CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5040

Chapter 357, Laws of 2009

61st Legislature
2009 Regular Session

GAMBLING--MINORS--PENALTIES

EFFECTIVE DATE: 07/26/09

Passed by the Senate April 18, 2009
YEAS 44  NAYS 0

BRAD OWEN
President of the Senate

Passed by the House April 7, 2009
YEAS 94  NAYS 4

FRANK CHOPP
Speaker of the House of Representatives

Approved May 6, 2009, 1:55 p.m.

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 5040 as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN
Secretary

FILED
May 8, 2009

CHRISTINE GREGOIRE
Secretary of State
State of Washington
AN ACT Relating to clarifying and prescribing penalties for gambling under the age of eighteen; amending RCW 9.46.0305; adding a new section to chapter 9.46 RCW; and prescribing penalties.

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

Sec. 1. RCW 9.46.0305 and 1987 c 4 s 25 are each amended to read as follows:

The legislature hereby authorizes the wagering on the outcome of the roll of dice or the flipping of or matching of coins on the premises of an establishment engaged in the business of selling food or beverages for consumption on the premises to determine which of the participants will pay for coin-operated music on the premises or certain items of food or beverages served or sold by such establishment and therein consumed. Such establishments are hereby authorized to possess dice and dice cups on their premises, but only for use in such limited wagering. Persons engaged in such limited form of wagering shall not be subject to the criminal or civil penalties otherwise provided for in this chapter. PROVIDED, That minors shall be barred from engaging in the wagering activities allowed by this chapter.

SUBSTITUTE SENATE BILL 5040

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators Delvin, Prentice, King, and Kohl-Welles; by request of Gambling Commission)

READ FIRST TIME 01/20/09.
NEW SECTION. Sec. 2. A new section is added to chapter 9.46 RCW to read as follows:

(1) It is unlawful for any person under the age of eighteen to play in authorized gambling activities including, but not limited to, punchboards, pull-tabs, or card games, or to participate in fund-raising events. Persons under the age of eighteen may play bingo, raffles, and amusement game activities only as provided in commission rules.

(2) A person under the age of eighteen who violates subsection (1) of this section by engaging in, or attempting to engage in, prohibited gambling activities commits a class 2 civil infraction under chapter 7.80 RCW and is subject to a fine set out in chapter 7.80 RCW, up to four hours of community restitution, and any court imposed costs.

(3) The juvenile court divisions in superior courts within the state have jurisdiction for enforcement of this section.

(4)(a) An employer may conduct an in-house controlled purchase program authorized for the purposes of employee training and employer self-compliance checks.

(b) The civil infraction provisions of this section do not apply to a person under the age of eighteen who is participating in an in-house controlled purchase program authorized by the commission under rules adopted by the commission. Violations occurring under an in-house controlled purchase program authorized by the commission may not be used for criminal or administrative prosecution.

(c) An employer who conducts an in-house controlled purchase program authorized under this section shall provide his or her employees a written description of the employer's in-house controlled purchase program. The written description must include notice of actions an employer may take as a consequence of an employee's failure to comply with company policies regarding unauthorized persons engaging in gambling activities during a controlled purchase program authorized under this section.

(5) A person under the age of eighteen who violates subsection (1) of this section shall not collect any winnings or recover any losses arising as a result of unlawfully participating in any gambling activity. Additionally, any money or anything of value which has been obtained by, or is owed to, any person under the age of eighteen as a result of such participation shall be forfeited to the department of
social and health services division of alcohol and substance abuse or
its successor and used for a program related to youth problem gambling
awareness, prevention, and/or education. Any person claiming any money
or things of value subject to forfeiture under this subsection will
receive notice and an opportunity for a hearing under RCW 9.46.231.

Passed by the Senate April 18, 2009.
Passed by the House April 7, 2009.
Approved by the Governor May 6, 2009.
Filed in Office of Secretary of State May 8, 2009.