

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/19/15 H3/25/15
A Bill

SENATE BILL 745

By: Senator J. Hutchinson

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE TAX APPLICABLE TO COIN-OPERATED AMUSEMENT DEVICES; TO AMEND THE DEFINITIONS APPLICABLE TO COIN-OPERATED AMUSEMENT DEVICES; TO MAKE TECHNICAL CHANGES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE TAX APPLICABLE TO COIN-OPERATED AMUSEMENT DEVICES; AND TO AMEND THE DEFINITIONS APPLICABLE TO COIN-OPERATED AMUSEMENT DEVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 26-57-402 is amended to read as follows:
26-57-402. Definitions.

As used in this subchapter:

(1)(A) "Amusement device" means ~~any~~ a coin-operated machine, device, or apparatus ~~which~~ that provides amusement, diversion, or entertainment and includes, ~~but is not limited to,~~ without limitation such games as:

- ~~(A)~~ (i) Radio rifles;
- ~~(B)~~ (ii) Miniature football;x
- ~~(C)~~ (iii) Golf;
- ~~(D)~~ (iv) Baseball;
- ~~(E)~~ (v) Hockey+;



- ~~(F)~~ (vi) Bumper pool;
- ~~(G)~~ (vii) Tennis;
- ~~(H)~~ (viii) Shooting galleries;
- ~~(I)~~ (ix) Pool tables;
- ~~(J)~~ (x) Bowling;
- ~~(K)~~ (xi) Shuffleboard;
- ~~(L)~~ (xii) Pinball tables;
- ~~(M)~~ (xiii) Marble tables;
- ~~(N)~~ (xiv) Music vending phonographs;
- ~~(O)~~ (xv) Jukeboxes;
- ~~(P)~~ (xvi) Cranes;
- ~~(Q)~~ (xvii) Video games;
- ~~(R)~~ (xviii) Claw machines;
- ~~(S)~~ (xix) Bowling machines;
- ~~(T)~~ (xx) Countertop machines;
- ~~(U)~~ (xxi) Novelty arcade machines;
- ~~(V)~~ (xxii) Other similar musical devices for

entertainment; and

~~(W)~~ (xxiii) Other miniature games, whether or not the games show a score, ~~which~~ that are not otherwise excluded in this subchapter~~†~~.

(B) "Amusement device" does not include a machine, device, or apparatus that constitutes a casino-gambling style game, including without limitation mechanical or electronic:

- (i) Draw games;
- (ii) Slot machines;
- (iii) Roulette wheels;
- (iv) Craps;
- (v) Video poker; and
- (vi) Casino-gambling style games of any other type

in which the outcome is determined substantially by chance;

(2)(A) "Any money or property", "other articles", "other valuable things", or "any representative of anything that is esteemed of value", as used in the antigambling statutes, § 5-66-101 et seq., shall not be expanded to include:

- (i) A free amusement feature such as the privilege

of playing additional free games if a certain score is made on a pinball table or on any other amusement device described in this section; or

(ii) Toys, novelties, candy, or representations of value redeemable for those items ~~which that~~ are won by the player of a bona fide amusement device ~~which that~~ rewards players exclusively with merchandise limited to toys, novelties, or representations of value redeemable for those items, ~~which that~~ have a wholesale value of not more than ten (10) times the cost charged to play the amusement device one (1) time or five dollars (\$5.00), whichever is less.

(B)(i) ~~In the event of the accumulation of~~ If a player accumulates redeemable representations of value ~~by any player, no a~~ toy or novelty having a wholesale value of more than *twelve dollars and fifty cents (\$12.50)* ~~may be or, for a toy or novelty offered in a facility described in subdivision (2)(C) of this section, five hundred dollars (\$500), shall not be given or awarded by any an~~ amusement device operator or redeemed by ~~any a~~ player.

(ii) The toys and novelties shall be displayed in a single area on each premises.

(iii) Furthermore, each operator shall maintain records validating the wholesale value of the toys and novelties.

(iv) The toys and novelties shall be located solely ~~on the premises where the amusement device is played.~~

(C) If a player accumulates redeemable representations of value, a toy or novelty with a wholesale value of no more than five hundred dollars (\$500) may be given or awarded by an amusement device operator or redeemed by a player only if the toy or novelty is offered in a facility that:

(i) Is in excess of twenty-five thousand square feet (25,000 sq. ft.);

(ii) Offers a full-service restaurant menu during all hours of operation;

(iii) Offers at least one hundred (100) amusement devices; and

(iv) Is located in a county that has a population that exceeds three hundred fifty thousand (350,000) and is traversed by a navigable river.

(D)(i) A toy, novelty, or candy given or awarded to a player as a reward for playing an amusement device shall not be traded, redeemed, sold, leased, or otherwise exchanged for money, property, or other valuable thing:

(a) To any other person located on the premises who is associated with an amusement device operator; or

(b) For the purpose of circumventing the antigambling statutes stated in § 5-66-101 et seq.

(ii) A toy, novelty, or candy given or awarded to a player shall not be subsequently re-awarded to another player by the amusement device operator;

(3) "Candy" means a food item that:

(A) Has sugar as its principal ingredient; and

(B) Does not contain alcohol;

~~(3)~~ (4) "Coin-operated" means ~~any~~ a machine, device, or apparatus which ~~that~~ is operated by placing through a slot or any kind of opening or container ~~any~~ a coin, slug, token, or other object or article necessary to be inserted before the machine operates or functions but does not include ~~any~~ a machine or device which ~~that~~ is classified by the United States Government as requiring a federal gaming stamp under applicable provisions of the Internal Revenue Code;

~~(4)~~ (5) "Novelty" means an article of trade whose value is chiefly decorative, comic, commemorative, or the like, and whose appeal is often transitory;

~~(5)~~ (6) "Person" means ~~any~~ an individual, firm, association, company, partnership, limited liability company, corporation, joint-stock company, club, agency, syndicate, the State of Arkansas, county, municipal corporation or other political subdivision of this state, receiver, trustee, fiduciary, or trade association; and

~~(6)~~ (7) "Toy" means ~~a small~~ an article ~~of little value but that~~ has a wholesale value that does not exceed five hundred dollars (\$500) and that is prized as a souvenir or for some other special reason, ~~a trinket, a knickknack, or a bauble~~ including without limitation a stuffed animal, game, or electronic device.

/s/J. Hutchinson