

The board further recommends that such agreements include, to the extent acceptable to the other agency, provisions specifying:

- (1) **The law and regulations covered;**
- (2) **Any geographical** or other limits on the authority and responsibility under the agreement;
- (3) **Priorities** and standards for resolution of any conflicts between such laws and regulations and the act and these regulations;
- (4) **Procedures** for administrative appeals of actions taken;
- (5) **Provisions** for continuing cooperation between the department and the other agency or agencies regarding interpretation of the laws and regulations involved;
- (6) **Procedures** for termination of the interagency agreement; and
- (7) **Procedures** for processing applications and notifications.

The department is directed to provide copies of all such agreements to the board, and to make known to the public that such interagency agreements exist.

[Statutory Authority: RCW 76.09.040, 76.09.050 and 34.05.350. 91-23-052, § 222-50-030, filed 11/15/91, effective 12/16/91; Order 263, § 222-50-030, filed 6/16/76.]

**Title 230 WAC
GAMBLING COMMISSION**

Chapters

- 230-02 **General provisions and definitions.**
- 230-04 **Licensing.**
- 230-08 **Records and reports.**
- 230-12 **Rules of general applicability.**
- 230-20 **Bingo, raffles and amusement games.**
- 230-25 **Fund raising events.**
- 230-30 **Punchboards and pull tabs.**
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**Chapter 230-02 WAC
GENERAL PROVISIONS AND DEFINITIONS**

WAC

- 230-02-110 **Gross gambling receipts defined.**
- 230-02-240 **Gambling manager defined.**
- 230-02-418 **Bingo manager defined.**
- 230-02-505 **Recreational gaming activity—Defined.**
- 230-02-510 **Amusement device defined.**
- 230-02-512 **Commercial amusement game operator defined.**
- 230-02-515 **School hours defined.**
- 230-02-520 **School-aged minors defined.**

WAC 230-02-110 Gross gambling receipts defined. "Gross gambling receipts" means the monetary value that would be due to any operator of a gambling activity for any chance taken, for any table fees for card playing, other fees for participation, or rent and lease fees for amusement games received by commercial amusement game operations, as evidenced by required records. The

value shall be stated in U.S. currency, before any deductions for prizes or any other expenses. In the absence of records, gross gambling receipts shall be the maximum that would be due to an operator from that particular activity if operated at maximum capacity.

[Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-02-110, filed 10/15/91, effective 11/15/91; 86-19-056 (Order 161), § 230-02-110, filed 9/15/86, effective 1/1/87; Order 5, § 230-02-110, filed 12/19/73.]

WAC 230-02-240 Gambling manager defined. A "gambling manager" is a person, whether compensated or not, who is responsible for operating and controlling authorized gambling activities other than bingo games, and has the authority to make decisions regarding the operation of such gambling activities. The gambling manager supervises and directs all other persons directly or indirectly involved in the conduct of such activities. A gambling manager may be: An owner; partner; officer of a corporation; or a person designated by any of the above. A gambling manager's duties include, but are not limited to the following: Hiring, firing, and evaluating gambling personnel; supervising and controlling the conduct of gambling activities; preparing or supervising the preparation of gambling records; controlling cash generated by gambling activities and making bank deposits; and purchasing gambling supplies.

[Statutory Authority: RCW 9.46.070 (7)(14). 91-07-021, § 230-02-240, filed 3/13/91, effective 4/13/91.]

WAC 230-02-418 Bingo manager defined. A "bingo manager" is any person assigned the responsibility to conduct and/or oversee the conduct of bingo games by the governing board or elected officers of a charitable/nonprofit organization. This definition includes all persons directly or indirectly compensated to advise the board and/or officers regarding specific aspects of operating a bingo game, whether as a consultant or any other short-term contract basis: *Provided*, That organizations currently licensed to operate bingo games, or their members or employees, may provide nonspecific advice to any other charitable/nonprofit organization, without being deemed a bingo manager, if they are not directly or indirectly compensated for such advice. This section is not intended to restrict actions regarding the operation of a bingo game that are initiated by the board and/or officers, if such actions are implemented through a bingo manager appointed by the board and/or officers.

- (1) The duties and responsibilities of a bingo manager include but are not limited to the following:
 - (a) Personnel actions regarding workers in the activity including hiring, firing, training, evaluating, scheduling work periods, and/or setting salaries;
 - (b) Scheduling the gambling activity including determining the time and days of operation;
 - (c) Setting the scope of the gambling activity by determining:
 - (i) The number of games to be played;
 - (ii) The type of games to be played;
 - (iii) The cost for each player to participate; and
 - (iv) The type and amount of prizes to be awarded;

(d) Setting the scope of marketing activities related to the gambling activity by determining:

- (i) Type and scope of promotional activities; and
- (ii) The media, content, timing, and target market area of advertising;

(e) Supervising the operation of the bingo game including all auxiliary activities by ensuring that:

- (i) The public is protected from fraud;
- (ii) Persons participating in the activity are reasonably protected from physical harm and civil disorder;
- (iii) All provisions of Title 230 WAC and chapter 9.46 RCW are followed;
- (iv) All records are completed and correct; and
- (v) All monies derived from the gambling and auxiliary activities are safeguarded until transferred to a guardian designated by the board and/or officers or directly deposited in the organization's bank account.

(2) An organization may appoint more than one person whose responsibilities include those of a bingo manager as defined above. When an organization has more than one bingo manager, the manager assigned the highest level of authority shall be designated as the "primary bingo manager" and all others as "assistant bingo managers." The primary bingo manager must be designated on the application for a bingo license.

(3) All bingo managers shall be knowledgeable of all provisions of Title 230 WAC and chapter 9.46 RCW that relate to the operation of bingo games and auxiliary activities.

[Statutory Authority: RCW 9.46.070 (7), (17), (8) and (9). 91-13-070 (Order 223), § 230-02-418, filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 9.46.070(17). 81-21-032 (Order 113), § 230-02-418, filed 10/15/81.]

WAC 230-02-505 Recreational gaming activity—Defined. A recreational gaming activity is a nongambling activity utilizing gambling devices authorized for use in fund raising events, conducted no more than two times per year, by or on behalf of an organization that has been in existence for at least six months. Only members and guests of the sponsoring organization may participate and such activity shall be subject to the requirements of WAC 230-25-330.

[Statutory Authority: Chapter 9.46 RCW. 91-15-040 (Order 224), § 230-02-505, filed 7/17/91, effective 8/17/91.]

WAC 230-02-510 Amusement device defined. An amusement device is any mechanical, electro-mechanical, or electronic device through which the operation results in a game or contest which:

- (1) Is played only for entertainment;
- (2) Allows the player to actively participate;
- (3) The outcome of the game or contest depends in a material degree upon the skill of the player; and
- (4) The outcome is not in control of any person other than the player or players.

[Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-02-510, filed 9/18/91, effective 10/19/91.]

WAC 230-02-512 Commercial amusement game operator defined. A commercial amusement game operator is any person or organization, other than a charitable or nonprofit organization, that receives revenue from the operation, rental, or lease, or otherwise shares in the proceeds of approved amusement games.

[Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-02-512, filed 10/15/91, effective 11/15/91.]

WAC 230-02-515 School hours defined. School hours are defined as 8:00 a.m. through 3:00 p.m., Monday through Friday, using the operating schedule of the public school district in which the activity is located. *Provided*, That upon written permission of the commission director, school hours may be adjusted to allow participants in school sponsored activities to utilize amusement games at licensed locations.

[Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-02-515, filed 9/18/91, effective 10/19/91.]

WAC 230-02-520 School-aged minors defined. School-aged minors are defined as persons who have not reached an age of 18 years.

[Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-02-520, filed 9/18/91, effective 10/19/91.]

**Chapter 230-04 WAC
LICENSING**

WAC	
230-04-110	Licensing of manufacturers.
230-04-120	Licensing of distributors.
230-04-124	Licensing of manufacturers and distributors representatives.
230-04-135	Commercial amusement games—License required.
230-04-138	Commercial amusement games—Authorized locations.
230-04-187	Recreational gaming activity—Permit required.
230-04-190	Issuance of license.
230-04-201	Fees.
230-04-320	Change of location.

WAC 230-04-110 Licensing of manufacturers. (1) A manufacturer shall obtain a license from the commission prior to manufacturing, selling or supplying to any person(s) within this state, or for use within this state, one or more of the following devices:

- (a) Punchboards;
 - (b) Pull tabs; and
 - (c) Devices for the dispensing of pull tabs.
- (2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials which are elsewhere required under these rules:
- (a) The name and address of the applicant;
 - (b) The name and address of each of its separate locations manufacturing such devices;
 - (c) The name and home address of all owners of the manufacturing business if the business is not a corporation. If the business is a corporation, the name and address of each of the officers and each of the directors of

the corporation and of each stockholder owning ten percent or more of any class of stock in the corporation;

(d) A full description of each separate type of punchboard, pull tab, or device for the dispensing of pull tabs which the applicant seeks to manufacture or to market in this state; and

(e) The brand name under which each device is sold;

(3) If the applicant is a foreign manufacturer, then the full name, business and home address of the agent who is a resident of this state designated pursuant to WAC 230-12-300;

(4) A list of all distributors of such devices, punchboards or pull tabs, and of all businesses or organizations located within the state of Washington in which the licensee has some financial interest and the details of that financial interest. For the purpose of this subsection, the term financial interest shall include, among all other interests, indebtedness from the licensee to the other person, or vice versa, in excess of five hundred dollars.

(5) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form. The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of this commission.

[Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-04-110, filed 9/18/91, effective 10/19/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-04-110, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (4) and (6). 79-07-019 (Order 90), § 230-04-110, filed 6/14/79; Order 12, § 230-04-110, filed 2/14/74; Order 9, § 230-04-110, filed 12/19/73 at 1:26 p.m.; Order 5, § 230-04-110, filed 12/19/73 at 1:25 p.m.]

WAC 230-04-120 Licensing of distributors. (1) Prior to selling or supplying to any person within the state of Washington or for use within the state of Washington, a distributor shall first obtain a license from the commission for one or more of the following separate licensed activities:

(a) Punchboards;

(b) Pull tabs;

(c) Devices for the dispensing of pull tabs; and

(d) Any gambling equipment or paraphernalia for use in connection with licensed fund raising events, or recreational gaming activity.

(2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials required elsewhere in these rules:

(a) The full name and address of the applicant;

(b) The business name and address of each of the separate locations operated by the distributor;

(c) The name and home address of all owners if the business is not a corporation. If the business is a corporation, the name and address of each of the officers, each director, and each stockholder having ten percent or more of the shares of any class of stock in the corporation;

(d) A full description of each type of punchboard, pull tab, or device for the dispensing of pull tabs that the

distributor intends to market in this state or for use in this state;

(3) For each such device, the brand name under which it will be sold;

(4) If the applicant is a distributor located out of state, then the name, business and home address of the agent who is a resident of this state designated by the applicant pursuant to WAC 230-12-300;

(5) A list of all manufacturers of such devices and all businesses or organizations located in the state of Washington in which the applicant has some financial interest. For the purposes of this subsection, the term financial interest shall include, among all other interests, an indebtedness from the other person to the applicant, or vice versa, in excess of five hundred dollars.

[Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-04-120, filed 9/18/91, effective 10/19/91. Statutory Authority: Chapter 9.46 RCW. 91-15-040 (Order 224), § 230-04-120, filed 7/17/91, effective 8/17/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-04-120, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (1), (4), (5), (6), (7), (11), (14) and (17) and 9.46.310. 85-01-065 (Order 145), § 230-04-120, filed 12/18/84; Order 80, § 230-04-120, filed 12/28/77; Order 23, § 230-04-120, filed 9/23/74; Order 14, § 230-04-120, filed 3/27/74; Order 5, § 230-04-120, filed 12/19/73.]

WAC 230-04-124 Licensing of manufacturers and distributors representatives. (1) Prior to selling or supplying to any person gambling equipment or gambling paraphernalia for use in connection with licensed gambling activities, a representative or agent of a licensed manufacturer or distributor shall first obtain a license from the commission.

(2) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed as a manufacturer or distributor shall not be required to be additionally licensed as a representative to engage in the selling or supplying of the manufacturer's or distributor's products or services. Office, clerical or warehouse personnel employed by the manufacturer or distributor who have contact with the public and potential customers occasionally and only by telephone or at the manufacturer's or distributor's own premises when working under the immediate and direct supervision of the owner, a partner, or major officer of a corporation, shall also be exempt from this licensing requirement. A manager or supervisor who is not a sole owner, partner or a major officer or owner of a substantial interest in a licensed manufacturer or distributor and whose duties and responsibilities include the supervision of selling, supplying and/or the promotion of the manufacturer's or distributor's products shall be licensed as required by this rule prior to performing such functions. A manufacturer or distributor shall not allow an unlicensed person to represent them in such transactions and shall take all measures necessary to prevent an unlicensed person from doing so.

(3) On or before the first day he or she actually performs work as a representative, a person shall submit a complete application for a license to the commission. The application shall not be deemed complete until all questions on the application form and attachments are

fully and truthfully answered and the form, with all attachments and the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission).

(4) The manufacturer or distributor for which the representative will work shall sign the application of each such representative acknowledging that the applicant will be representing them with their full knowledge and consent.

(5) In addition to the above requirements, an applicant applying for a license as a distributor's representative shall:

(a) Complete a training course provided by the commission within 30 days after the first day worked; and

(b) Represent only one licensed distributor at a time and shall not represent a manufacturer: Provided, that this rule shall not bar the distributor's representative from representing his own distributor who is also licensed as a manufacturer.

[Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-04-124, filed 9/18/91, effective 10/19/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-04-124, filed 11/27/89, effective 12/28/89.]

WAC 230-04-135 Commercial amusement games-- License required. (1) Prior to operating, renting, leasing, or otherwise sharing in the proceeds of amusement games at any location, commercial amusement game operators shall first obtain a license from the commission.

(a) Class A commercial amusement game licensees may operate amusement games at a single permanent location or allow a class B and above licensee to operate amusement games at their business premises.

(b) Class B and above commercial amusement game licensees may locate and operate amusement game at any location authorized by WAC 230-04-138 or rent, lease, or sell amusement devices or amusement game equipment on a time basis to any licensed amusement game operator.

(2) In addition to the requirements for certification as set out in WAC 230-04-020 and all other sections of this title, applicants must provide the following additional information for each operating locations:

(a) All locations:

(i) A list of all locations and time and dates at which the activity will be operated;

(ii) When operated at a location not owned, rented, or leased by the applicant, written permission from the person, organization, county, city or town, or an authorized agent thereof, to locate and operate amusement games at that location;

(iii) A personal information form for all "adult supervisors," as required by WAC 230-20-680(2); and

(iv) A copy of any rental/lease agreement which allows operation of commercial amusement games at any location not owned or otherwise controlled by a licensee. The document must disclose full details of the rental/

lease agreement, including any revenue sharing provisions, all costs to be shared, and any restrictions regarding the number of amusement games to be operated.

(v) Copies of any contract related to rental, lease, or purchase agreement of amusement game equipment.

(b) Permanent locations. In addition to the information required by subsection (2)(a) above, all applicants requesting to operate amusement games at locations authorized by WAC 230-04-138 (1)(f), (g), (h), (i), or (j) must provide details necessary to determine qualification of the location for operation of the activity and include the following minimum details:

(i) Amusement parks, as authorized by WAC 230-04-138 (1)(f): The number of mechanical or aquatic rides, theatrical productions, motion pictures, and slide show presentations available for the public;

(ii) Regional shopping center, as authorized by WAC 230-04-138 (1)(g): The size of the shopping center, in gross square feet not including parking areas.

(iii) Taverns and restaurant with cocktail lounges, as authorized by WAC 230-04-138 (1)(h): Washington state liquor control board license number and expiration date, and a statement of whether minors are prohibited from all portions of the premises;

(iv) Movie theaters, bowling alleys, miniature golf course facilities, skating facilities, and amusement centers, as authorized by WAC 230-04-138 (1)(i): A complete description of the business activities conducted; and if an amusement center, the number of amusement devices and income derived from such devices and all other business activities conducted by the licensee during the last 12 months; and

(v) Family entertainment restaurants, as authorized by WAC 230-04-138 (1)(j): The number of amusement devices, theatrical productions, mechanical rides, motion pictures, and slide show presentation available for customers on a daily basis; and the amount of gross income generated from the entire business and that portion of gross income generated from food service for on-premises consumption.

(c) Limited duration locations. In addition to the information required by subsection (2)(a) above, all applicants requesting to operate commercial amusement games must receive written permission from the sponsor of any activity authorized by WAC 230-04-138 subsection (1)(a), (d), or (e) and submit an itinerary that includes planned operating dates for all locations at which the applicant plans operations during the year. This itinerary must be updated any time the dates of operation change.

[Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-04-135, filed 10/15/91, effective 11/15/91.]

WAC 230-04-138 Commercial amusement games-- Authorized locations. (1) Amusement games may only be conducted by commercial amusement game licensees when operated as a part of, and/or upon the site of:

(a) Any agricultural fair as authorized under chapter 15.76 or 36.37 RCW; or

(b) A civic center of a county, city or town; or

(c) A world's fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or

(d) A community-wide civic festival held not more than once annually and sponsored or approved by the city, town, or county in which it is held; or

(e) A commercial exposition organized and sponsored by an organization or association representing the retail sales and service operators conducting business in a shopping center or other commercial area developed and operating for retail sales and service, but only upon a parking lot or similar area located in said shopping center or commercial area for a period of no more than 17 consecutive days by any licensee during any calendar year; or

(f) An amusement park. An amusement park is a group of activities, at a permanent location, to which people go to be entertained through a combination of various mechanical or aquatic rides, theatrical productions, motion picture and/or slide show presentation with food and drink service. The amusement park must include at least five different mechanical or aquatic rides, three additional activities and the gross receipts must be primarily from these amusement activities.

(g) Within a regional shopping center. A regional shopping center is a shopping center developed and operated for retail sales and service by retail sales and service operators and consisting of more than six hundred thousand gross square feet not including parking areas. Amusement games conducted as a part of, and upon the site of, a regional shopping center shall not be subject to the prohibition on leases of premises based on a percentage of gambling receipts set forth in RCW 9.46.120; or

(h) Any location that possesses a valid license from the Washington State Liquor Control Board and prohibits minors on their premises; or

(i) Movie theaters, bowling alleys, miniature golf course facilities, skating facilities, and amusement centers. For the purposes of this section an amusement center shall be defined as a permanent location whose primary source of income is from the operation of 10 or more amusement devices; or

(j) Any business whose primary activity is to provide food service for on premises consumption and who offers family entertainment which includes at least three of the following activities: amusement devices; theatrical productions; mechanical rides; motion pictures; and slide show presentations.

(2) No amusement games may be conducted in any location except in conformance with local zoning, fire, health, and similar regulations.

(3) No amusement games may be conducted in any location(s) without first having obtained written permission to do so from the person or organization owning the premises or property where the activity will be operated. If the games are conducted as a part of or in conjunction with any of the activities set out in subsections (1)(a), (b), (c), (d), or (e), written permission must be obtained from the person or organization sponsoring the activity.

(4) All rental agreements relating to use of a premises or site to conduct amusement games must be submitted to the commission as a part of the application.

(5) Any operator licensed to conduct Class B or above amusement games may enter into a contract with the business owner of any of the locations set out in subsections (1)(f), (g), (h), (i), or (j) above to locate and operate amusement games upon their premises if the business is licensed to conduct amusement games. All such contracts must be written and specific in terms, setting out the time of the contract, amount of rent or consideration, rent due dates, and all expenses to be borne by each party. All contracts regarding the operation of amusement games must be on file with the commission prior to location and operation of the activity. Violations of terms of the contract by an amusement game operator may be grounds for suspension or revocation of their license.

[Statutory Authority: RCW 9.46.070 and 9.46.0331, 91-19-093 (Order 227), § 230-04-138, filed 9/18/91, effective 10/19/91.]

WAC 230-04-187 Recreational gaming activity—Permit required. Any organization wanting to conduct a recreational gaming activity must complete the appropriate form and secure a recreational gaming permit from the commission at least fourteen days prior to commencement. The fee for such activity shall be fifty dollars per activity.

[Statutory Authority: Chapter 9.46 RCW, 91-15-040 (Order 224), § 230-04-187, filed 7/17/91, effective 8/17/91.]

WAC 230-04-190 Issuance of license. (1) Charitable and nonprofit organizations and agricultural fairs. The commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo;
- (b) Raffles;
- (c) Amusement games;
- (d) Punchboards and pull tabs; and
- (e) Social cards.

(2) **Fund raising event as defined in RCW 9.46.0233.** The commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.0209, other than any agricultural fair defined therein, to conduct fund raising events.

(3) **Commercial location amusement game license.** The commission may issue a separate license to commercial business operators of amusement games at one or more of the locations listed in WAC 230-04-138.

(4) **Commercial stimulant card games.** The commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(5) **Public card room employee.** The commission may issue a license to a person to perform duties in a public card room.

(6) **Commercial stimulant punchboards and pull tabs.** The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to operate punchboards and pull tabs upon specified premises.

(7) **Manufacturers and distributors of gambling equipment and paraphernalia.** The commission may issue a separate or combination license to the following:

(a) Manufacturers of punchboards, pull tabs, and devices for the dispensing of pull tabs; and

(b) Distributors of punchboards, pull tabs, devices for the dispensing of pull tabs, any gambling equipment or paraphernalia for use in connection with licensed fund raising events.

(8) **Representatives of manufacturers or distributors.** The commission may issue a separate license to a representative of a manufacturer or distributor to engage in the sale and distribution of gambling equipment and paraphernalia.

(9) **Recreational gaming activity permit.** The commission may issue a permit to an organization that has been in existence for at least six months to conduct a recreational gaming activity as defined by WAC 230-02-505.

(10) **License expiration.** Each such license shall be valid for one year from the date that it is issued: Provided, That:

(a) All annual licenses for punchboard and pull tab and Class D and above bingo shall be issued with an expiration date adjusted to expire on March 31, June 30, September 30, or December 31. Punchboard and pull tab licenses shall expire on the above date that is closest to the license issuance date and does not exceed one year. Class D and above bingo licenses shall expire on the above date that is closest to licensee's fiscal year end plus at least six months. All other applicants or licensees may request specific license expiration dates to correspond with the above dates. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the commission. The prorated fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. A prorated fee will be based on the number of whole months remaining upon approval of a license. For the purposes of this proration, any part of a month in which the activity is licensed shall be deemed to be a whole month when computing an annual fee. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant.

