H-1684.1

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**SUBSTITUTE HOUSE BILL 2001**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** House Commerce & Gaming (originally sponsored by Representatives Zeiger and Condotta)

AN ACT Relating to the use of and possession of electronic or electromechanical amusement machines; and amending RCW 9.46.0201.

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

**Sec.**  RCW 9.46.0201 and 1987 c 4 s 2 are each amended to read as follows:

(1) "Amusement game," as used in this chapter, means a game played for entertainment in which:

((~~(1)~~)) (a) The contestant actively participates;

((~~(2)~~)) (b) The outcome depends ((~~in~~)) to a material degree upon the skill of the contestant. A material degree of skill exists when both of these requirements are met:

(i) The player's physical or mental abilities play an important and integral role in determining the outcome of the game; and

(ii) The success rate of the average player would improve with repeated play or practice;

((~~(3)~~)) (c) Only merchandise prizes are awarded;

((~~(4)~~)) (d) The outcome is not in the control of the operator;

((~~(5)~~)) (e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and

((~~(6) Said~~)) (f) The game is conducted or operated by any agricultural fair, person, association, or organization in such manner and at such locations as may be authorized by rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended.

(2) An amusement game may contain random features, as defined by commission rules, and which do not control the outcome of the amusement game. For the purposes of this subsection, "random features" means variations in objects or patterns contained in the play of the amusement game that appear unpredictably to players during play. The availability of random features in an amusement game may not be dependent of the number of plays completed or the tickets issued.

(3) Cake walks as commonly known and fish ponds as commonly known shall be treated as amusement games for all purposes under this chapter.

(4) The commission is authorized to set fees to test games for compliance.

(5) The commission is authorized to promulgate rules governing the requirements of amusement games.

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