

Chapter 230-13 WAC

AMUSEMENT GAME RULES

WAC

230-13-001	Defining "operator."
230-13-005	Amusement games authorized.
230-13-010	Approval of new amusement games.
230-13-015	Group 1—Ball toss or kick amusement game standards.
230-13-020	Group 2—Dart amusement game standards.
230-13-025	Group 3—Hoop or ring toss amusement game standards.
230-13-030	Group 4—Coin or token toss amusement game standards.
230-13-035	Group 5—Hand/eye coordination amusement game standards.
230-13-040	Group 6—Strength test amusement game standards.
230-13-045	Group 7—Crane amusement game standards.
230-13-050	Group 8—Penny fall amusement game standards.
230-13-055	Group 9—Ball roll amusement game standards.
230-13-060	Group 10—Shooting amusement game standards.
230-13-065	Group 11—Cake walk and fish pond amusement game standards.
230-13-067	Group 12—Electronic puzzle and pattern solving game standards.

OPERATING AMUSEMENT GAMES

230-13-070	Notifying local law enforcement of amusement game operation.
230-13-075	Assigning and reporting group numbers of authorized amusement games.
230-13-080	Operating coin or token activated amusement games.
230-13-085	Control and maintenance of amusement games.
230-13-090	Adult supervision of unattended amusement games.
230-13-100	Material degree of skill required in amusement games.
230-13-105	Attended amusement game requirements.
230-13-110	Charitable or nonprofit amusement game operation and management.
230-13-115	"Limited location" license requirements.
230-13-120	Posting amusement game rules.
230-13-125	Factors affecting skill readily visible for amusement games.
230-13-130	Display and exchange of amusement game prizes.
230-13-135	Maximum wagers and prize limitations.
230-13-145	Marking the difference between objects thrown in multiple amusement games on the same premises.

AUTHORIZED LOCATIONS AND RENTAL OF AMUSEMENT GAMES OR PREMISES

230-13-150	Amusement game locations.
230-13-155	Contracts for commercial amusement games.
230-13-160	Basing rent on a percentage of gross receipts.
230-13-165	Charitable or nonprofit organizations renting amusement game equipment.

RECORDKEEPING FOR AMUSEMENT GAMES

230-13-169	Annual activity reports for commercial amusement game licensees.
230-13-170	Recordkeeping for commercial amusement games.
230-13-175	Recordkeeping for unlicensed charitable and nonprofit amusement games.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-13-140	Price to play amusement games must be paid in cash or check. [Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-140, filed 7/16/07, effective 1/1/08.] Repealed by WSR 16-09-045 (Order 719), filed 4/15/16, effective 7/15/16. Statutory Authority: RCW 9.46.070, 9.46.0201.
------------	--

WAC 230-13-001 Defining "operator." In this chapter, "operator" means the licensee or unlicensed charitable or nonprofit organization operating the amusement game.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-001, filed 7/16/07, effective 1/1/08.]

WAC 230-13-005 Amusement games authorized. (1)

We authorize the approved groups of amusement games set forth in this chapter. Operators must only operate amusement games that meet the standards of at least one of the authorized groups.

(2) Commercial businesses or nonprofit or charitable organizations may apply for licenses for amusement games.

(3) Charitable or nonprofit organizations also may conduct group 1 through 11 amusement games without a license when authorized to do so under RCW 9.46.0321 and 9.46-0331.

(4) Operators must operate amusement games as either:

(a) An attended amusement game.

(i) An "attended amusement game" means an amusement game that requires the presence or assistance of a person (attendant) in the regular operation of the game; and

(ii) These games must award a merchandise prize to players if players achieve the objective with one cost of play; and

(iii) An attendant accepts cash, check, tickets or scrip to play the amusement game. The tickets and scrip are not redeemable for cash and must show the name of the operator or sponsor; or

(b) A coin or token activated amusement game.

(i) A "coin or token activated amusement game" means an amusement game that uses a mechanical, electronic, or electro-mechanical machine to allow the player to activate the game by inserting coins, cash, tokens, or tokens on an electronic token card; and

(ii) These games may dispense merchandise prizes, or coupons, tickets, tokens, or tokens onto an electronic token card redeemable for merchandise prizes; and

(iii) Coupons, tickets, tokens or tokens on an electronic token card can be electronically stored for redemption under this section as long as the coupons, tickets, tokens or tokens on an electronic token card are:

(A) Deposited into, and tracked on, a separate amusement game accounting system; and

(B) Not commingled with any tracking, reward, or other gambling related redemption systems; and

(C) Redeemed only for merchandise prizes.

(5) Amusement games must not:

(a) Award additional plays as prizes; or

(b) Allow coupons, tickets, tokens or tokens on electronic token cards that are awarded to be replayed; or

(c) Result in any cash payment being awarded.

(6) Amusement games must only award merchandise prizes.

