the master  
92 license charge levied by this Code section may be allowed to any owner who ceases the  
93 operation of bona fide coin operated amusement machines prior to the end of any license  
94 or permit period."

95

**SECTION 3.**

96 Said title is further amended by revising subsection (a.1) of Code Section 48-17-2, relating  
97 to license fees regarding coin operated amusement machines, and adding a new subsection  
98 to read as follows:

99 "(a.1) Every business owner or business operator shall pay an annual location license fee  
 100 for each bona fide coin operated amusement machine offered to the public for play. The  
 101 annual location license fee shall be \$25.00 for each Class A machine and \$125.00 for each  
 102 Class B machine. The annual location license fee levied by this Code section shall be  
 103 collected by the commissioner on an annual basis from July 1 to June 30. The location  
 104 license fee shall be paid to the commissioner by company check, cash, cashier's check, or  
 105 money order, and the commissioner shall be authorized to retain from such fees as the cost  
 106 of administration an amount not to exceed 12 percent of such fees. Upon payment, the  
 107 commissioner shall issue a location license certificate that shall state the number of bona  
 108 fide coin operated amusement machines permitted for each class without further  
 109 description or identification of specific machines. The commissioner may establish  
 110 procedures for location license fee collection and set due dates for payment of such fees.  
 111 No refund or credit of the location license fee shall be allowed to any business owner or  
 112 business operator who ceases to offer bona fide coin operated amusement machines to the  
 113 public for commercial use prior the end of any license period.  
 114 (a.2) The commissioner shall not be authorized to impose any fee in addition to those fees  
 115 set forth in this chapter."

#### 116 SECTION 4.

117 Said title is further amended by revising subsection (j) of Code Section 48-17-2, relating to  
 118 license fees regarding coin operated amusement machines, as follows:

119 "(j) ~~An application is~~ The name and address of each entity applying for a master license  
 120 as well as the name and address and license number of each entity issued a master license  
 121 shall be subject to public inspection. However, all other information, including the  
 122 locations where machines are installed or located as well as information contained in  
 123 location license applications and licenses, shall not be subject to public inspection and shall  
 124 not be subject to disclosure under Article 4 of Chapter 18 of Title 50."

#### 125 SECTION 5.

126 Said title is further amended by revising subsection (a) of Code Section 48-17-9, relating to  
 127 payment and collection of annual permit fee, as follows:

128 "(a) Every owner, except an owner holding a coin operated amusement machine solely for  
 129 personal use or resale, who offers others the opportunity to play for a charge, whether  
 130 direct or indirect, any bona fide coin operated amusement machine shall pay an annual  
 131 permit fee for each bona fide coin operated amusement machine in the amount of \$25.00  
 132 for each Class A machine and \$125.00 for each Class B machine. The fee shall be paid to  
 133 the commissioner by company check, cash, cashier's check, or money order, and the

134 commissioner shall be authorized to retain from such fees as the cost of administration an  
 135 amount not to exceed 12 percent of such fees. Upon payment, the commissioner shall issue  
 136 a sticker for each bona fide coin operated amusement machine. The annual fees levied by  
 137 this chapter shall be collected by the commissioner on an annual basis for the period from  
 138 July 1 to June 30. The commissioner may establish procedures for annual collection and  
 139 set due dates for the fee payments. No refund or credit of the annual fee levied by this  
 140 chapter shall be allowed to any owner who ceases the exhibition or display of any bona fide  
 141 coin operated amusement machine prior to the end of any license or permit period."

## 142 SECTION 6.

143 Said title is further amended by adding new Code sections to read as follows:

144 "48-17-17.

145 (a) It shall be lawful to give rewards to a successful player of a bona fide coin operated  
 146 amusement machine in the form of a gift card, provided that the gift card does not exceed  
 147 \$5.00 in value per play of the bona fide coin operated amusement machine.

