
SENATE BILL 5522

State of Washington

55th Legislature

1997 Regular Session

By Senator Heavey

Read first time 01/29/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to gambling; amending RCW 9.46.0241, 9.46.215,
2 9.46.310, and 9.46.903; adding a new section to chapter 9.46 RCW;
3 prescribing penalties; and providing a contingent effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9.46.0241 and 1994 c 218 s 8 are each amended to read
6 as follows:

7 "Gambling device," as used in this chapter, means(~~((:—(1) Any~~
8 ~~device or mechanism the operation of which a right to money, credits,~~
9 ~~deposits or other things of value may be created, in return for a~~
10 ~~consideration, as the result of the operation of an element of chance,~~
11 ~~including, but not limited to slot machines, video pull-tabs, video~~
12 ~~poker, and other electronic games of chance; (2) any device or~~
13 ~~mechanism which, when operated for a consideration, does not return the~~
14 ~~same value or thing of value for the same consideration upon each~~
15 ~~operation thereof; (3) any device, mechanism, furniture, fixture,~~
16 ~~construction or installation designed primarily for use in connection~~
17 ~~with professional gambling; and (4) any subassembly or essential part~~
18 ~~designed or intended for use in connection with any such device,~~
19 ~~mechanism, furniture, fixture, construction or installation)) any~~

1 device or mechanism that requires individual play against the device
2 and the operation of which results in the right to money, credits,
3 deposits, or other things of value being created in return for a
4 consideration as the result of the operation of an element of chance,
5 and includes any such device or mechanism that, when operated for a
6 consideration, does not return the same value or things of value for
7 the consideration upon each operation thereof; and including any
8 subassembly or essential part designed or intended for use in
9 connection with any such device or mechanism. The device or mechanism
10 includes but is not limited to: Slot machines, video pull-tabs, video
11 poker, and other electronic games of chance regardless of whether the
12 devices or mechanisms are connected to other devices or mechanisms.
13 The ownership, possession, purchase, sale, transportation, manufacture,
14 or operation of gambling devices is prohibited. The prohibition does
15 not apply to: Mechanical slot machines that were manufactured before
16 1970 and have not been used for gambling purposes by the current owner.
17 In the application of this definition, a pinball machine or similar
18 mechanical amusement device which confers only an immediate and
19 unrecorded right of replay on players thereof, which does not contain
20 any mechanism which varies the chance of winning free games or the
21 number of free games which may be won or a mechanism or a chute for
22 dispensing coins or a facsimile thereof, and which prohibits multiple
23 winnings depending upon the number of coins inserted and requires the
24 playing of five balls individually upon the insertion of a nickel or
25 dime, as the case may be, to complete any one operation thereof, shall
26 not be deemed a gambling device: PROVIDED, That owning, possessing,
27 buying, selling, renting, leasing, financing, holding a security
28 interest in, storing, repairing and transporting such pinball machines
29 or similar mechanical amusement devices shall not be deemed engaging
30 in professional gambling for the purposes of this chapter and shall not
31 be a violation of this chapter: PROVIDED FURTHER, That any fee for the
32 purchase or rental of any such pinball machines or similar amusement
33 devices shall have no relation to the use to which such machines are
34 put but be based only upon the market value of any such machine,
35 regardless of the location of or type of premises where used, and any
36 fee for the storing, repairing and transporting thereof shall have no
37 relation to the use to which such machines are put, but be commensurate
38 with the cost of labor and other expenses incurred in any such storing,
39 repairing and transporting.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.46 RCW
2 to read as follows:

3 The ownership, possession, purchase, sale, transportation,
4 manufacture, or operation of any device, mechanism, furniture, fixture,
5 construction, or installation designed primarily for use in connection
6 with professional gambling is defined as professional gambling and is
7 punishable under RCW 9.46.220, 9.46.221, or 9.46.222.

8 **Sec. 3.** RCW 9.46.215 and 1994 c 218 s 9 are each amended to read
9 as follows:

10 Whoever knowingly owns, manufactures, possesses, buys, sells,
11 rents, leases, finances, holds a security interest in, stores, repairs,
12 or transports any gambling device or offers or solicits any interest
13 therein, whether through an agent or employee or otherwise, is guilty
14 of a class B felony (~~(and shall be fined not more than one hundred~~
15 ~~thousand dollars or imprisoned not more than five years or both.~~
16 ~~However, this section does not apply to persons licensed by the~~
17 ~~commission, or who are otherwise authorized by this chapter, or by~~
18 ~~commission rule, to conduct gambling activities without a license,~~
19 ~~respecting devices that are to be used, or are being used, solely in~~
20 ~~that activity for which the license was issued, or for which the person~~
21 ~~has been otherwise authorized if:~~

22 ~~(1) The person is acting in conformance with this chapter and the~~
23 ~~rules adopted under this chapter; and~~

24 ~~(2) The devices are a type and kind traditionally and usually~~
25 ~~employed in connection with the particular activity. This section also~~
26 ~~does not apply to any act or acts by the persons in furtherance of the~~
27 ~~activity for which the license was issued, or for which the person is~~
28 ~~authorized, when the activity is conducted in compliance with this~~
29 ~~chapter and in accordance with the rules adopted under this chapter.~~
30 ~~In the enforcement of this section direct possession of any such a~~
31 ~~gambling device is presumed to be knowing possession thereof)).~~

32 **Sec. 4.** RCW 9.46.310 and 1981 c 139 s 13 are each amended to read
33 as follows:

34 No person shall manufacture, and no person shall sell, distribute,
35 furnish or supply to any other person, any gambling ((device))
36 equipment, including but not limited to punchboards and pull tabs, in
37 this state, or for use within this state, without first obtaining a

1 license to do so from the commission under the provisions of this
2 chapter.

3 Such licenses shall not be issued by the commission except
4 respecting ~~((devices which are))~~ equipment that is designed and
5 permitted for use in connection with activities authorized under this
6 chapter: PROVIDED, That this requirement for licensure shall apply
7 only insofar as the commission has adopted, or may adopt, rules
8 implementing it as to particular categories of gambling ~~((devices))~~
9 equipment and related equipment.

10 **Sec. 5.** RCW 9.46.903 and 1994 c 218 s 1 are each amended to read
11 as follows:

12 The legislature intends with chapter 218, Laws of 1994 to clarify
13 the state's public policy on gambling regarding the frequency of state
14 lottery drawings, the means of addressing problem and compulsive
15 gambling, and the enforcement of the state's gambling laws. Chapter
16 218, Laws of 1994 is intended to clarify the specific types of games
17 prohibited in chapter 9.46 RCW and is not intended to add to existing
18 law regarding prohibited activities. The legislature recognizes that
19 slot machines, video pull-tabs, video poker, and other electronic games
20 of chance have been considered to be gambling devices before April 1,
21 1994 and are prohibited after the effective date of this section.

22 NEW SECTION. **Sec. 6.** This act takes effect if the proposed
23 amendment to Article II, section 24 of the state Constitution
24 prohibiting gambling devices (S-0537/97) is validly submitted to and is
25 approved and ratified by the voters at the next general election. If
26 the proposed amendment is not approved and ratified, this act is void
27 in its entirety.

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