(a) Merchandise prizes mean noncash prizes including toys, novelties, retail items such as electronic goods, clothing, accessories, as well as food, beverages and other items

sold by the operator as a normal part of their business in compliance with all other state laws and regulations, except as provided in (b) of this subsection.

(b) Pull-tabs and other gambling activities, gift certificates or gift cards do not constitute merchandise prizes.

(7) Electronic token card means a card issued by the operator that stores purchased credits available to play the amusement game separate from the coupons, tickets, or tokens awarded or dispensed as prizes from the play of the amusement game. Coupons, tickets, or tokens awarded as prizes cannot be used to play amusement games and must only be redeemed for merchandise prizes.

[Statutory Authority: RCW 9.46.070, 9.46.0201. WSR 16-22-049, § 230-13-005, filed 10/28/16, effective 11/28/16; WSR 16-09-045 (Order 719), § 230-13-005, filed 4/15/16, effective 7/15/16. Statutory Authority: RCW 9.46.070 and 9.46.0331. WSR 15-15-063 (Order 713), § 230-13-005, filed 7/10/15, effective 8/10/15. Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-005, filed 7/16/07, effective 1/1/08.]

WAC 230-13-010 Approval of new amusement games. (1) Operators may introduce new games that meet the standards of an authorized group 1 through 11 amusement game without approval of the director as long as they provide the director or his or her designee with a description of the game, the rules of play, and the group number of the game with an explanation of why that group was chosen at least sixty days before introducing the game.

The game cannot be introduced during this sixty day period unless approved sooner by us. The sixty day period stops when we request additional information.

(2) The following procedures apply to all group 12 amusement games. Games approved before the effective date of this rule must be submitted for testing, including the application and deposit, by May 1, 2016:

(a) An application and deposit must be submitted requesting approval of new group 12 amusement games and the applicant will provide all requested information;

(b) All amusement game equipment, programs, and games must be submitted for our review to verify compliance with chapter 9.46 RCW and Title 230 WAC.

(i) The equipment, programs, and/or games submitted must be fully functional/operational and capable of being tested once our review begins.

(ii) If the equipment is not fully functional/operational and ready for testing and review, we may require additional equipment or information before we start our review process.

(c) Amusement game equipment, programs, and games submitted for review must be identical to what will be marketed, distributed, and deployed in Washington;

(d) Group 12 amusement games must allow for a means of identifying and validating approved software that will demonstrate the authenticity of any software or game by a third-party verification program or tool;

(e) We will have sixty days to finish our review once your application is complete;

(f) We will notify you if we require additional information or if your equipment, program, or game malfunctions or is otherwise inoperable.

(i) You will have fourteen days to provide any additional information or correct any equipment, program, or game malfunction and the sixty day review period stops when this

occurs. The review period will restart when we receive the requested additional information or when the problem is corrected. You will be responsible for any additional cost needed to review the additional information provided or review of any equipment, program, or game malfunction;

(ii) Review of your application may be terminated if you do not respond within fourteen days. You will be required to reapply under this rule if your application is terminated.

(g) You can only begin selling, leasing, distributing, or operating these amusement games once all entities or individuals are licensed under chapter 230-03 WAC and the amusement game equipment, program, and/or game(s) are approved by the director or director's designee;

(h) All licensed amusement games must operate as approved by the director or director's designee; and

(i) We may keep equipment, software, and/or games submitted for review to allow for continued testing and training as long as the equipment remains in play in Washington. We are not liable for any damage to equipment while in our possession.

(3) If the director or director's designee notifies the operator that the proposed game does not meet the standards or otherwise violates the gambling laws or rules, the operator:

(a) May not introduce the game;

(b) If already introduced, must remove it from play until the operator brings it into compliance with the authorized group; and

(c) If you do not agree with the director or director's designee's decision, you may file a petition for declaratory order with the commission according to RCW 34.05.240 and chapter 230-17 WAC.

[Statutory Authority: RCW 9.46.070, 9.46.0201. WSR 16-08-033 (Order 718), § 230-13-010, filed 3/30/16, effective 4/30/16. Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-010, filed 7/16/07, effective 1/1/08.]

WAC 230-13-015 Group 1—Ball toss or kick amusement game standards. In Group 1 games, players throw or kick balls to win prizes.

(1) In ball toss or kick amusement games:

(a) All balls for each game must be uniform in size and weight; and

(b) All targets for each game must be the same size and weight or the operator must color code the target and advise the players of the difference in targets if the difference is not visible to players; and

(c) Target weight must not exceed seven and one-half pounds; and

(d) A target must not have a loose or floating weight.

(2) If the goal of the game requires estimating the speed of the ball thrown or kicked, operators must offer the player at least three balls to practice estimating the speed and one ball for the actual throw or kick.