148 (b) Giving a successful player cash for a gift card or change in cash for the remaining  
 149 value of a gift card shall be a misdemeanor of a high and aggravated nature. Receipt of  
 150 cash for all or part of the value of a gift card by a successful player shall be a misdemeanor  
 151 of a high and aggravated nature.

152 (c) Redemption of a gift card by a successful player for a firearm, alcohol, tobacco, a  
 153 lottery ticket, or any item enabling participation in a lottery shall be a misdemeanor of a  
 154 high and aggravated nature by the person who receives the prohibited item or items.

155 (d) Knowingly giving or providing a successful player a gift card which is capable of  
 156 being redeemed for a firearm, alcohol, tobacco, a lottery ticket, or any item enabling  
 157 participation in a lottery shall be a misdemeanor of a high and aggravated nature.

158 48-17-18.

159 (a) Provided that the business owner or business operator and the owner or operator of a  
 160 bona fide coin operated amusement machine have complied with the provisions of Code  
 161 Section 16-12-35 and of this chapter, the governing authority of the county or municipal  
 162 corporation where such bona fide coin operated amusement machine is located shall not  
 163 be authorized to:

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

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

169 (b) The governing authority of any county or municipal corporation shall be authorized to  
 170 enact and enforce an ordinance which includes any combination of the following  
 171 provisions:

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

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

180 (3) Requiring the owner or possessor of any bona fide coin operated amusement machine  
 181 that rewards the player exclusively as described in subsection (d) of Code  
 182 Section 16-12-35 to inform each business owner or business operator of the business  
 183 location where such machine is located of the prohibitions and penalties set out in  
 184 subsections (e), (f), and (g) of Code Section 16-12-35;

185 (4) Providing for the suspension or revocation of a license granted by such local  
 186 governing authority to manufacture, distribute, or sell alcoholic beverages or for the  
 187 suspension or revocation of any other license granted by such local governing authority  
 188 as a penalty for conviction of the business owner or business operator of a violation of  
 189 subsection (e), (f), or (g) of Code Section 16-12-35, or both. An ordinance providing for  
 190 the suspension or revocation of a license shall conform to the due process guidelines for  
 191 granting, refusal, suspension, or revocation of a license for the manufacture, distribution,  
 192 or sale of alcoholic beverages set out in subsection (b) of Code Section 3-3-2;

193 (5) Providing for penalties, including fines or suspension or revocation of a license as  
 194 provided in paragraph (4) of this subsection, or both, for a violation of any ordinance  
 195 enacted pursuant to this subsection; provided, however, that a municipal corporation shall  
 196 not be authorized to impose any penalty greater than the maximum penalty authorized by  
 197 such municipal corporation's charter;

198 (6) Requiring any business owner or business operator subject to paragraph (1) of  
 199 subsection (b) of Code Section 48-17-15 to provide to the local governing authority a  
 200 copy of each verified monthly report prepared in accordance with such Code section,  
 201 incorporating the provisions of such Code section in the ordinance, and providing for any  
 202 and all of the penalties authorized by subsection (d) of Code Section 48-17-15;

203 (7) Requiring the business owner or business operator of any business location which  
 204 offers to the public one or more bona fide coin operated amusement machines to post  
 205 prominently a notice including the following or substantially similar language:

206 'GEORGIA LAW PROHIBITS PAYMENT OR RECEIPT OF MONEY FOR  
 207 WINNING A GAME OR GAMES ON THIS AMUSEMENT MACHINE; PAYMENT  
 208 OR RECEIPT OF MONEY FOR FREE REPLAYS WON ON THIS AMUSEMENT  
 209 MACHINE; PAYMENT OR RECEIPT OF MONEY FOR ANY MERCHANDISE,  
 210 PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY WON ON THIS AMUSEMENT  
 211 MACHINE; OR AWARDING ANY MERCHANDISE, PRIZE, TOY, GIFT  
 212 CERTIFICATE, OR NOVELTY OF A VALUE EXCEEDING \$5.00 FOR A SINGLE  
 213 PLAY OF THIS MACHINE.;

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

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

220 (10) Requiring that all bona fide coin operated amusement machines are placed and kept  
 221 in plain view and accessible to any person who is at the business location; and

222 (11) Requiring a business that offers one or more bona fide coin operated amusement  
 223 machines to the public for play to post its business license or occupation tax certificate."