(b) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(c) Notwithstanding the provisions of (a) of this subsection, a license issued to conduct a raffle in connection with a qualified agricultural fair, qualified community-

wide civic festival or qualified world's fair shall be in effect from the date the license was issued through the conclusion of the fair or festival.

(d) A license issued to conduct a card tournament shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

(e) A license issued to conduct a fund raising event shall be valid for one year from the date issued but the event (or events) permitted under the license shall be held only at the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.0233 defining a fund raising event.

(f) A license issued to an individual shall be valid for a period of one year from the date of employment or issuance, whichever occurs first: Provided, a bingo game manager license shall expire as set out in WAC 230-04-145.

(g) If any licensee fails to submit a properly completed application and all applicable fees prior to the normal expiration date, the license shall expire and the operation of the applicable activity must immediately cease. When a license expires, a new application must then be submitted and a pre-licensing evaluation/investigation to the extent deemed necessary by the director will be completed prior to granting a license: Provided, that if a properly completed renewal application and fees are received within the fourteen (14) day period following the expiration date, the commission may reinstate the license using normal renewal procedures. Reinstating a license under this provision does not, in any case, grant authority to operate the activity during the period between the normal expiration date and the date of reinstatement.

(h) Licenses approved under the six month payment plan shall be issued with an expiration date of six months from the license approval date or the original license expiration date, whichever is applicable. Upon receipt and validation of the second half payment, a licensee may be granted a second license for an additional six month period. Second half payments must be received by the commission on or before the due date. If the licensee fails to submit the second half of the fee payment(s) as established by WAC 230-04-201 prior to the expiration date, the license shall expire.

(11) **Conditions of license issuance.** All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington which include but are not limited to the following:

- (a) Business licenses or permits;
- (b) Health certificates;
- (c) Fire inspections;
- (d) Use and occupancy permit; and
- (e) Liquor license or permit.

[Statutory Authority: RCW 9.46.0331, 91-22-029 (Order 229), § 230-04-190, filed 10/29/91, effective 11/29/91. Statutory Authority:

Chapter 9.46 RCW. 91-15-040 (Order 224), § 230-04-190, filed 7/17/91, effective 8/17/91. Statutory Authority: Chapter 34.05 RCW. 90-03-064 (Order 203), § 230-04-190, filed 1/18/90, effective 2/18/90. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-04-190, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (7), (8), (9), (10), (14), (19) and (20). 89-09-047 (Order 190), § 230-04-190, filed 4/18/89, effective 7/1/89. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-13-060 (Order 179), § 230-04-190, filed 6/14/88.

Statutory Authority: RCW 9.46.070 (1), (2), (3), (4) and (14). 87-21-015 (Order 172), § 230-04-190, filed 10/9/87. Statutory Authority: RCW 9.46.020(23). 81-03-045 (Order 105), § 230-04-190, filed 1/16/81. Statutory Authority: RCW 9.46.070(16). 78-06-066 (Order 85), § 230-04-190, filed 5/25/78. Statutory Authority: RCW 9.46.070(10). 78-05-043 (Order 84), § 230-04-190, filed 4/21/78; Order 78, § 230-04-190, filed 11/17/77; Order 51, § 230-04-190, filed 4/30/76; Order 42, § 230-04-190, filed 9/18/75; Order 23, § 230-04-190, filed 9/23/74; Order 5, § 230-04-190, filed 12/19/73.]

WAC 230-04-201 Fees. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

LICENSE TYPE		DEFINITION	FEE
1.	AMUSEMENT GAMES	(Fee based on annual gross receipts)	
	Class A	Up to \$ 5,000	\$ 50
	Class B	Up to \$ 15,000	150
	Class C	Up to \$ 25,000	250
	Class D	Up to \$ 50,000	400
	Class E	over \$ 50,000	700
2.	BINGO GROUP	(Fee based on annual gross gambling receipts)	
	I	Class A Up to \$15,000	\$ 50
		Class B \$ 15,001 to 50,000	150
		Class C \$ 50,001 to 100,000	300
		Class D \$ 100,001 to 300,000	800
		Class E \$ 300,001 to 500,000	1,350
		Class F \$ 500,001 to 1,000,000	2,700
	II	Class G \$ 1,000,001 to 1,500,000	3,900
		Class H \$ 1,500,001 to 2,000,000	5,200
		Class I \$ 2,000,001 to 2,500,000	6,500
		Class J \$ 2,500,001 to 3,000,000	7,800
	III	Class K \$ 3,000,001 to 3,500,000	8,750
		Class L \$ 3,500,001 to 4,000,000	10,000
		Class M Over \$4,000,000	11,250
3.	BINGO GAME MANAGER	Original Renewal	\$ 150 75
4.	CARD GAMES		
	Class A	General (fee to play charged)	\$ 500
	Class B	Limited card games – to hearts, rummy, mah-jongg, pitch, pinochle, and/or cribbage – (fee to play charged)	150
	Class C	Tournament only – no more than ten consec. days per tournament	50
	Class D	General (no fee to play charged)	50
	Class R	Primarily for recreation (WAC 230-04-199)	25
5.	CHANGES		
	NAME	(See WAC 230-04-310)	\$ 25
	LOCATION	(See WAC 230-04-320)	25
	FRE	(Reno Nite date(s)/time(s)) (See WAC 230-04-325)	25
	LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
DUPLICATE LICENSE REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-04-290) (See WAC 230-30-016)	25 25
6. FUND RAISING EVENT		
Class A	One event not more than 24 consec. hrs.	\$ 300
Class B	One event not more than 72 consec. hrs.	500
Class C	Additional participant in joint event (not lead organization)	150
Class D	Fund Raising Event Equipment Distributor – Rents or leases, equipment for fund raising event or recreational gaming activity more than 4 times per year.	200
Class E	Fund Raising Event Equipment Distributor – Rents or leases equipment for fund raising event or recreational gaming activity more than 10 times per year. NOTE: Charitable and nonprofit organizations licensed to conduct fund raising events may rent equipment up to four occasions without getting licensed as a distributor.	500
7. PERMITS	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191) Recreational gaming activity permit (RGA) (see WAC 230-25-330 and 230-02-505)	\$ 25 50
8. PUNCHBOARDS/ PULL TABS	(Fee based on annual gross gambling receipts) (One Time Variance)	
Class A	Up to \$ 50,000	\$ 475
Class B	Up to \$ 100,000	850
Class C	Up to \$ 200,000	1,600
Class D	Up to \$ 300,000	2,325
Class E	Up to \$ 400,000	3,000
Class F	Up to \$ 500,000	3,625
Class G	Up to \$ 600,000	4,200
Class H	Up to \$ 700,000	4,725
Class I	Up to \$ 800,000	5,200
Class J	Up to \$ 1,000,000	5,900
Class K	Up to \$ 1,250,000	6,550
Class L	Up to \$ 1,500,000	7,150
Class M	Up to \$ 1,750,000	7,650
Class N	Up to \$ 2,000,000	8,100
Class O	Over \$2,000,000	8,900
	A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260; Provided, a licensee utilizing the variance shall be required to upgrade upon recertification.	
9. RAFFLES	(Fee based on annual gross gambling receipts)	
Class A	Up to \$ 5,000	\$ 50
Class B	Up to \$ 10,000	150
Class C	Up to \$ 25,000	300
Class D	Up to \$ 50,000	500
Class E	Up to \$ 75,000	800
Class F	Over \$ 75,000	1,200

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
10. SEPARATE PREMISES BINGO	Occasion (see WAC 230-04-300)	\$ 25
11. SPECIAL FEES		
INVESTIGATION	(See WAC 230-04-240)	As required
IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	As required
EXCEEDING LICENSE CLASS	(See WAC 230-04-260) In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	As required
12. SIX-MONTH PAYMENT PLAN	The commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments. SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six-month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.	\$ 25

Table 2. (For commercial stimulant/profit seeking organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1. CARD GAMES		
Class B	(Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage	\$ 150
Class C	Tournament only, no more than ten consec. days per tournament	150
Class D	General (no fee to play charged)	50
Class E	General (fee to play charged)	
E-1	One table only	350
E-2	Up to two tables	600
E-3	Up to three tables	1,000
E-4	Up to four tables	2,000
E-5	Up to five tables	3,000

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
2. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
BUSINESS		
CLASSIFICATION	(Same owners - see WAC 230-04-340(3))	50
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
DUPLICATE LICENSE	(See WAC 230-04-290)	25
OWNERSHIP OF STOCK	(See WAC 230-04-340(1))	50
REPLACEMENT		
IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340 and 230-04-350)	50
3. DISTRIBUTOR	(Fee based on annual gross sales of gambling related supplies and equipment)	
(a) Class A	Nonpunchboard/Pull Tab Only	\$ 500
Class B	Up to \$250,000	\$1,000
Class C	\$250,001 to \$500,000	\$1,500
Class D	\$500,001 to \$1,000,000	\$2,000
Class E	\$1,000,001 to \$2,500,000	\$2,600
Class F	Over \$2,500,000	\$3,200
	In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.	
(b) Fund Raising Event Equipment Distributor		
Class A	Rents or leases equipment for fund raising event or recreational gaming activity up to ten times per year.	\$ 200
Class B	Rents or leases equipment for fund raising event or recreational gaming activity more than ten times per year.	\$ 500
4. DISTRIBUTOR'S REPRESENTATIVE	Original	\$ 200
	Renewal	125
5. MANUFACTURER	(Fee based on annual gross sales of gambling related supplies and equipment)	
Class A	Machines only	\$ 500
Class B	Up to \$250,000	\$1,000
Class C	\$250,001 to \$500,000	\$1,500
Class D	\$500,001 to \$1,000,000	\$2,000
Class E	\$1,000,001 to \$2,500,000	\$2,600
Class F	Over \$2,500,000	\$3,200
	In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.	
6. MANUFACTURER'S REPRESENTATIVE	Original	\$ 200
	Renewal	125

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
7. PERMITS	Agricultural fair/special property bingo	
Class A	One location and event only (see WAC 230-04-191)	\$ 25
Class B	Annual permit for specified different events and locations (see WAC 230-04-193)	150
8. PUBLIC	Original	\$ 150
CARDROOM		
EMPLOYEE	Renewal	75
9. PUNCHBOARDS/ PULL TABS	(Fee based on annual gross gambling receipts)	(One time variance)
Class A	Up to \$ 50,000	\$ 5,000 \$ 475
Class B	Up to \$ 100,000	\$ 5,000 850
Class C	Up to \$ 200,000	\$10,000 1,600
Class D	Up to \$ 300,000	\$10,000 2,325
Class E	Up to \$ 400,000	\$10,000 3,000
Class F	Up to \$ 500,000	\$10,000 3,625
Class G	Up to \$ 600,000	\$10,000 4,200
Class H	Up to \$ 700,000	\$10,000 4,725
Class I	Up to \$ 800,000	\$10,000 5,200
Class J	Up to \$ 1,000,000	\$20,000 5,900
Class K	Up to \$ 1,250,000	\$25,000 6,550
Class L	Up to \$ 1,500,000	\$25,000 7,150
Class M	Up to \$ 1,750,000	\$25,000 7,650
Class N	Up to \$ 2,000,000	\$25,000 8,100
Class O	Over \$2,000,000	Nonapplicable 8,900
	A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260; Provided, a licensee utilizing the variance shall be required to upgrade upon recertification.	
10. SPECIAL FEES		
INVESTIGATION	(See WAC 230-04-240)	As required
IDENTIFICATION AND		
INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	As required
EXCEEDING LICENSE CLASS	(See WAC 230-04-260)	As required
	In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	
REVIEW/EVALUATION/APPROVAL OF AMUSEMENT GAMES OR DEVICES	(See WAC 230-20-605)	\$ 100
11. COMMERCIAL AMUSEMENT GAMES		
*Class A	Up to \$10,000	**\$250/100
Class B	Up to \$50,000	\$ 500
Class C	Up to \$ 100,000	900
Class D	Up to \$ 250,000	2,000
Class E	Up to \$500,000	3,500
Class F	Up to \$1,000,000	6,000
Class G	Up to \$1,500,000	7,500
Class H	Up to \$2,000,000	10,000
Class I	Over \$2,000,000	12,000

LICENSE TYPE

DEFINITION

FEE

* Restricts Class A amusement games to only one location for the original license fee of \$250.