(3) If operators use a ping pong or similar light weight ball in games requiring players to toss the ball into a dish, saucer, cup, or similar container, they must place water in the bottom of each container.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-015, filed 7/16/07, effective 1/1/08.]

WAC 230-13-020 Group 2—Dart amusement game standards. In Group 2 games, players throw darts into a target area to win prizes. If players achieve the predetermined score or pattern, pierce or break a target, or just stick the dart in the target, the player wins a prize.

(1) In dart amusement games:

(a) All darts must be uniform in size and unaltered with the point sharp, or functional if suction-cup darts, and all feathers or tail sections intact; and

(b) The target area for all dart games must be of a material capable of being penetrated and retaining a metal tip dart, or holding a suction-cup dart; and

(c) The target area must be in the rear of the stand and must be at least three feet but not more than fifteen feet from a foul line.

(2) In "add 'em up games," where players must achieve a predetermined score, all darts stuck on the lines of the target must result in another throw by the player. Players have the right to add up the score of the darts thrown.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-020, filed 7/16/07, effective 1/1/08.]

WAC 230-13-025 Group 3—Hoop or ring toss amusement game standards. In Group 3 games, players toss one or more hoops or rings over one or more targets which may consist of bottles, pegs, blocks, prizes, or any item capable of having a ring or hoop tossed over it to win prizes. In hoop or ring toss amusement games:

(1) The operator must advise the player as to the degree that the hoop(s) or ring(s) must go over the target; and

(2) Hoops or rings for each game must be uniform in size and shape and must be capable of going over the target; and

(3) Targets used at an individual stand must be the same size. If not, the operator must post signs or use color codes to point out the different sizes.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-025, filed 7/16/07, effective 1/1/08.]

WAC 230-13-030 Group 4—Coin or token toss amusement game standards. In Group 4 games, players toss one or more coins or tokens onto a surface or into a target area to win a prize. In coin or token toss amusement games:

(1) The game must have a clear and unobstructed thirty-six inch vertical airspace above the target area or surface; and

(2) The target or surface must be level and not altered to give an advantage to the operator; and

(3) Any game which has a target area of four square inches or less must award a prize if any part of the coin or token is within the target area. "Four square inches" means a two-inch by two-inch square; and

(4) If the target does not include a more than two-inch by two-inch square area, such as a rainbow or star, a prize must be awarded if any part of the coin or token lands on any portion of the target area.

[Statutory Authority: RCW 9.46.070. WSR 07-21-116 (Order 617), § 230-13-030, filed 10/22/07, effective 1/1/08; WSR 07-15-064 (Order 612), § 230-13-030, filed 7/16/07, effective 1/1/08.]

WAC 230-13-035 Group 5—Hand/eye coordination amusement game standards. In Group 5 games, players

perform task(s) using hand and eye coordination to win a prize.

(1) Hand and eye coordination amusement games must include one or more of the following:

(a) Striking a moving or fixed object or target including a sequence of moving or fixed objects or targets; or

(b) Launching object(s) at target(s) from a mechanism. Players must aim object(s) so they may land in, on, or go through a target(s), including catching the target(s) or having the object(s) caught in the target(s). In games where players launch, toss, or catapult objects at target(s), the launching machine must respond in an identical manner on repetitive uses when the player applies or selects an equal amount of force; or

(c) Dropping object(s) onto target area(s) or surface(s), including covering the area(s), or surface(s) with the object(s). If a player must cover a spot or specific target area, then the target area must be a circular spot and:

(i) The player must receive at least five circular discs to drop on the target or target area; and

(ii) The diameter of the circular discs used to cover the target or target area must be at least sixty-four percent of the diameter of the target spot or area; and

(iii) The target spot or area must be permanently affixed to a solid surface; or

(d) Capturing, lassoing, hooking, or getting a hold of an object(s) and causing them to move or change position; or

(e) Guiding object(s) or images through a pattern, maze, or task; or

(f) Climbing on, over, through, or around object(s); or

(g) Similar tasks.

(2) For any game requiring a player to perform a task normally associated with playing billiards or pool, operators must allow players to use a regulation billiard table, balls, and cue.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-035, filed 7/16/07, effective 1/1/08.]

WAC 230-13-040 Group 6—Strength test amusement game standards. In Group 6 games, players test their strength by performing task(s) for a predetermined number of times or length of time to win a prize. The tasks must do one or more of the following:

(1) Test hand, arm, or whole body strength; or

(2) Require the player to use a tool to strike an object or target, and cause the object to travel a specific distance; or

(3) Require the object(s) to strike another object(s) to achieve the goal of the game.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-040, filed 7/16/07, effective 1/1/08.]