224 **SECTION 7.**

225 Said title is further amended by adding a new chapter to read as follows:

226 "CHAPTER 18

227 48-18-1.

228 A promotion, contest, or sweepstakes whereby a business or a nonprofit organization  
 229 qualified under Section 501(c) of the federal Internal Revenue Code, as amended, gives  
 230 away noncash prizes that cannot be exchanged or redeemed for cash to persons selected by  
 231 lot shall not be a lottery as defined in Code Section 16-12-20 and shall not be an unfair or  
 232 deceptive practice under Article 15 of Title 10, the 'Fair Business Practices Act of 1975,'  
 233 if such prizes are awarded in compliance with the following conditions:

234 (1) Such promotions, contests, or sweepstakes are conducted as advertising and  
 235 promotional undertakings in good faith for the purpose of advertising the goods, wares,  
 236 and merchandise of such business or to advance the purposes of such nonprofit  
 237 organization; provided, however, that a business may participate in a promotion, contest,  
 238 or sweepstakes to advance the purposes of a nonprofit organization;

239 (2) To be eligible to receive a prize or prizes a person may, but shall not be required to:

240 (A) Pay any tangible consideration to the operator of such business or to such nonprofit  
 241 organization in the form of money or other property or thing of value;  
 242 (B) Purchase any goods, wares, merchandise, or anything of value from such business  
 243 or such nonprofit organization; or  
 244 (C) Be present or be asked to participate in a seminar, sales presentation, or any other  
 245 presentation, by whatever name denominated;  
 246 (3) The rules or procedures for eligibility for a prize or prizes shall be posted or made  
 247 available to those persons considering participation in a promotion, contest, or  
 248 sweepstakes. Such rules or procedures shall clearly and conspicuously allow a person to  
 249 become eligible without paying any tangible consideration to the operator of such  
 250 business or to such nonprofit organization in the form of money or other property or thing  
 251 of value; without purchasing any goods, wares, merchandise, or anything of value from  
 252 such business or nonprofit organization; and without being present or participating in a  
 253 seminar, sales presentation, or any other presentation, by whatever name denominated;  
 254 (4) The method actually used to select winners of a prize or prizes shall not discriminate  
 255 against persons who have entered without paying any tangible consideration, without  
 256 purchasing any item, and without being present for or participating in a seminar, sales  
 257 presentation, or other presentation, by whatever name denominated; and  
 258 (5) Prizes shall not include or be redeemable for any item prohibited as a reward to a  
 259 successful player of bona fide coin operated amusement machines in subsection (i) of  
 260 Code Section 16-12-35.

261 48-18-2.

262 A promotion, contest, or sweepstakes whereby a business or a nonprofit organization  
 263 qualified under Section 501(c) of the federal Internal Revenue Code, as amended, gives  
 264 away noncash prizes that cannot be exchanged or redeemed for cash to a successful player  
 265 of a mechanical or electronic device or devices shall not be an unfair or deceptive practice  
 266 under Article 15 of Title 10, the 'Fair Business Practices Act of 1975,' and the mechanical  
 267 or electronic device or devices used in such promotion, contest, or sweepstakes shall not  
 268 be gambling devices, as defined in Code Section 16-12-20, if such prizes are awarded in  
 269 compliance with the following conditions:

270 (1) Such promotions, contests, or sweepstakes are conducted as advertising and  
 271 promotional undertakings in good faith for the purpose of advertising the goods, wares,  
 272 and merchandise of such business or to advance the purposes of such nonprofit  
 273 organization; provided, however, that a business may participate in a promotion, contest,  
 274 or sweepstakes to advance the purposes of a nonprofit organization;