**Provides for the submission of a reduced fee of \$100 when:

- Renewing an annual license;
- Applying for an additional license(s); and/or
- Applying for multiple licenses.

12. SIX-MONTH PAYMENT PLAN

The commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments.

\$ 25

SIX-MONTH PAYMENT PROCEDURE:

The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six-month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.

[Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-04-201, filed 9/18/91, effective 10/19/91. Statutory Authority: Chapter 9.46 RCW. 91-15-040 (Order 224), § 230-04-201, filed 7/17/91, effective 8/17/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-04-201, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070(5). 89-21-070 (Order 199), § 230-04-201, filed 10/17/89, effective 1/1/90. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 89-11-048 (Order 192), § 230-04-201, filed 5/16/89; 88-13-060 (Order 179), § 230-04-201, filed 6/14/88. Statutory Authority: RCW 9.46.070(5). 88-11-071 (Order 177), § 230-04-201, filed 5/18/88. Statutory Authority: RCW 9.46.070 (1), (2), (3), (4) and (14). 87-21-015 (Order 172), § 230-04-201, filed 10/9/87. Statutory Authority: RCW 9.46.070 (1), (2), (4), (5), (6), (11), (14) and (17). 86-13-055 (Order 158), § 230-04-201, filed 6/13/86. Statutory Authority: RCW 9.46.070 (1), (2), (4), (5), (6), (9), (11), (14) and (17) and 9.46.020 (19) and (23). 85-17-015 (Order 153), § 230-04-201, filed 8/12/85. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 85-03-024 (Order 142), § 230-04-201, filed 1/9/85. Statutory Authority: RCW 9.46.070 (5), (7), (8), (9), (11), (14) and (19). 84-13-038 (Order 140), § 230-04-201, filed 6/15/84. Statutory Authority: RCW 9.46.070 (5), (6), (8), (10) and (11). 84-01-026 (Order 139), § 230-04-201, filed 12/12/83.]

[Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-04-320, filed 10/15/91, effective 11/15/91. Statutory Authority: RCW 9.46.070 (5), (7), (8), (9), (11), (14) and (19). 84-13-038 (Order 140), § 230-04-320, filed 6/15/84; Order 60, § 230-04-320, filed 9/10/76; Order 21, § 230-04-320, filed 8/20/74; Order 5, § 230-04-320, filed 12/19/73.]

**Chapter 230-08 WAC
RECORDS AND REPORTS**

WAC

- 230-08-010 Monthly records.
- 230-08-017 Control and use of identification and inspection services stamps.
- 230-08-060 Commercial amusement game records.
- 230-08-080 Daily records—Bingo.
- 230-08-095 Minimum standards for Class D and larger bingo games—Monthly and annual accounting records.
- 230-08-180 Quarterly activity reports by commercial amusement game operators.
- 230-08-240 Annual activity reports by commercial amusement game operators Class A and B.

WAC 230-04-320 Change of location. No change of location of licensed premises shall be made without the written consent of the commission. The fee for such change will be as required by WAC 230-04-201: *Provided*, That persons operating amusement games under a commercial amusement game license issued pursuant to WAC 230-04-135 (2)(c) shall pay no fee for adding to or deleting from the list of locations for which that license was issued.

WAC 230-08-010 Monthly records. Every person or organization licensed to operate any authorized gambling activity shall keep and maintain permanent monthly records of all of the activities of the licensee related to each licensed activity. Each of these records shall be maintained by the licensee for a period of not less than three years from the end of the fiscal year for which the record is kept unless the licensee is released by

the commission from this requirement as to any particular record or records. These records must include all financial transactions and contain enough detail to determine compliance with the requirements of WAC 230-04-024, 230-04-080 and 230-08-122. The record for each licensed activity shall be a separate unit, covering all transactions occurring during a calendar month. These records shall be complete in every detail and available for audit or inspection by agents of the commission or other law enforcement personnel no later than thirty days following the end of each month. Each record shall include, but not necessarily be limited to, all details of the following:

(1) The gross gambling receipts from the conduct of each of the activities licensed.

(2) Full details on all expenses related to each of the activities licensed.

(3) The total cost of all prizes paid out for each of the activities licensed.

(4) With respect to those organizations licensed as qualified bona fide charitable or bona fide nonprofit organizations, except agricultural fairs, records shall clearly show in detail how those proceeds from each licensed activity obtained by the licensee were used or disbursed by that licensee.

(5) With respect to commercial stimulant licensees, records shall include at least the following details:

(a) Gross sales of food and drink for consumption on their licensed premises;

(b) Gross sales of food and drink for consumption off the licensed premises; and

(c) Gross sales from all other business activities occurring on the licensed premises.

(6) In addition to any other requirement set forth in these rules, licensees for the operation of punchboards and pull tabs shall be required to prepare a detailed monthly record for punchboards and pull tab series removed from play during that month. This detailed monthly record shall be recorded in a standard format prescribed by the commission and shall disclose for each set at minimum the following information:

(a) The name of the punchboard or pull tab series;

(b) The Washington state identification and inspection services stamp number issued by the commission and placed thereon: Provided, that when records entry labels are attached to the punchboard or pull tab series flare, a label shall be attached to the record in lieu of a written entry;

(c) The date removed from play;

(d) The total number of tabs in each pull tab series or the total number of punches in each punchboard;

(e) The number of pull tabs or punches remaining after removal from play;

(f) The number of pull tabs or punches played from the pull tab series or punchboard;

(g) The cost to the players to purchase one pull tab or one punch;

(h) The gross gambling receipts as defined in WAC 230-02-110;

(i) The total prizes paid, including both cash and merchandise (calculated by the cost to the licensee) prizes;

(j) The net gambling receipts (gross gambling receipts less total prizes paid);

(k) The cash over or short determined by (1) subtracting actual cash from net gambling receipts for punchboards and pull tabs which pay cash prizes, and (2) subtracting actual cash from gross receipts for punchboards and pull tabs which award merchandise prizes; and

(l) The actual cash received from the operation of each pull tab series or punchboard; and,

(m) With written commission approval, licensees operating pull tabs to stimulate food and drink sales may record (k) and (l) in total on a daily, weekly, or monthly basis, if their record keeping procedures meet commission standards.

(7) In addition to any other requirements set forth in these rules, electronic crane operators who own or lease the games shall be required to prepare a detailed monthly record covering the operation of each machine. This record shall contain the following for each machine and location:

(a) The commission identification stamp number of each game;

(b) The coin-in meter reading at the beginning of the month;

(c) The coin-in meter reading at the ending of the month;

(d) The number of plays;

(e) The gross gambling receipts;

(f) Number of prizes awarded;

(g) Cost of prizes awarded;

(h) Net gambling receipts;

(i) The actual cash removed; and

(j) The cash over and short.

(8) Copies of all additional financial data which support tax reports to any and all governmental agencies.

[Statutory Authority: RCW 9.46.070 (7), (17), (8) and (9). 91-13-070 (Order 223), § 230-08-010, filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-08-010, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-13-060 (Order 179), § 230-08-010, filed 6/14/88. Statutory Authority: RCW 9.46.[070] (8) and (14). 87-17-052 (Order 171), § 230-08-010, filed 8/18/87. Statutory Authority: Chapter 9.46 RCW. 86-19-056 (Order 161), § 230-08-010, filed 9/15/86, effective 1/1/87. Statutory Authority: RCW 9.46.070 (4), (8), (11) and (14). 86-07-037 (Order 155), § 230-08-010, filed 3/14/86. Statutory Authority: RCW 9.46.070 (8), (11), and (14). 83-13-050 (Order 134), § 230-08-010, filed 6/14/83. Statutory Authority: RCW 9.46.070(8). 82-01-065 and 82-03-033 (Order 115 and 116), § 230-08-010, filed 12/18/81 and 1/18/82; Order 74, § 230-08-010, filed 8/17/77; Order 18, § 230-08-010, filed 5/21/74; Order 9, § 230-08-010, filed 12/19/73, 1:26 p.m.; Order 5, § 230-08-010, filed 12/19/73, 1:25 p.m.]

WAC 230-08-017 Control and use of identification and inspection services stamps. No punchboard, series of pull tabs, mechanical or electronic device for dispensing pull tabs shall be sold or purchased for use within this state until an identification and inspection services stamp obtained from the commission has been permanently and conspicuously affixed thereto. Once attached,

such stamp shall not be removed, disfigured, or otherwise tampered with by any person. These stamps shall be attached and controlled in the following manner:

(1) Identification and inspection services stamps shall be sold only to licensed manufacturers. The fee charged for each stamp shall be twenty-five cents. After September 1, 1988, all punchboards and pull tabs series manufactured, if for sale in Washington state must have identification and inspection stamps plus records entry labels attached. Manufacturers who have identification and inspection services stamps on hand after September 1, 1988, which do not have records entry labels attached, will be afforded the opportunity to exchange these stamps, one for one and without cost by submitting them to the commission's Olympia headquarters office prior to October 1, 1988. After October 1, 1988, any stamps returned will be exchanged only after payment of a ten cent service charge, for each stamp as set out in WAC 230-30-018;

(2) Identification stamps shall only be affixed to punchboards, pull tab series flares and mechanical or electronic devices for dispensing pull tabs in such a manner as to assure reasonable inspection without obstruction. If punchboards or pull tabs series flares are packaged with protective materials, after stamps are affixed, then the stamps shall be readily visible for inspection without removal of any portion of the protective packaging: Provided that when more than one device is packed in a shipping carton, this requirement shall not apply if the identification and service stamp numbers of all devices contained in the carton are printed or otherwise noted on the outside of the carton. Stamps and records entry labels shall be affixed only by licensed manufacturers in the following manner:

(a) On the reverse side of all punchboards in an area that will not obstruct removal of punches: Provided, that if sufficient space is not available on the reverse side, the records entry labels may be wrapped around and/or partially attached to the edge of a punchboard in a manner that will not obstruct display of prizes available or other information required by rules of the commission;

(b) On the face or reverse side of the flare for all pull tab series. If placed on the face, then they must be in an area that will not obstruct prizes available or any other information required by rules of the commission; and

(c) On the outside of the main body of pull tab dispensing devices, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the pull tabs available for play. The records entry labels shall not be affixed to dispensing devices and may be discarded.

