
SENATE BILL 6748

State of Washington

55th Legislature

1998 Regular Session

By Senator Schow

Read first time 02/04/98. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to gambling devices and terminals; amending RCW
2 9.46.0233 and 9.46.0241; and adding a new section to chapter 9.46 RCW.

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

4 **Sec. 1.** RCW 9.46.0233 and 1987 c 4 s 24 are each amended to read
5 as follows:

6 (1) "Fund raising event," as used in this chapter, means a fund
7 raising event conducted during any seventy-two consecutive hours but
8 exceeding twenty-four consecutive hours and not more than once in any
9 calendar year or a fund raising event conducted not more than twice
10 each calendar year for not more than twenty-four consecutive hours each
11 time by a bona fide charitable or nonprofit organization as defined in
12 RCW 9.46.0209 other than any agricultural fair referred to thereunder,
13 upon authorization therefor by the commission, which the legislature
14 hereby authorizes to issue a license therefor, with or without fee,
15 permitting the following activities, or any of them, during such event:
16 Bingo, amusement games, contests of chance, lotteries and raffles:
17 PROVIDED, That: (a) Gross wagers and bets received by the organization
18 less the amount of money paid by the organization as winnings and for
19 the purchase cost of prizes given as winnings do not exceed ten

1 thousand dollars during the total calendar days of such fund raising
2 event in the calendar year; (b) (~~(such activities shall not include any~~
3 ~~mechanical gambling or lottery device activated by the insertion of a~~
4 ~~coin or by the insertion of any object purchased by any person taking~~
5 ~~a chance by gambling in respect to the device; (c))~~) only bona fide
6 members of the organization who are not paid for such service shall
7 participate in the management or operation of the activities, and all
8 income therefrom, after deducting the cost of prizes and other
9 expenses, shall be devoted solely to the lawful purposes of the
10 organization; and (~~(+d))~~) (c) such organization shall notify the
11 appropriate local law enforcement agency of the time and place where
12 such activities shall be conducted. The commission shall require an
13 annual information report setting forth in detail the expenses incurred
14 and the revenue received relative to the activities permitted.

15 (2) Bona fide charitable or nonprofit organizations holding a
16 license to conduct a fund raising event may join together to jointly
17 conduct a fund raising event if:

18 (a) Approval to do so is received from the commission; and

19 (b) The method of dividing the income and expenditures and the
20 method of recording and handling of funds are disclosed to the
21 commission in the application for approval of the joint fund raising
22 event and are approved by the commission.

23 The gross wagers and bets received by the organizations less the
24 amount of money paid by the organizations as winnings and for the
25 purchase costs of prizes given as winnings may not exceed ten thousand
26 dollars during the total calendar days of such event. The net receipts
27 each organization receives shall count against the organization's
28 annual limit stated in this subsection.

29 A joint fund raising event shall count against only the lead
30 organization or organizations receiving fifty percent or more of the
31 net receipts for the purposes of the number of such events an
32 organization may conduct each year.

33 The commission may issue a joint license for a joint fund raising
34 event and charge a license fee for such license according to a schedule
35 of fees adopted by the commission which reflects the added cost to the
36 commission of licensing more than one licensee for the event.

37 **Sec. 2.** RCW 9.46.0241 and 1994 c 218 s 8 are each amended to read
38 as follows:

1 "Gambling device," as used in this chapter, means: (1) Any device
2 or mechanism (~~((the operation of))~~) which, when operated for a
3 consideration, creates or may create a right to money, credits,
4 deposits or other things of value (~~((may be created, in return for a~~
5 ~~consideration))~~), as the result of the operation of an element of
6 chance, including, but not limited to slot machines, video pull-tabs,
7 video poker, and other electronic games of chance; (2) any device or
8 mechanism which, when operated for a consideration, does not return the
9 same value or thing of value for the same consideration upon each
10 operation thereof; (3) any device, mechanism, furniture, fixture,
11 construction or installation designed primarily for use in connection
12 with professional gambling; and (4) any subassembly or essential part
13 designed or intended for use in connection with any such device,
14 mechanism, furniture, fixture, construction or installation. In the
15 application of this definition, a pinball machine or similar mechanical
16 amusement device which confers only an immediate and unrecorded right
17 of replay on players thereof, which does not contain any mechanism
18 which varies the chance of winning free games or the number of free
19 games which may be won or a mechanism or a chute for dispensing coins,
20 currency, or ((a facsimile thereof,)) any item which may be redeemed
21 for value and which prohibits multiple winnings depending upon the
22 number of coins (~~((inserted and requires the playing of five balls~~
23 ~~individually upon the insertion of a nickel or dime, as the case may~~
24 ~~be, to complete any one operation thereof))~~) or amount of currency,
25 shall not be deemed a gambling device(~~((: PROVIDED, That owning,~~
26 ~~possessing, buying, selling, renting, leasing, financing, holding a~~
27 ~~security interest in, storing, repairing and transporting such pinball~~
28 ~~machines or similar mechanical amusement devices shall not be deemed~~
29 ~~engaging in professional gambling for the purposes of this chapter and~~
30 ~~shall not be a violation of this chapter: PROVIDED FURTHER, That any~~
31 ~~fee for the purchase or rental of any such pinball machines or similar~~
32 ~~amusement devices shall have no relation to the use to which such~~
33 ~~machines are put but be based only upon the market value of any such~~
34 ~~machine, regardless of the location of or type of premises where used,~~
35 ~~and any fee for the storing, repairing and transporting thereof shall~~
36 ~~have no relation to the use to which such machines are put, but be~~
37 ~~commensurate with the cost of labor and other expenses incurred in any~~
38 ~~such storing, repairing and transporting))~~).

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.46 RCW
2 to read as follows:

3 The use of video, electronic, or mechanical gambling devices or
4 terminals which allow for individual play against such devices or
5 terminals shall be prohibited for all purposes.

6 (1) "Individual play against such devices" means that the device or
7 terminal is activated by the player, or at the direction of the player,
8 whether or not other participants may also participate in the gambling
9 activity by: (a) The insertion of money or monetary equivalent in any
10 form including extension of credit or debit from a preexisting account
11 held on behalf of the player; or (b) any other action whereby the
12 player, for a consideration, initiates operation of the device or
13 terminal, or indicates the player's participation in a gambling
14 activity through the operation of the device or terminal.

15 (2) Individuals shall not be deemed to be playing against a device
16 if: (a) The device is a pull-tab dispensing device which dispenses
17 pull-tabs as defined by RCW 9.46.0273 when such pull-tabs have been
18 preprinted by a manufacturer licensed by the commission; (b) the device
19 dispenses a printed ticket allowing entry into an authorized activity
20 and is not connected in any way to the process by which the winners are
21 determined; (c) the device is an amusement game as defined by RCW
22 9.46.0201; or (d) the device is played only for amusement and contains
23 no functions that could be modified to render its use for gambling
24 purposes.

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