WAC 230-13-045 Group 7—Crane amusement game standards. In Group 7 games, players maneuver a crane or claw mechanism to attempt to retrieve a prize. All crane amusement games must:

(1) Allow at least twenty seconds playing time per operation; and

(2) Have a crane or claw capable of reaching, picking up, and dispensing all prizes in the machine; and

(3) Have the machine controls clearly labeled as to their function; and

(4) Have prizes loose and not packed, arranged, lodged, or intertwined in the machine in any way that would prevent the crane or claw from picking up and dispensing the prize.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-045, filed 7/16/07, effective 1/1/08.]

WAC 230-13-050 Group 8—Penny fall amusement game standards. In Group 8 games, players insert coins or tokens (coins) into a chute and aim the chute to win a prize. The coins land on a flat surface(s) which has sweeper and/or pusher arm(s) moving across the surface(s). Carefully aimed coins may cause coins on the flat surface(s) to be pushed or swept into holes or chutes which dispense tokens or tickets to the player.

(1) Coin fall games must:

(a) Have level surfaces and contain similar coins; and

(b) Have the outcome of the game determined by player's skill.

(2) Coin fall games may contain obstacles which if properly passed or struck by a coin, award additional tickets.

(3) If coin fall games have obstacles, operators must:

(a) Turn on the obstacles before the player inserts the coin; and

(b) Keep them on long enough to allow the player to attempt to strike or pass the obstacles.

(4) Operators may set merchandise prizes on the coins, tokens, or other surfaces in the game and if the prize is pushed into a hole or chute, then it is awarded to the player. All prizes must fit down the hole or chute.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-050, filed 7/16/07, effective 1/1/08.]

WAC 230-13-055 Group 9—Ball roll amusement game standards. In Group 9 games, players roll balls to a target area to win a prize. Ball roll amusement games may be either:

(1) One player:

(a) Attempting to score a predetermined number of points by landing in a target area; or

(b) Striking and/or knocking down target(s); or

(2) More than one player:

(a) Attempting to score a predetermined number of points; or

(b) Striking and/or knocking down target(s); or

(c) Landing in a target area. The first player to achieve the goal wins a prize.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-055, filed 7/16/07, effective 1/1/08.]

WAC 230-13-060 Group 10—Shooting amusement game standards. In Group 10 games, players use a mechanism to fire projectile(s) to hit target(s) to win prizes. In shooting amusement games:

(1) The game may require a player to:

(a) Destroy or obliterate all or part of the target; or

(b) Hit the target or specific portion of it; or

(c) Hold an electronic beam, light beam, or water stream on the target or portion of it to achieve a specific result.

[Ch. 230-13 WAC p. 4]

(2) The projectiles may include pellets, BBs, corks, water, electronic beams, light beams, balls, or suction-cup darts.

(3) The targets may be stationary or mobile.

(4) Operators and players must comply with all safety requirements of the local city or county ordinances.

(5) A short range shooting gallery must give players, at least:

(a) Four shots to shoot out a target which has a diameter of one-quarter inch or less; or

(b) One shot at each target which they must strike. Targets must be at least one-half inch square and may include a bulls-eye section which players must shoot out without touching the outside of the target.

(6) "Shoot-out-the-star" games must give players at least one hundred projectiles in an automatic mechanism to shoot out a star which is no more than one and one-quarter inch from point to point.

(7) Operators may determine a winner and award a prize based on the number of players participating.

(8) If suction-cup darts are used in the game, players must receive another turn if the dart does not stick to the target area.

(9) If targets must be knocked over or off of a shelf, then the bases of the targets must be uniformly shaped front and rear.

(10) If players must destroy or obliterate all or part of a target to win, then the players must have the right to have the target brought to them and to visually inspect it at any time during the game or at the conclusion of the game.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-060, filed 7/16/07, effective 1/1/08.]

WAC 230-13-065 Group 11—Cake walk and fish pond amusement game standards. Group 11 games are:

(1) Cake walk amusement games where players walk on a numbered or color-coded circle while music is played. When the music stops, a player wins a prize depending on the number or color of the portion of the circle the player is standing on; and

(2) Fish pond amusement games where players receive a prize each time they play by:

(a) Either hooking or capturing a fake fish floating in water or similar object with a number or symbol on the bottom. The number or symbol of the fish or object corresponds to a prize; or

(b) Having the operator place a prize directly onto the "line" or catching device of the player from behind a curtain or similar obstruction.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-065, filed 7/16/07, effective 1/1/08.]

WAC 230-13-067 Group 12—Electronic puzzle and pattern solving game standards. (1) In group 12 games, players must correctly solve a puzzle to win a game, which is viewable by the player before each puzzle is presented.

(2) The game must allow the player to preview points to be awarded if the puzzle is correctly solved before each play of the game without the insertion of money or any other thing of value; and

(3) Prizes are awarded based upon the player's skill in correctly discerning a pattern and completing that pattern; and

(4) When a game presents a potential winning pattern, the puzzle must be capable of completion within the predetermined time period; and

(5) Group 12 amusement games are for adults over the age of twenty-one only and may only be operated by licensees where persons under the age of twenty-one are prohibited from entering; and

(6) The amusement game must prominently display a sticker or on the screen, "This is not a slot machine. No cash prizes are allowed. You can preview the points to be awarded if the puzzle is correctly solved before each play of the game without the insertion of money or anything of value."