275 (2) To be eligible to play the mechanical or electronic device or devices and win a prize  
 276 or prizes a person may, but shall not be required to:

277 (A) Pay any tangible consideration to the operator of such business or to such nonprofit  
 278 organization in the form of money or other property or thing of value;

279 (B) Purchase any goods, wares, merchandise, or anything of value from such business  
 280 or such nonprofit organization; or

281 (C) Be present or be asked to participate in a seminar, sales presentation, or any other  
 282 presentation, by whatever name denominated;

283 (3) The rules or procedures for the promotion, contest, or sweepstakes shall be posted  
 284 or made available to those persons considering participation in a promotion, contest, or  
 285 sweepstakes. Such rules or procedures shall clearly and conspicuously allow a person to  
 286 become eligible to play the mechanical or electronic device or devices and win a prize  
 287 or prizes without paying any tangible consideration to the operator of such business or  
 288 to such nonprofit organization in the form of money or other property or thing of value;  
 289 without purchasing any goods, wares, merchandise, or anything of value from such  
 290 business or nonprofit organization; and without being present or participating in a  
 291 seminar, sales presentation, or any other presentation, by whatever name denominated;

292 (4) A successful player of a mechanical or electronic device shall be eligible for a  
 293 noncash prize whether or not such successful player paid any tangible consideration to  
 294 the operator of such business or to such nonprofit organization in the form of money or  
 295 other property or thing of value; purchased any goods, wares, merchandise, or anything  
 296 of value from such business or nonprofit organization; and was present or participated in  
 297 a seminar, sales presentation, or any other presentation, by whatever name denominated;

298 (5) In offering promotional, contest, or sweepstakes prizes to the public by means of a  
 299 mechanical or electronic device or devices, a business or nonprofit organization shall:

300 (A) Not offer more than two such promotions, contests, or sweepstakes using such  
 301 devices in a location at the same time;

302 (B) Not offer more than two mechanical or electronic devices in a location at the same  
 303 time;

304 (C) Use only mechanical or electronic devices that require the exercise of 'some skill'  
 305 as such term is defined in Code Section 16-12-35;

306 (D) Use only mechanical or electronic devices that serve only one participant at a time;

307 (E) Allow a total of no more than two natural persons to participate in promotions,  
 308 contests, or sweepstakes in a location at the same time; and

309 (F) Comply with the noncash redemption provisions of subsection (c) or (d) of Code  
 310 Section 16-12-35 with respect to the limitation on the value of prizes to \$5.00 per play;  
 311 and

312 (6) Prizes may include gift cards as defined in paragraph (3.05) of Code Section 48-17-1  
313 but shall not include or be redeemable for any item prohibited as a reward to a successful  
314 player of bona fide coin operated amusement machines by subsection (i) of Code Section  
315 16-12-35.

316 48-18-3.

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

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

320 (2) 'Gross retail receipts' means the total revenue derived by a business at any one  
321 business location from the sale of goods and services and the commission earned at any  
322 one business location on the sale of goods and services but shall not include revenue from  
323 the sale of goods and services for which the business will receive only a commission.  
324 Revenue from the sale of goods and services at wholesale shall not be included.

325 (b) No business conducting a promotion, contest, or sweepstakes using a mechanical or  
326 electronic device or devices, as described in Code Section 48-18-2, shall derive more than  
327 50 percent of its monthly gross retail receipts for the business location from the total of the  
328 following:

329 (1) Receipts from mechanical or electronic devices used in a promotion or promotions,  
330 contest or contests, or sweepstakes; and

331 (2) Receipts from Class B bona fide coin operated amusement devices.

332 (c) For each business location which offers to the public one or more promotions, contests,  
333 or sweepstakes using one or more mechanical or electronic devices, the owner or operator  
334 of such business shall prepare a monthly verified report setting out separately the gross  
335 retail receipts from the promotion or promotions, contest or contests, or sweepstakes and  
336 the gross retail receipts for the business location.