(3) Identification and inspection services stamps shall not be attached to punchboards, pull tab series flares or pull tab dispensing devices that do not comply with rules of the commission. Stamps shall not be affixed to any device prior to approval of the device by the commission.

[Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-08-017, filed 10/15/91, effective 11/15/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-08-017, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW

9.46.070 (8), (11) and (14). 88-13-060 (Order 179), § 230-08-017, filed 6/14/88.]

WAC 230-08-060 Commercial amusement game records. Licensees for the operation of commercial amusement games shall be required to prepare a detailed record for each game or concession operated. This record shall be recorded using a prescribed format provided by the commission and shall include the following:

(1) The gross gambling receipts collected from each separate amusement game supported by proper receipting records. The minimum records shall contain an entry for each withdrawal of receipts from a game. For amusement games with coin-in meters the minimum entry will be the coin-in meter reading at the time of each withdrawal of receipts of a game;

(2) The number and actual cost of merchandise prizes awarded. The minimum records shall contain an entry of the number and actual cost of prizes each time prizes are added to the inventory of a game or concession and when disbursements are made for prizes;

(3) For amusement games that issue tickets for the redemption of prizes the minimum entry shall be a log of the beginning/ending ticket numbers at the end of the month for each game; and

(4) Full details on all expenses including:

(a) All cash disbursements;

(b) The number and actual cost of all prizes purchased;

(c) All other expenses directly related to the conduct of amusement games; and

(d) All disbursements of receipts to locations authorized by WAC 230-04-138.

These records shall be maintained for a period of not less than three years.

[Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-08-060, filed 9/18/91, effective 10/19/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-08-060, filed 11/27/89, effective 12/28/89.]

WAC 230-08-080 Daily records—Bingo. In addition to any other requirement set forth in these rules, licensees for the operation of bingo shall be required to prepare a detailed record covering each bingo session as defined in WAC 230-20-170: *Provided*, That operators of bingo games conducted at qualified agricultural fairs and other special locations shall be exempt from this rule, but will be required to keep all operator records by location in order to properly report all information as required by WAC 230-08-250. This detailed daily record shall disclose the following information for each session:

(1) The gross gambling receipts collected for each separate type of sale, of any kind, for bingo games including, but not limited to, regular games, early bird games, blackout games, special games, or pick up games. These gross gambling receipts are to be supported by proper receipting records as required by WAC 230-20-101.

(2) The amount paid out or accrued for prizes awarded for each bingo game. Each session record shall

contain the following minimum information regarding prizes awarded:

- (a) The game number;
- (b) The dollar amount or the actual cost of each prize;
- (c) A complete description of all non-cash prizes;
- (d) The consecutive number of the prize receipt issued for each prize;
- (e) The duplicate copy of the prize receipt issued for all prizes awarded during the session;
- (f) The check number of all checks used to pay winners of bingo games: *Provided*, That if the payment must be made by check under the guidelines of WAC 230-20-102 (1)(c), the duplicate copy must be maintained as a part of the session records; and

(g) Full details of prizes accrued.

(3) A statement of the daily net gambling receipts from the licensed activity accruing to the organization, supported by a validated copy of the bank deposit receipt.

(4) The cash on hand at the commencement and the conclusion of each session, along with a reconciliation of cash to the daily net gambling receipts for each session. Steps taken to reconcile overages and/or shortages that exceed \$10.00 for any session must be documented.

(5) An attendance record indicating the number of people participating and the time the attendance count was made.

(6) All bingo numbers or symbols selected and called during each game that offers a prize that exceeds \$200. The numbers or symbols shall be recorded in the sequence selected. A computer generated "Call sheet" may be used in lieu of a manual record if a print-out of results is made: *Provided*, That the director may approve use of a video recording of the game in lieu of maintaining a "call sheet" if:

(a) Each session is recorded on a separate tape and tapes are labeled to allow identity of a specific session;

(b) The quality of the recording allows an observer to note all details of numbers or symbols selected;

(c) The recording includes the audio portion of the game generated by the caller;

(d) The video recorder has a tape position indicator function and the approximate tape position is recorded for each game for which a prize of greater than \$200 is awarded;

(e) The time and date of the game are an integral part of the recording and displayed in conjunction with the events being recorded;

(f) The number of the game is recorded at the start of each game; and

(g) Tapes are maintained for at least six months.

(7) The winning card or face number(s) for each individual prize awarded that exceeds \$200: *Provided*, That if the game is played using disposable cards, the winning card or sheet of cards may be retained in lieu of the card numbers.

(8) A copy of the schedule of the games to be played and prizes available for the session: *Provided*, That if the record is annotated with the effective dates of each game schedule, it may be maintained separately and updated

only when a change occurs. Any changes to the advertised and printed game and prize schedule, that occur during a session, must be noted in the session records and verified by the signature of the bingo manager supervising the session and another bingo worker on duty during the session.

(9) All session records must be reviewed for accuracy and signed immediately following completion by the bingo manager responsible for supervising the session.

(10) All records required by this section shall be:

(a) Recorded in a standard format prescribed by the commission;

(b) Recorded during the course of each session; and

(c) Retained for a period of not less than three years.

[Statutory Authority: Chapter 9.46 RCW, 91-21-053 (Order 228), § 230-08-080, filed 10/15/91, effective 11/15/91. Statutory Authority: RCW 9.46.020 (1) and (10) and 9.46.070 (3), (11) and (14), 86-09-036 (Order 157), § 230-08-080, filed 4/11/86. Statutory Authority: RCW 9.46.070 (8), (11), and (14), 83-13-050 (Order 134), § 230-08-080, filed 6/14/83; Order 74, § 230-08-080, filed 8/17/77; Order 43, § 230-08-080, filed 11/28/75; Order 15, § 230-08-080, filed 4/17/74; Order 5, § 230-08-080, filed 12/19/73, 1:25 p.m.]

WAC 230-08-095 Minimum standards for Class D and larger bingo games—Monthly and annual accounting records. Each operator of bingo games licensed in Class D or above shall maintain accounting records necessary to document all receipts and disbursements of the licensee, including but not limited to those related to bingo. This accounting system shall be double entry and conform to general accepted accounting principles (GAAP), except as modified by other commission rules and instructions for activity reports. All income shall be recorded when earned and all expenses recorded when incurred (accrual accounting method): *Provided*, That the cash, modified cash, or tax basis accounting methods shall be allowed if they accurately represent the licensee's financial position and results of operations and have been approved by the commission. The accrual method is mandatory when a licensee has substantial liabilities or expenses not requiring a current outlay of cash, such as depreciation or amortization expenses.

(1) The minimum accounting records required shall include:

(a) A cash disbursements journal and/or check register;

(b) A cash receipts and/or sales journal;

(c) A listing of all assets and liabilities;

(d) A complete general ledger system must be maintained if the licensee has substantial assets and/or liabilities or, if licensed to receive more than \$300,000 in gambling receipts; and

(e) Bank statements, related deposit slips, and cancelled checks.

(2) All expenditures by the licensee relating to gambling activities, shall be sufficiently documented in the following manner:

(a) Invoices or other appropriate supporting documents from commercial vendors or service agencies should contain at least the following details:

(i) The name of the person or entity selling the goods or providing the service;

(ii) A complete description of goods or services purchased;

(iii) The amount of each product sold or service provided;

(iv) The price of each unit;

(v) The total dollar amount billed; and

(vi) The date of the transaction.

(b) Disbursements, in excess of twenty-five dollars, made directly to individuals, who do not furnish normal, business type, invoices or statements, should be supported by other written documentation indicating at least the following details:

(i) The name of the person receiving the payment;

(ii) The amount;

(iii) The date; and

(iv) The purpose.

(c) Normally, cancelled checks and/or bank statements without further support, such as listed in (2)(a) and (b) above, are not considered sufficient documentation.

(3) All expenditures by the licensee relating to non-gambling activities shall be sufficiently documented to provide an audit trail satisfactory to allow verification that the funds were used for the organization's purpose(s) and conforms to generally accepted accounting principles.

[Statutory Authority: RCW 9.46.070 (7), (17), (8) and (9). 91-13-070 (Order 223), § 230-08-095, filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 9.46.070 (7), (8), (9), (10), (14), (19) and (20). 89-09-047 (Order 190), § 230-08-095, filed 4/18/89, effective 7/1/89. Statutory Authority: RCW 9.46.020 (20)(d), 9.46.050(3) and 9.46.070 (1), (2), (5), (8), (9), (11) and (12). 85-03-026 (Order 144), § 230-08-095, filed 1/9/85; Order 45, § 230-08-095, filed 12/30/75.]

WAC 230-08-180 Quarterly activity reports by commercial amusement game operators. (License Class C and above) (1) Each licensee for the operation of commercial amusement games Class C and above shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below during each of the following periods of the year:

(a) January 1st through March 31st;

(b) April 1st through June 30th;

(c) July 1st through September 30th; and

(d) October 1st through December 31st.

(2) The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 60 days following the end of the period for which it is made.

(3) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or their employee, then the preparer's name and business telephone number must be provided.

(4) If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

(5) The report shall be completed in accordance with the related instructions furnished with the report. The report shall include the following:

(a) The total gross gambling receipts;

(b) The total cost to the licensee of all prizes awarded;

(c) Full details of all expenses related to the purchase and operation of amusement games;

(d) Total net gambling income;

(6) In addition to the above, commercial amusement game operators operating amusement games at locations set forth in WAC 230-04-138 shall provide:

(a) The business name and address of each location;

(b) The total gross gambling receipts;

(c) The amount of funds distributed to each licensee.

[Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-08-180, filed 9/18/91, effective 10/19/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-08-180, filed 11/27/89, effective 12/28/89.]

WAC 230-08-240 Annual activity reports by commercial amusement game operators Class A and B. Each licensee to conduct commercial amusement games Class A and B shall submit an activity report to the commission concerning the operation of those amusement games and other matters set forth below for each license year.

The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than thirty days following license expiration date.

The report shall be signed by the highest ranking executive officer or his designee. If the report is prepared by someone other than the licensee or his employee then the preparer shall also sign the report. The report shall be completed in accordance with the related instructions furnished with the report. The report shall include the following:

(1) The total gross gambling receipts from amusement games;

(2) The total cost to the licensee of all merchandise prizes actually awarded for amusement games;

(3) The net gambling receipts from amusement games;

(4) Full details on all expenses directly related to conducting such amusement games;

(5) The net gambling income from amusement games; and

(6) The gross receipts from the rental or leasing of space for any licensed gambling activity.

[Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-08-240, filed 9/18/91, effective 10/19/91. Statutory Authority: RCW 9.46.070 (8) and (9). 85-06-002 (Order 147), § 230-08-240, filed 2/22/85; Order 74, § 230-08-240, filed 8/17/77.]

Chapter 230-12 WAC

RULES OF GENERAL APPLICABILITY

WAC

230-12-020

Gambling receipts deposit required by all bona fide charitable and nonprofit organizations—Exemptions.