[Statutory Authority: RCW 9.46.070, 9.46.0201. WSR 16-18-072, § 230-13-067, filed 9/2/16, effective 10/3/16. Statutory Authority: RCW 9.46.070 and 9.46.0331. WSR 15-15-063 (Order 713), § 230-13-067, filed 7/10/15, effective 8/10/15.]

OPERATING AMUSEMENT GAMES

WAC 230-13-070 Notifying local law enforcement of amusement game operation. (1) Amusement game operators must notify the local law enforcement agency in writing at least ten days before operating amusement games at any location. The chief officer of the local law enforcement agency may reduce this time limit. The notice must include, at least:

- (a) The name and address of the operator; and
- (b) The name and address of the person managing the games at the location; and
- (c) The date(s) and the location where the operator will conduct the amusement games.

(2) Operators must have all amusement game equipment available for inspection by local law enforcement or us at least the two hours before operating.

(3) Operators may place individual amusement games at locations where amusement games already exist without renotifying local law enforcement.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-070, filed 7/16/07, effective 1/1/08.]

WAC 230-13-075 Assigning and reporting group numbers of authorized amusement games. (1) Amusement game licensees must determine the authorized group number of each game and prepare a list of all games they plan to operate during each license year. They must submit this list to us with their activity report. The list must contain, at least, the name and group number of each game.

(2) Amusement game licensees must notify us within thirty days of putting into play and removing from play a group 12 amusement game. Reporting must be in the format we require.

[Statutory Authority: RCW 9.46.070, 9.46.0201. WSR 16-22-049, § 230-13-075, filed 10/28/16, effective 11/28/16. Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-075, filed 7/16/07, effective 1/1/08.]

WAC 230-13-080 Operating coin or token activated amusement games. (1) Coin or token activated amusement games must have nonresetting coin-in meters, certified as

(10/28/16)

accurate to within plus or minus one coin or token in one thousand plays, which stop play of the machine if the meter is removed or disconnected when operating at:

- (a) Amusement parks; or
 - (b) Regional shopping malls; or
 - (c) Movie theaters; or
 - (d) Bowling alleys; or
 - (e) Miniature golf course facilities; or
 - (f) Skating facilities; or
 - (g) Family sports complexes.
- (i) A "family sports complex" is a facility, at a permanent location, to which people go to play sports. A family sports complex must offer multiple sports activities, such as indoor soccer, outdoor soccer, lacrosse, baseball, Frisbee, and lawn bowling and the gross receipts must be primarily from these sports activities.

(ii) A family sports complex does not include a facility owned or operated by a school or school district; or

- (h) Amusement centers; or
- (i) Restaurants; or
- (j) Grocery or department stores. A "department or grocery store" means a business that offers the retail sale of a full line of clothing, accessories, and household goods, or a full line of dry grocery, canned goods, or nonfood items plus some perishable items, or a combination of these. A department or grocery store must have more than ten thousand square feet of retail and support space, not including the parking areas.

(2) All coin or token activated amusement games must have a coin acceptor capable of taking money for one play and may have an additional acceptor to include paper money.

(3) Operators using amusement games that do not return change must have a change-making bill acceptor or the ability to get change in the immediate vicinity of such games. All amusement games using paper money acceptors must either:

- (a) Return change; or
- (b) Clearly disclose to players before play that change is not returned and disclose to them where at the location they may get change.

(4) The maximum number of group 12 amusement games a licensee may have in their licensed premises is limited to:

- (a) Twenty games for charitable and nonprofit licensees; and
- (b) Ten games for commercial licensees.

[Statutory Authority: RCW 9.46.070, 9.46.0201. WSR 16-09-045 (Order 719), § 230-13-080, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 9.46.070. WSR 09-15-067 (Order 650), § 230-13-080, filed 7/13/09, effective 8/13/09; WSR 08-11-036 (Order 625), § 230-13-080, filed 5/14/08, effective 7/1/08; WSR 07-21-116 (Order 617), § 230-13-080, filed 10/22/07, effective 1/1/08; WSR 07-15-064 (Order 612), § 230-13-080, filed 7/16/07, effective 1/1/08.]

WAC 230-13-085 Control and maintenance of amusement games. Amusement game operators must:

(1) Closely monitor and control all games to ensure they are operated according to all provisions of Title 230 WAC and chapter 9.46 RCW; and

(2) Protect players from fraud and game manipulation; and

[Ch. 230-13 WAC p. 5]

(3) Maintain all games or machines in proper condition to ensure they comply with their authorized amusement game group.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-085, filed 7/16/07, effective 1/1/08.]