337 (d) The owner or operator of a business offering one or more promotions, contests, or  
338 sweepstakes by using one or more mechanical or electronic devices shall report the  
339 information required by subsection (c) of this Code section to the commissioner of revenue  
340 in the form and electronic format required by the commissioner. The commissioner is  
341 authorized to audit any records for a business subject to this Code section.

342 48-18-4.

343 (a) The commissioner of revenue shall license promotions, contests, and sweepstakes for  
344 giving away noncash prizes by lot described in Code Section 48-18-1 and promotions,  
345 contests, and sweepstakes for giving away noncash prizes to successful players of  
346 mechanical or electronic devices described in Code Section 48-18-2. Each license shall be

347 for a period of 12 months, beginning July 1 and ending June 30 of the following calendar  
 348 year. It shall be a violation of this Code section to conduct an unlicensed promotion,  
 349 contest, or sweepstakes, and a person who conducts an unlicensed promotion, contest, or  
 350 sweepstakes shall be required to pay the fee for a license in addition to the penalties set out  
 351 in subsection (c) of this Code Section.

352 (b) The commissioner is authorized to promulgate rules and regulations necessary to  
 353 administer such licenses.

354 (c) The commissioner shall have the authority to:

355 (1) Inspect a mechanical or electronic device used in a promotion, contest, or  
 356 sweepstakes and the records pertaining to a promotion, contest, or sweepstakes;

357 (2) Impose a civil fine not exceed \$10,000.00 and revoke or refuse to renew a license as  
 358 penalties for using in a promotion or promotions, contest or contests, or sweepstakes a  
 359 mechanical or electronic device or devices that do not require some skill; and

360 (3)(A) Impose a civil fine not to exceed \$1,000.00 for each violation of this chapter or  
 361 the regulations issued pursuant to this chapter by the commissioner other than using a  
 362 no-skill device or devices;

363 (B) Revoke or refuse to renew a license if the licensee has violated the provisions of  
 364 this chapter or the regulations issued pursuant to this chapter by the commissioner other  
 365 than using a no-skill device or devices; or

366 (C) Impose a civil fine and revoke or refuse to renew a license for such violations.

367 (d) The commissioner is authorized to provide by rule or regulation for annual license fees  
 368 not to exceed:

369 (1) One hundred dollars for a promotion, contest, or sweepstakes described in Code  
 370 Section 48-18-1;

371 (2) Five thousand dollars for an annual master license and a \$125.00 sticker license fee  
 372 for each mechanical or electronic device to be paid by the owner of the device for  
 373 promotions, contests, or sweepstakes described in Section 48-18-2; and

374 (3) One hundred twenty-five dollars for an annual location license fee for each  
 375 mechanical or electronic device at a location to be paid by the owner or operator of the  
 376 location.

377 The commissioner is authorized to retain an amount not to exceed \$75.00 of the annual  
 378 master license fee as administrative costs. The commissioner is authorized to retain as  
 379 administrative costs an amount not to exceed 12 percent of other fees authorized in this  
 380 Code section. The commissioner is not authorized to impose any fee in addition to those  
 381 authorized in this Code section.

382 (e) The name and address of each entity applying for a master license as well as the name  
 383 and address and license number of each entity issued a master license shall be subject to

384 public inspection. However, the locations where mechanical or electronic devices are  
385 installed or located shall not be subject to inspection and shall not be subject to disclosure  
386 under Article 4 of Chapter 18 of Title 50."

387 **SECTION 8.**

388 This Act shall become effective on July 1, 2011, and apply to conduct that occurs on and  
389 after such date. It is not the intention of this Act to abate any prosecution undertaken for  
390 conduct occurring under the law in effect prior to such date, and any offense committed  
391 before July 1, 2011, shall be prosecuted and punished under the statutes in effect at the time  
392 the offense was committed.

393 **SECTION 9.**

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