230-12-220	Agreement requiring payment by licensee based upon percentage of receipts from authorized activity—Prohibited.
230-12-300	Resident agent to be appointed by foreign manufacturers, distributors, and commercial amusement game operators.
230-12-305	Licensee required to submit updated documents or information.

WAC 230-12-020 Gambling receipts deposit required by all bona fide charitable and nonprofit organizations—Exemptions. (1) Every licensed bona fide charitable or nonprofit organization shall keep a separate gambling receipts' account in a recognized Washington state depository authorized to receive funds, which shall be kept separate and apart and actually segregated from the licensee's general funds: Provided, That if such activities are conducted on the United States' portion of the Point Roberts Peninsula, Washington, the deposit may be made in a British Columbia branch of a Canadian bank. Licensees are not limited to a single gambling receipts account as long as a minimum of one separate account is maintained. The following conditions of deposit will be met:

(a) No expenditures other than for prizes shall be made from the receipts of any licensed gambling activity until such receipts have first been deposited in the gambling receipts account: Provided, That bingo receipts may be withheld from deposits for jar, pig, or other similar special game prizes if:

(i) The total of all such prize funds does not accumulate to exceed \$200.00;

(ii) The amount withheld each session is entered in the bingo daily record; and

(iii) A reconciliation of the special game fund is made of the bingo daily record;

(b) All net gambling receipts from the operation of bingo which are being held pending disbursement shall be deposited in the licensee's gambling receipts account not later than the second banking day following receipt thereof;

(c) All net gambling receipts from the operation of card rooms, raffles (Class E and above), and amusement games (Class D and above) shall be deposited in the licensee's gambling receipts account at least once each week;

(d) Net gambling receipts from the operation of each punchboard and pull tab series, including cost recovery for merchandise prizes awarded, shall be deposited in the licensee's gambling receipts account no later than two banking days after a board or series is removed from play. The Washington state identification number assigned to the punchboard or pull tab series and the amount of net gambling receipts shall be recorded on the deposit slip/receipt each time a deposit is made: *Provided*, That licensees may record the Washington state identification stamp numbers and the net gambling receipts on a separate record if the record is identified with the bank validation number and maintained with the deposit slip/receipt; and

(e) All deposits of net gambling receipts from each activity shall be made separately from all other deposits,

and the validated deposit receipt shall be kept as a part of the records required by Title 230 WAC. Deposit receipts are a part of the applicable daily or monthly records and shall be available for inspection by commission representatives.

(2) Bona fide charitable or nonprofit organizations that conduct only one or more of the following activities and do not possess any other licenses issued by the gambling commission are exempt from this rule:

- (a) Raffles under the provisions of RCW 9.46.0315;
- (b) Bingo, raffles, or amusement games under the provisions of RCW 9.46.0321;
- (c) Class A, B, or C bingo game;
- (d) Class A, B, C, or D raffle; or
- (e) Class A, B or C amusement game.

(3) Bona fide charitable or nonprofit organizations who conduct only fund raising events or membership raffles and have no other gambling licenses are exempt from having a separate gambling receipts account, but must meet the following conditions of deposit:

(a) No expenditures other than for prizes shall be made until such receipts have first been deposited in the licensee's bank account;

(b) All net gambling receipts shall be deposited within two banking days following receipt thereof; and

(c) The validated deposit receipt shall be kept with the licensee's gambling records.

[Statutory Authority: RCW 9.46.070 (7), (17), (8) and (9). 91-13-070 (Order 223), § 230-12-020, filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 9.46.070 (11) and (14), 89-17-056 (Order 196), § 230-12-020, filed 8/15/89, effective 9/15/89. Statutory Authority: RCW 9.46.070 (7), (8), (9), (10), (14), (19) and (20). 89-09-047 (Order 190), § 230-12-020, filed 4/18/89, effective 7/1/89. Statutory Authority: RCW 9.46.020 (20)(d), 9.46.050(3) and 9.46.070 (1), (2), (5), (8), (9), (11) and (12). 85-03-026 (Order 144), § 230-12-020, filed 1/9/85. Statutory Authority: RCW 9.46.070 (9), (12) and (14). 83-08-051 (Order 130), § 230-12-020, filed 4/1/83. Formerly WAC 230-20-150.]

WAC 230-12-220 Agreement requiring payment by licensee based upon percentage of receipts from authorized activity—Prohibited. No bona fide charitable or nonprofit organization or any other person, association or organization shall conduct any activity authorized under chapter 9.46 RCW, or any amendments thereto, upon any premises if the lease, license, contract, or any other arrangement under which the right to use the premises for the conduct of the activity is obtained requires an unreasonable rental or other payment to another, or such rental or other payment is to be paid by the licensee wholly or partly, on the basis of a percentage of the receipts or profits derived from such gambling activity. *Provided*, That amusement games conducted as a part of, and upon the site of, a regional shopping center are exempted from the percentage of receipts or profits restriction of this section and RCW 9.46.120(2).

[Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-12-220, filed 9/18/91, effective 10/19/91; Order 58, § 230-12-220, filed 8/17/76; Order 42, § 230-12-220, filed 9/18/75; Order 18, § 230-12-220, filed 5/21/74.]

WAC 230-12-300 Resident agent to be appointed by foreign manufacturers, distributors, and commercial

amusement game operators. (1) All manufacturers, distributors or class B or above commercial amusement game operators engaged in the following activities within this state, or for use in this state, that do not own or otherwise maintain a business office or licensed premises within this state shall appoint a resident agent for the purpose of receipt and acceptance of service of process and other communications on their behalf from the commission:

(a) Manufacturing, selling or distributing gambling supplies or equipment; and

(b) Renting or leasing of commercial amusement games and equipment.

(2) The resident agent shall be a natural person who is a resident and living in the state of Washington and who is eighteen years of age or older.

(3) The name and business address where service of process and delivery of mail can be made, and home address of such designated resident agent shall be filed with the commission and with any other state agency required by law.

[Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-12-300, filed 10/15/91, effective 11/15/91; Order 60, § 230-12-300, filed 9/10/76; Order 33, § 230-12-300, filed 2/21/75; Order 5, § 230-12-300, filed 12/19/73.]

WAC 230-12-305 Licensee required to submit updated documents or information. In addition to any other requirements set forth in these rules, the persons licensed by the commission shall be required to submit any changes in the following documents or information on file with the commission:

(1) Articles of incorporation or by laws, or any other documents which set out the organizational structure and purposes;

(2) Internal Revenue Service tax exemption status (charitable/nonprofit organizations only); [and]

(3) All leases, rental, consignment, franchise, or other agreements relating to gambling activities or altering the commercial stimulant business, whether oral or written; and

(4) All loans, from other than recognized financial institutions, which individually or collectively exceed a total of \$2,000.00 during any calendar year.

The new or updated documents and/or information shall be submitted to the commission by notation on the next quarterly activity report filed, and by attaching all details concerning each transaction: *Provided*, That licensees not required to submit quarterly activity reports shall submit the required information no later than 60 days following the transaction(s) date.

[Statutory Authority: RCW 9.46.070 (7)(14). 91-07-021, § 230-12-305, filed 3/13/91, effective 4/13/91. Statutory Authority: Chapter 9.46 RCW. 87-09-043 (Order 167), § 230-12-305, filed 4/14/87.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 230-20 WAC

BINGO, RAFFLES AND AMUSEMENT GAMES

WAC

230-20-102	Bingo prizes—Record of winners.
230-20-246	Manner of conducting bingo.
230-20-380	Repealed.
230-20-605	Types of amusement games authorized.
230-20-630	Amusement games—Fees, rules, prizes and variations in objects to be posted—Fees to be paid in cash or script—Prizes not to differ from those posted.
230-20-670	Commercial amusement games—Operating requirements.
230-20-680	Commercial amusement games—Operation restrictions.
230-20-698	Repealed.
230-20-699	Repealed.
230-20-700	Coin activated amusement games—Standards.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-20-380	Persons obtaining a special amusement game license to conduct activities only at limited locations. [Statutory Authority: Chapter 9.46 RCW. 87-07-038 (Order 165), § 230-20-380, filed 3/16/87. Statutory Authority: RCW 9.46.020 (1) and (23) and 9.46.070(1). 85-11-023 (Order 150), § 230-20-380, filed 5/13/85; Order 51, § 230-20-380, filed 4/30/76.] Repealed by 91-19-093 (Order 227), filed 9/18/91. Statutory Authority: RCW 9.46.070 and 9.46.0331.
230-20-698	Electronic crane amusement games—Special authorization. [Statutory Authority: RCW 9.46.070. 90-24-005 (Order 218), § 230-20-698, filed 11/26/90, effective 12/27/90. Statutory Authority: RCW 9.46.070 (3)(11)(14) and 9.46.0201. 90-05-033 (Order 206), § 230-20-698, filed 2/14/90, effective 3/17/90.] Repealed by 91-19-093 (Order 227), filed 9/18/91. Statutory Authority: RCW 9.46.070 and 9.46.0331.
230-20-699	Special amusement game license—Test at limited locations. [Statutory Authority: RCW 9.46.070 (11) and (14). 89-17-056 (Order 196), § 230-20-699, filed 8/15/89, effective 9/15/89. Statutory Authority: RCW 9.46.070 (11), (14) and 9.46.0218 [9.46.0281]. 89-05-024 (Order 186), § 230-20-699, filed 2/13/89. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-09-021 (Order 176), § 230-20-699, filed 4/13/88.] Repealed by 91-03-063 (Order 219), filed 1/16/91, effective 2/16/91. Statutory Authority: RCW 9.46.070 and chapter 34.05 RCW.

WAC 230-20-102 Bingo prizes—Record of winners.

All payments of prizes for bingo games shall be accounted for and documented in a manner that affords independent verification of the amount paid and the fact of distribution to winners. *Provided*, That Class A and B bingo licensees, organizations conducting bingo under the provisions of RCW 9.46.0321, and bingo activities conducted at a qualified agricultural fair are exempt from all portions of this rule if the requirements of WAC 230-08-015 are followed. Payment of all prizes shall be documented using the following procedures:

(1) A prize receipt shall be completed for each prize awarded at bingo games. The following minimum information shall be recorded for each prize awarded:

- The date;
- The game number;

(c) The complete name and address of the winner: *Provided*, That an address is not required if the following control procedures are followed:

(i) Prizes greater than \$300 are paid by check or a combination of cash or check;

(ii) Checks must be drawn on the licensee's gambling bank account;

(iii) Checks will be made payable only to the winner: *Provided*, That checks for prizes won by players under age 18 may be made payable to the guardian or immediate family member accompanying the player;

(iv) The game number and prize receipt number shall be notated on the check;

(v) Checks used must be of a type that provides a duplicate copy. The copies become a part of the daily bingo records and must be maintained as such;

(vi) All original checks must be returned by the bank to the licensee. Original checks shall be available for inspection upon demand by the commission; and

(vii) Checks drawn on the licensee's gambling account shall not be cashed or otherwise redeemed by the licensee or on the licensee's premises;

(d) The dollar amount of the prize or the licensee's cost of noncash prizes;

(e) A full description of all noncash prizes;

(f) The check number, if any portion of the prize is paid by check; and

(g) The initials of the bingo worker making the payout and the cashier making the payment.