WAC 230-13-090 Adult supervision of unattended amusement games. (1) Operators must provide adult supervision at all locations where school-aged minors are allowed to play amusement games during all hours of operation.

(a) "School aged minors" means anyone at least six, but not yet eighteen years old.

(b) An "unattended amusement game" means a game that does not require the player to interact with an attendant, for example, a coin activated game.

(2) An adult supervisor must ensure that school-age minors:

(a) Do not enter or play amusement games during school hours at regional shopping centers; and

(b) Do not enter or play amusement games during school hours at and after 10:00 p.m. on any day at any location mentioned in RCW 9.46.0331.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-090, filed 7/16/07, effective 1/1/08.]

WAC 230-13-100 Material degree of skill required in amusement games. Amusement game operators must conduct games in which the outcome depends to a material degree on the skill of the player. We consider a "material degree of skill" to be present when both of these requirements are met:

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

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

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-100, filed 7/16/07, effective 1/1/08.]

WAC 230-13-105 Attended amusement game requirements. (1) Attendants of amusement games must, at least:

(a) Collect payment from the player(s); and
(b) Give equipment or components to the player(s) to participate in the game; and

(c) Award merchandise prize(s) to any winners.

(2) Attendants must not:

(a) Materially assist players; or

(b) Participate in the game.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-105, filed 7/16/07, effective 1/1/08.]

WAC 230-13-110 Charitable or nonprofit amusement game operation and management. (1) Charitable and nonprofit organizations must closely supervise all persons operating their gambling activities according to all provisions of Title 230 WAC and chapter 9.46 RCW.

(2) Only full and regular members of charitable or nonprofit organizations may supervise or manage amusement games.

[Ch. 230-13 WAC p. 6]

(3) Organizations may use nonmembers for positions that are not of a supervisory or management nature if the nonmembers are:

(a) Employees of the organization, hired on a regular or part-time basis, and employed primarily for purposes other than to conduct the activities; or

(b) Volunteers under the supervision of a member and not directly or indirectly compensated for their work.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-110, filed 7/16/07, effective 1/1/08.]

WAC 230-13-115 "Limited location" license requirements. Amusement game licensees operating under a "limited location" license must assign each game a number and keep a list of all games and their booth numbers available in the operator's on-site office.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-115, filed 7/16/07, effective 1/1/08.]

WAC 230-13-120 Posting amusement game rules. (1) Amusement game operators must fully inform players of game rules. They must prominently post a sign made of permanent material printed in lettering at least one and one-half inches in height that includes, at least:

(a) Fees charged for play; and

(b) Rules of play; and

(c) Prizes or number of tickets to be won; and

(d) Any variation in the size or weight of objects used in the game which is not readily visible to the player; and

(e) Name of the operator; and

(f) Booth number, if applicable; and

(g) Amusement game group number.

(2) For coin or token activated games, if all aspects of the activity are within four feet of the player, operators may use lettering smaller than one and one-half inches in height as long as they prominently post the sign and make it legible to players. The operator must ensure that the manufacturer either:

(a) Preprints the sign and information on the machine; or

(b) Attaches it to the machine.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-120, filed 7/16/07, effective 1/1/08.]

WAC 230-13-125 Factors affecting skill readily visible for amusement games. If there are physical limitations which affect the degree of skill needed to win a prize, the amusement game operator must make these factors readily visible to the player. For example, if a target, basket, or hoop used in the amusement game has a limiting feature, such as shape or size, the operator must prominently post a duplicate of the target, basket, or hoop which shows the limitation.

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-125, filed 7/16/07, effective 1/1/08.]

WAC 230-13-130 Display and exchange of amusement game prizes. (1) Amusement game operators must prominently display a sample of each type of prize available.

(2) Operators must only award prizes that are posted. However, after a player has won two or more prizes, operators may offer that player the opportunity to exchange those

prizes for one or more other prizes, but only if that prize was on display during the play of the game.

(3) Operators must not allow winners to forfeit previously won prize(s) in exchange for another play.

(4) Operators may give winners tickets, coupons, tokens, or tokens stored on an electronic token card, which winners may combine with other tickets, coupons, tokens, or tokens on electronic token cards won and redeem for a merchandise prize.

[Statutory Authority: RCW 9.46.070, 9.46.0201. WSR 16-09-045 (Order 719), § 230-13-130, filed 4/15/16, effective 7/15/16. Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-130, filed 7/16/07, effective 1/1/08.]

WAC 230-13-135 Maximum wagers and prize limitations. (1) The maximum wager is three dollars and fifty cents and the maximum cost for a prize is five hundred dollars if school-aged minors are allowed to play amusement games at the following locations:

- (a) Regional shopping centers; and
- (b) Movie theaters; and
- (c) Bowling alleys; and
- (d) Miniature golf course facilities; and
- (e) Skating facilities; and
- (f) Family sports complexes.

(i) A "family sports complex" is a facility, at a permanent location, to which people go to play sports. A family sports complex must offer multiple sports activities, such as indoor soccer, outdoor soccer, lacrosse, baseball, Frisbee, and lawn bowling and the gross receipts must be primarily from these sports activities.

(ii) A family sports complex does not include a facility owned or operated by a school or school district; and

- (g) Amusement centers; and

(h) Grocery or department stores. A "department or grocery store" means a business that offers the retail sale of a full line of clothing, accessories, and household goods, or a full line of dry grocery, canned goods, or nonfood items plus some perishable items, or a combination of these. A department or grocery store must have more than ten thousand square feet of retail and support space, not including the parking areas; and

(i) Any business whose primary activity is to provide food service for on premises consumption.

(2) For group 12 amusement games, the maximum wager is five dollars and the maximum cost for a prize is one thousand dollars.

[Statutory Authority: RCW 9.46.070, 9.46.0201. WSR 16-08-033 (Order 718), § 230-13-135, filed 3/30/16, effective 4/30/16. Statutory Authority: RCW 9.46.070, 9.46.0331, and 9.46.0201. WSR 11-04-004 (Order 674), § 230-13-135, filed 1/20/11, effective 2/20/11. Statutory Authority: RCW 9.46.070. WSR 09-15-067 (Order 650), § 230-13-135, filed 7/13/09, effective 8/13/09; WSR 08-11-036 (Order 625), § 230-13-135, filed 5/14/08, effective 7/1/08; WSR 07-15-064 (Order 612), § 230-13-135, filed 7/16/07, effective 1/1/08.]

WAC 230-13-145 Marking the difference between objects thrown in multiple amusement games on the same premises. Amusement game operators must not operate more than one game of a similar type on the same premises using similar objects of a different size or weight unless the difference in each game's objects is readily apparent.

(10/28/16)

[Statutory Authority: RCW 9.46.070. WSR 07-15-064 (Order 612), § 230-13-145, filed 7/16/07, effective 1/1/08.]

AUTHORIZED LOCATIONS AND RENTAL OF AMUSEMENT GAMES OR PREMISES

WAC 230-13-150 Amusement game locations. (1) Amusement game operators must obtain written permission to operate at any location from the person or organization owning the premises or sponsoring the event where the operator will hold the activity.

(2) Operators may only conduct commercial amusement games at:

- (a) Locations set out in RCW 9.46.0331; and
- (b) Family sports complexes.

(i) A "family sports complex" is a facility, at a permanent location, to which people go to play sports. A family sports complex must offer multiple sports activities, such as indoor soccer, outdoor soccer, lacrosse, baseball, Frisbee, and lawn bowling and the gross receipts must be primarily from these sports activities.

(ii) A family sports complex does not include a facility owned or operated by a school or school district; and

- (c) Skating facilities; and

(d) Grocery or department stores. A "department or grocery store" means a business that offers the retail sale of a full line of clothing, accessories, and household goods, or a full line of dry grocery, canned goods, or nonfood items plus some perishable items, or a combination of these. A department or grocery store must have more than ten thousand square feet of retail and support space, not including the parking areas.

(3) Operators must conduct amusement games in conformance with local zoning, fire, health, and similar regulations.

[Statutory Authority: RCW 9.46.070. WSR 09-15-067 (Order 650), § 230-13-150, filed 7/13/09, effective 8/13/09; WSR 08-11-036 (Order 625), § 230-13-150, filed 5/14/08, effective 7/1/08; WSR 07-15-064 (Order 612), § 230-13-150, filed 7/16/07, effective 1/1/08.]

WAC 230-13-155 Contracts for commercial amusement games. (1) Operators must ensure that all contracts are written and specific in terms, setting out the term of the contract, amount of rent or consideration, rent due dates, and all expenses each party must pay.

(2) All contracts become part of the operator's license file. If commercial amusement game operators violate any terms of a contract, it may be grounds for suspension or revocation of their license.

(3) Class B or above licensees may enter into contracts with business owners of any of the following locations to operate amusement games on their premises:

- (a) Amusement parks; or
- (b) Regional shopping centers; or
- (c) Any location that possesses a valid license from the Washington state liquor control board and prohibits minors on their premises; or
- (d) Movie theaters; or
- (e) Bowling alleys; or
- (f) Miniature golf course facilities; or
- (g) Skating facilities; or
- (h) Amusement centers; or

[Ch. 230-13 WAC p. 7]

(i) Department or grocery stores having more than ten thousand square feet of retail and support space, not including the parking areas; or

(j) Charitable or nonprofit organizations with a premises licensed for Class A amusement games; or

(k) Any commercial business that provides food service for on premises consumption as its primary activity.