(2) Prize receipts shall be printed by a commercial printer and meet the following standards:

(a) Manufactured of two-part, self-duplicating paper that provides for an original and a duplicate copy;

(b) Imprinted with the name of the licensee and a consecutive ascending number that does not repeat in at least 100,000 occurrences: *Provided*, That Class E and smaller licensees may utilize receipts that are not imprinted with the licensee's name and which the consecutive number does not repeat in at least 1,000 occurrences; and

(c) Provide space for the licensee to record the information required by subsection (1) above.

(3) Prize receipts shall be consecutively issued in an ascending order. Prize receipts bearing a number below the highest number issued during a session shall be voided and retained with the daily records.

(4) The original of each prize receipt shall be given to the winner and a duplicate copy shall be retained by the licensee as a part of its records for a period of not less than three years.

(5) All prize receipts purchased or otherwise obtained must be accounted for by the licensee. Prize receipts purchased or otherwise obtained by the licensee shall be documented on a vendor's invoice. This invoice, or a photo-copy thereof, shall be maintained on the premises and available for inspection by commission staff. The following information shall be documented on the purchase invoice:

(a) Name of the vendor;

(b) Name of the purchasing organization;

(c) Date of purchase;

(d) Number of receipts purchased; and

(e) The beginning and ending receipt number.

(6) Increases to the prize pool for progressive prize type games may be accrued and treated as prizes awarded during the current session if the following conditions are met:

(a) Prize receipts will be issued only when the prize is actually awarded;

(b) Full details of accrued prizes outstanding at the end of each calendar quarter, will be furnished on the licensee's activity report;

(c) Once an election is made to accrue prizes for a particular game, all increases to that prize must be accrued;

(d) Prizes must be accrued after the completion of each session in which they are increased;

(e) A reconciliation of the prize fund shall be made on each "Daily summary - Cash control" record;

(f) The amount of prize accrued shall be deposited in the gambling receipts account per WAC 230-12-020;

(g) The balance of the gambling receipts banking account shall not be reduced at any time below the amount of prizes accrued and currently being offered: *Provided*, That accrued prizes may be transferred to a special bank account, for this purpose, if the balance is maintained at a level equal to or greater than the amount of prizes accrued and currently being offered; and

(h) In the event management elects to discontinue games for which prizes have been accrued, the operator shall amend all activity reports and tax returns previously submitted to reflect the actual prizes awarded.

[Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-20-102, filed 10/15/91, effective 11/15/91. Statutory Authority: RCW 9.46.070. 90-24-005 (Order 218), § 230-20-102, filed 11/26/90, effective 12/27/90.]

WAC 230-20-246 Manner of conducting bingo. The conducting of a bingo game shall include, but is not limited to, the following rules:

(1) All sales of bingo cards shall take place upon the premises during or immediately preceding the session for which the card is being sold;

(2) Bingo cards shall normally be sold and paid for prior to the start of a specified game or specified number of games. Cards may be sold after the start of a game, or number of games, if the late sale does not allow any player an advantage over any other player;

(3) No operator shall reserve, or allow to be reserved, any bingo card for use by players except braille cards or other cards for use by legally blind or disabled players;

(4) Legally blind players may use their personal braille cards when a licensee does not provide such cards. The licensee shall have the right to inspect, and to reject, any personal braille card. A legally blind or disabled person may use a braille card or reserved hard card in place of a purchased throwaway;

(5) If a licensee has duplicate cards in play, he shall conspicuously post that fact or notify all players;

(6) No two or more sets of disposable cards can be used at the same time if they have identical series numbers;

(7) All cards sold to participate for a specific prize or set of prizes shall be sold for the same price and be distinct and readily distinguished from all other cards in play: *Provided*, That similar cards used to participate for the same prize or set of prizes may be sold at a discount which is based solely on volume if each separate discount price is recorded using a separate sales identification code and records provide for an audit trail;

(8) Immediately following the drawing of each ball in a bingo game, the caller shall display the symbol and/or number on the ball to the participants;

(9) The symbol and/or number on the ball shall be called out prior to the drawing of any other ball;

(10) After the symbol and/or number is called, the corresponding symbol and/or number on the licensee's flashboard, if any, shall be lit for participant viewing;

(11) A game ends when a specific pattern has been achieved by a player or a specific number of symbols and/or numbers has been called. Each game shall be played using a separate selection process: *Provided*, That the same or a continuing selection process may be used to play the following games:

(a) Interim or "on-the-way" games; and

(b) Games for which cards are sold for different prices and players win a different prize depending on the price they pay to play.

(12) No bingo game shall be conducted to include a prize determined other than by the matching of symbols and/or numbers on a bingo card with symbols and/or numbers called by the licensee, in competition among all players in a bingo game. *Provided*, That the following activities are considered bingo games when conducted during a bingo occasion and prizes are determined through equal competition among all players paying to participate in that session:

(a) Drawing. Each licensee shall be allowed to award prizes during each bingo session that is determined by a drawing if:

(i) Tickets or other facsimiles used to enter such drawings shall only be awarded to players purchasing cards to play in bingo games;

(ii) A record shall be completed setting out the criterion for granting tickets, the number of tickets awarded during each session, the winning ticket, and all details required by WAC 230-08-080 and 230-20-102. Such record shall be maintained as a part of the daily bingo records;

(iii) Prizes awarded for drawings are limited to maximum of \$1,000 during any calendar month;

(iv) All prizes awarded are considered bingo game prizes for purposes of prize payout and net income regulation;

(b) Creativity and originality contests (competition to determine the best costume, flower arrangement, cake decorating, ugliest tie, or other activities requiring skill or original thought). A bingo licensee may conduct contests in which players may demonstrate their creativity and originality skills on up to four occasions annually. The following rules must be observed in conducting these contests:

(i) The total value of prizes shall not exceed \$500 during any occasion;

(ii) Only players who have paid to participate in bingo games during the current session may participate in the contest;

(iii) A record shall be completed for each contest setting out the criterion for selecting the winners, the number of participants in the contest, and all details required by WAC 230-08-080 and 230-20-102. Such records shall be maintained as a part of the daily bingo records;

(iv) All prizes awarded are considered bingo game prizes for purposes of prize payout and net income regulation;

(13) The amount of a prize or prizes available for each bingo game shall be established and disclosed to bingo players prior to their purchase of a chance to participate in a bingo game. The amount of a prize may also be determined during the game, using standard bingo equipment and cards if:

(a) A minimum prize is established and disclosed;

(b) All rules of the game are explained in detail to the players; and

(c) All requirements of WAC 230-20-010 are met before cards are purchased.

The director may grant approval of the use of other schemes to determine the dollar amount of a bingo prize after cards are purchased if such schemes:

(i) Contain control factors necessary for commission audit;

(ii) Are determined to be primarily of an entertainment nature;

(iii) Do not grant an unfair competitive advantage to any licensee; and

(iv) Do not act to defraud the public.

(14) Immediately upon a bingo player declaring a winning combination of letters and numbers, the winning card shall be verified by a game employee and at least one neutral player;

(15) Upon a bingo player declaring a winning bingo, the next ball out of the machine shall be removed from the machine prior to shutting the machine off and shall be the next ball to be called in the event the declared winning bingo is not valid;

(16) After a winning bingo is validated, the prize shall be awarded using the following procedures:

(a) Each winner shall be required to provide proof that they have purchased the winning bingo card. The licensee shall review the prize winner's income receipt and determine that the player has properly purchased all cards played during the games, including the winning card;

(b) Each prize winner shall be positively identified. The licensee shall require such proof of identification as is necessary to establish the prize winner's identity prior to paying any prize. The winner is responsible for furnishing proof to the licensee that all information required by this rule is true and accurate. Prizes may be withheld until the winner has provided adequate identification;

(c) The prize shall be awarded and a record made by completing a prize receipt as required by WAC 230-08-

080 and 230-20-102. A complete address and tax payer identification number should be recorded for each prize valued at \$1,200 or more;

(d) All prizes for a particular game must be available prior to starting the game and shall be awarded by the end of the related session;

(e) All merchandise offered as prizes to bingo players shall have been paid in full, without lien or interest of others, prior to the merchandise being offered as a prize: *Provided*, That the licensee may enter into a contract to immediately purchase the merchandise when it is awarded as a prize, with the contract revocable if prize winners are allowed to exercise an option to receive a cash prize or the prize is no longer offered.

(17) Licensees may award promotional gifts to bingo players on up to six occasions annually if:

(a) Only merchandise with a cost to the licensee of no more than two dollars per gift, are awarded;

(b) A record shall be completed for each session setting out the criterion for selecting the recipients, the number of gifts and total cost of the gifts. Such records shall be maintained as a part of the daily bingo records; and

(c) All gifts purchased are considered bingo game prizes for purposes of prize payout and net income regulation;

(18) No operator shall engage in any act, practice, or course of operation as would operate as a fraud to affect the outcome of any bingo game.

[Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-20-246, filed 10/15/91, effective 11/15/91. Statutory Authority: RCW 9.46.070. 90-24-005 (Order 218), § 230-20-246, filed 11/26/90, effective 12/27/90. Statutory Authority: RCW 9.46.070 (11) and (14). 89-17-056 (Order 196), § 230-20-246, filed 8/15/89, effective 9/15/89. Statutory Authority: RCW 9.46.020 (1) and (10) and 9.46.070 (3), (11) and (14). 86-09-036 (Order 157), § 230-20-246, filed 4/11/86. Statutory Authority: RCW 9.46.030 (2) and (3) and 9.46.070 (11) and (14). 83-19-024 (Order 136), § 230-20-246, filed 9/13/83.]

WAC 230-20-380 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-20-605 Types of amusement games authorized. The commission hereby authorizes the following amusement games whether coin operated or not, to be operated by persons possessing a commercial amusement games license, or bona fide charitable or nonprofit organizations possessing a license issued by the gambling commission or when conducted as authorized by RCW 9.46.0321 at an authorized location.

(1) **Fish pond (duck pond).** The player "catches" a fish or other object floating in a pond of water by using a pole, hand, net or string. All fish or objects are marked on the bottom indicating the size of prize the player wins. The player is awarded a prize every time and the player must be allowed to continue playing until a prize is won. When played at school carnivals, the game may be played without the pond of water and the operator of the game may assist the player by attaching a prize to the pole, hand, net or string.

(2) **Hoop or ring toss.** The player must toss a hoop(s) or ring(s) over a target which may consist of bottles,

pegs, blocks, or prizes. The operator must specifically advise the player as to the degree that the hoop(s) or ring(s) must go over the target. All hoops of the same color used at an individual stand must be the same size. All targets used at an individual booth must be the same size or the operator must advise the player by posting signs or using color codes denoting the different sizes.

(3) **Dart games.** The target area for all dart games must be of a material capable of being penetrated and retaining a metal tip dart. The target area will be in the rear of the stand and will be at least three feet but not more than fifteen feet from the foul line. Target must be stationary at all times.

(a) **Balloon (poparoo) (balloon smash).** The targets are inflated balloons. The player throws one or more darts to burst a predetermined number of balloons. If the predetermined number of balloons are burst by the dart(s), the player receives the prize indicated.

(b) **Dart throw.** The targets are various sizes and shapes located on the target area. The player must throw dart(s) individually at the target. The player must hit and the dart must stick in a predetermined target to win the prize as designated.