(4) Operators must not place amusement games at a location which does not have a valid license.

[Statutory Authority: RCW 9.46.070, WSR 07-15-064 (Order 612), § 230-13-155, filed 7/16/07, effective 1/1/08.]

WAC 230-13-160 Basing rent on a percentage of gross receipts. Class B or above amusement game operators:

(1) May base the rent or consideration paid to a Class A commercial amusement game location or charitable or nonprofit amusement game location for group 12 amusement games on a percentage of revenue the activity generates if the method of distribution is specific.

(2) May not base the rent or consideration paid to a charitable or nonprofit organization on a percentage of revenue the activity generates unless the amount returned to the organization is equal to or exceeds twenty-two percent of the gross gambling receipts.

(3) Operators must pay the organization at least once a month.

(4) If located at regional shopping centers, may use a percentage of receipts to pay rental leases. They are also exempt from the profits restrictions of RCW 9.46.120(2).

[Statutory Authority: RCW 9.46.070, 9.46.0201, WSR 16-08-033 (Order 718), § 230-13-160, filed 3/30/16, effective 4/30/16. Statutory Authority: RCW 9.46.070, WSR 07-15-064 (Order 612), § 230-13-160, filed 7/16/07, effective 1/1/08.]

WAC 230-13-165 Charitable or nonprofit organizations renting amusement game equipment. Charitable or nonprofit organizations may rent or otherwise obtain amusement game equipment as long as the amount paid is:

(1) A reasonable price for the gambling equipment or for use of the gambling equipment; and

(2) A lump sum or hourly rate established in the competitive market; and

(3) Not based on a percentage of the gross receipts, income, or profit.

[Statutory Authority: RCW 9.46.070, WSR 07-15-064 (Order 612), § 230-13-165, filed 7/16/07, effective 1/1/08.]

RECORDKEEPING FOR AMUSEMENT GAMES

WAC 230-13-169 Annual activity reports for commercial amusement game licensees. Commercial amusement game licensees must submit an annual activity report to us in the format we require and must:

(1) Cover the license year of one calendar year or less; and

(2) Be received at our administrative office or post-marked no later than thirty days following the end of the reporting period; and

(3) Be signed by the licensee's highest ranking executive officer or a designee. If someone other than the commercial amusement game licensee or its employee prepares the

report, then it must provide the preparer's name and business telephone number; and

(4) Submit a report for any period of time their license was valid, even if they had no activity or did not renew their license; and

(5) Complete the report according to the instructions furnished with the report.

[Statutory Authority: RCW 9.46.070, WSR 08-20-007 (Order 630), § 230-13-169, filed 9/18/08, effective 1/1/09; WSR 07-21-116 (Order 617), § 230-13-169, filed 10/22/07, effective 1/1/08.]

WAC 230-13-170 Recordkeeping for commercial amusement games. (1) Amusement game licensees must prepare a detailed record for each location where they operate games. They must retain the records for at least three years. The records must include details necessary to determine:

(a) Gross gambling receipts received from players from:

(i) Group 1 through 11 amusement games; and

(ii) Group 12 amusement games; and

(b) Value of prizes awarded to winners.

(2) Records must include, at least:

(a) The gross gambling receipts collected from amusement games at each location, with receipting records; and

(b) An entry for each withdrawal of receipts from the games. Coin or token activated amusement games only require an entry of the ending meter reading, the number of plays, and gross gambling receipts at the end of each month; and

(c) A summary of the operation of the activity. This includes, at least, coin-in meter readings and gross gambling receipts. Operators must provide these coin-in meter readings and gross gambling receipts to charitable or nonprofit organizations each time they service a game or disburse money.

(3) Licensees must report at least monthly the number and actual cost of merchandise prizes awarded for each location.

(4) For amusement games that issue tickets for the redemption of prizes, licensees must at least log the beginning and ending nonresettable ticket out meters or ticket numbers during each collection of funds from each game.

(5) Licensees must provide the full details for all amusement game operating expenses.

[Statutory Authority: RCW 9.46.070, 9.46.0201, WSR 16-22-049, § 230-13-170, filed 10/28/16, effective 11/28/16. Statutory Authority: RCW 9.46.070, WSR 07-15-064 (Order 612), § 230-13-170, filed 7/16/07, effective 1/1/08.]

WAC 230-13-175 Recordkeeping for unlicensed charitable and nonprofit amusement games. (1) Unlicensed charitable or nonprofit organizations must keep records according to WAC 230-07-125 which will allow us to:

(a) Determine the amount of gross gambling receipts received from amusement games; and

(b) Identify individuals responsible for receiving and controlling them.

(2) Records must include, at least, the full names, addresses, and phone numbers of employees and members involved in the activity.

[Statutory Authority: RCW 9.46.070, WSR 07-15-064 (Order 612), § 230-13-175, filed 7/16/07, effective 1/1/08.]