(c) **Tic tac toe dart.** The target is a tic tac toe board located in the target area. The player throws darts at the target and wins a designated prize when the thrown darts line up in a row in the target. The darts may line up vertically, horizontally or diagonally to win.

(d) **Add um up darts.** The target consists of numbered squares located in the target area. Prizes are awarded based on the total score obtained by the player by throwing and sticking the darts in the numbered squares. All darts stuck on lines will receive a rethrow. The player has the right to add up the score of the darts thrown.

(4) **Ball tosses.** In all ball toss games, the balls used at a specific stand must be of the same weight and size. Targets must be of the same weight and size or the operator must color code the targets and advise the player of the difference in targets by posting a sign or providing a duplicate of the target showing the limitations or restrictions readily visible to the player.

(a) **Milk bottle toss.** The player tosses or throws ball(s) at simulated milk bottles. The player wins by either tipping over or knocking bottles off the raised platform as designated by the operator. The bottles may be constructed of wood, metal or plastic or a combination of the above three. Operators may vary the number of bottles and balls used in each game. No floating or loose weights in bottles shall be allowed. The weight of individual bottles shall not exceed seven and one-half pounds.

(b) **Milk can (Mexican hat, cone).** The player tosses a ball(s) into the opening of a milk can or a fiber glassed Mexican hat turned upside down or through a cone to win.

(c) **Football toss (tire toss).** The player tosses or throws a football(s) through a stationary tire or hoop to win.

(d) **Basketball toss/throw.** The player tosses or throws a basketball(s) through a basketball type hoop to win.

(e) **Bushel baskets.** The player tosses a ball(s) into a bushel type basket mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the basket to win. All rim shots will be allowed except the operator may designate the top 6 inches of the basket rim by color and disallow ball(s) striking this area as winning tosses.

(f) **Cat-ball-toss (star/diamond toss).** The player tosses a ball(s) into a simulated cat's mouth or a round, diamond or star shaped hole to win.

(g) **Ping pong toss.** The player tosses ping pong balls into dishes, saucers, cups or ashtrays floating in water. A predetermined number of balls must remain in the dishes, saucers, cups or ashtrays for the player to win. The dishes, saucers, cups or ashtrays must have water covering the bottom of the surface which is facing up.

(h) **Fish bowl game.** The player tosses ping pong balls into a water-filled fish bowl to win.

(i) **Volley ball toss (soccer ball).** The player tosses a volley or soccer ball(s) into a keg type container mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the keg to win a prize. Rim shots are authorized as stated in paragraph (e) above for bushel baskets.

(j) **Goblet ball (whiffle ball).** The player tosses a whiffle ball(s) into a target area of glass or plastic goblets. Located in the [target area are] colored goblets which determine the type of prize the player wins. At least 33 percent of the goblets in the target area must be winners. The ball(s) must stay in the goblet to win a prize.

(k) **Break the plate/bottle.** The player tosses or throws a ball(s) at a plate, phonograph record or bottle. The type of prize won is determined by the number of targets broken by the player.

(l) **Punk rack.** The targets for this game are rows of dolls or cats on a ledge at the rear of the stand. The dolls or cats must be filled with sawdust, styrofoam, cotton or other like material which provides a firm base for the ball to strike. The hair protruding from the side of the dolls or cats shall not exceed three inches. The prize is determined by how many dolls or cats the player knocks over or off the ledge as posted by the operator.

(m) **Teeth game.** The target consists of a large face with wooden teeth. The prize is determined by how many teeth the player knocks down by throwing a ball(s).

(n) **Toilet game (doniker).** The player tosses or throws a ball or other object through a toilet seat, which is located at the rear of the stand, to win.

(o) **(Coke roll).** The player rolls a ball(s) down an alley with the object of knocking over two coke bottles standing at the end of the alley. The player must tip over both bottles to win. Bottles shall be placed on predetermined spots painted on the surface of the alley.

(p) **Rolldown.** The player rolls ball(s) down an alley with the object of putting the ball(s) in numbered slots at the end of the alley. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Scores above or below a predetermined score win. The alley surface shall at all times be smooth and free from defects.

(q) **Fascination (I got it).** A group game which involves competition among the players. The target area consists of twenty-five holes and the player tosses or rolls a ball into one of the holes. The object of the game is to get five balls in a row either vertically, horizontally or diagonally. The first player to accomplish this is the winner. Prize size is determined by the number of players participating in each game.

(r) **Pokereno.** The target area consists of twenty-five squares with each square given the value of a poker card. The player rolls or tosses five balls to land in the squares. The operator has predetermined winning poker hands and the player wins when balls land in the squares that duplicate the operators selection.

(s) **Batter-up.** The player uses a whiffle ball bat to swing and strike whiffle balls which are pitched at medium speed from a pitching machine. The player wins when he "hits" a ball into the "home run" shelf. The "home run" shelf is located at the back of the batting cage approximately fifteen feet from the player.

(t) **Sky bowling.** Two bowling pins are set on predetermined painted spots on a shelf. A ball is attached to a chain suspended from a stationary support at least 6 inches to the right or left of the bowling pins. The object is to swing the ball, miss the pins with the ball as it goes forward and knock the pins over as the ball returns.

(u) **Clown rolldown.** A ball is tossed through the open mouth of a moving clown or animal head. The ball then rolls down a chute to numbered slots to the rear of the clown or animal head. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Prizes are awarded on the points achieved.

(v) **Skee ball.** The player rolls a ball(s) up the mechanical bowling alley into targets. A computer adds up the scores and predetermined scores win.

(w) **Speedball radar game.** Player gets four balls. Player throws three balls through radar to establish speeds and to estimate at what speed fourth ball will pass through radar. Player wins prize if he accurately estimates speed of the fourth ball. Radar must be mounted and stationary.

(5) **Shooting games.** These games are conducted by the player using a weapon of some type to shoot at a target in the rear of the stand. The safety requirement of the local city or county ordinances must be observed by the operator and player. The target may be stationary or mobile.

(a) **Short range (shooting gallery)** includes where the player is given four rounds to shoot at a spot target 1/4 inches or less in diameter. The player wins when the spot target is completely shot out, or the player is given five rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. The prize is determined by the number of targets struck by the player, or the player is given five rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. Within each target is a bull's eye and the player must hit the bull's eye without touching outer surface of the target. The prize won is determined by the number of bull's eyes correctly hit.

(b) **Shoot-out-the-star (machine gun).** The player, using an automatic air pellet gun, is given 100 pellets to shoot at a star shaped target. The player must shoot out all of the target to win. The star cannot be more than one and one quarter inch from point to point.

(c) **Water racer.** This group game involves competition with the player winning a prize based on the number of players competing. The player, using a water pistol, shoots the water into a target. The water striking the target causes a balloon to inflate or advances an object to ring a bell. The player bursting the balloon or ringing the bell first is the winner.

(d) **Rapid fire.** This group game involves competition among players similar to the water racer described in (c) above. The player uses an electronic pistol to shoot at a target. Hits on the target give the player a score and the first player to reach a predetermined score is the winner.

(e) **Cork gallery.** The player uses a cork gun or similar device to propel objects which could include, but are not limited to, corks, suction cup darts, or styrofoam balls, to shoot at targets located on a shelf or bull's-eye type target. The player must hit the bull's-eye or knock the target over or off the shelf to win a prize. The prize is determined by the target knocked over or off the shelf or by the number of targets knocked over or off the shelf, or by the player accomplishing other tasks as stated in the posted rules. When suction cup darts or other darts are used and fail to stay on or in the target, the player will receive the play over. The base of each target shall be uniform front and rear.

(f) **Boomball.** The player uses a cannon with compressed air to propel balls into a target area. The targets have varied point value and if the ball remains in the target, a computer adds up the scores. Prizes are awarded based on the points achieved.

(6) **Coin pitchers.**

(a) **Spot pitch (lucky strike).** The player pitches a coin at colored spots located on a table in the center of the stand. The coin must touch or stay inside of a spot to win a prize.

(b) **Plate pitch.** The player pitches a coin onto a glass plate to win a prize as designated.

(c) **Glass pitch (bowl).** The player pitches a coin into or onto dishes, glasses, etc. If the coin remains in one of the top "target" glass items then the player wins that item.

(7) **Miscellaneous games.**

(a) **Skill chute (bulldozer) (penny fall).** The player inserts a coin or token into a chute aiming the coin or token so that it will fall in front of a continuous sweeper, (bulldozer). If the coin or token is aimed correctly, the sweeper (bulldozer) will push additional tokens or prizes into a hole or chute which sends them to the player. Tokens are exchanged for prizes. If there is a hidden ledge, tip or similar obstruction which inhibits the passage of tokens or prizes into the hole or chute which sends them to the player, then the operator must post a sign to advise the players.

(b) **Tip-em-up bottle.** The player is provided with a pole and a string which has a hoop or ring attached at

the end. The player, using the pole with ring, must raise a bottle lying on its side to an upright position to win.

(c) **Hi-striker.** The player, using a wooden maul, must strike a lever target which causes a metal weight to rise on a guide line or track and ring a bell. The player must ring the bell a predetermined number of times to win a prize.

(d) **Rope ladder.** Player must climb up a rope ladder, which is anchored at both ends by a swivel and ring a bell or buzzer to win a prize.

(e) **Whac-a-mole.** A group game which has a target surface with 5 holes - animated "moles" pop up and down at random. Whac (hit) as many moles as possible with a mallet. First player to hit a predetermined number of moles wins.

(f) **Dip bowling game.** Player rolls a bowling type ball over hump in track. If ball stays on the back side of hump, the player wins.

(g) **Horse race derby.** A group game. Players advance their horse by shooting or rolling a ball in target area. The faster and more skillful one shoots or rolls his ball, the faster his horse will run. First horse to finish line wins.

(h) **Shuffleboard.** Player pushes a puck(s) down a shuffleboard alley to knock over poly pins at end of alley. Player wins by knocking down all the pins.

(i) **Bean bag.** The player tosses or throws a bean bag or a simulated bean bag at cans, bottles or other objects on a raised platform. The player wins a prize when he either knocks the object(s) off the raised platform or tips the targets over.

(j) **Soccer kick.** The player kicks a soccer ball(s) through a hole(s) in the target area to win.

(k) **Frog game.** Plastic frog or similar object sits on a small end of teeter totter. The opposite end of the teeter totter is struck with a mallet causing the frog to fly off the teeter totter. If the frog lands in a pail or similar receptacle, the player wins a prize.

(l) **Cover the spot.** The object of the game is for player to drop 5 circular discs onto a circular spot, completely covering the spot. The diameter of each of the discs utilized to cover the spot will be a minimum of 64% of the diameter of the spot to be covered. The spot to be covered shall be painted or drawn on a permanent, solid material such as metal or wood, or may be a round opened lighted circle. The spot and each disc shall have a uniform diameter.

(m) **Pocket billiards.** Using a regulation pocket billiard table, a player must run a consecutive number of balls to win a prize. The number of balls shall be set by the operator.

(n) **Digger.** The player turns a crank on a mechanical crane to pick up a prize. If the player picks up a prize then the player wins that prize. There can be no stops on the digger or, if there are stops, all prizes must be the same. All prizes must be capable of being picked up by the crane.

(o) **Electronic crane games.** The player uses a joystick and/or push buttons to maneuver the crane into a position to retrieve a prize. All games must meet the following conditions:

(i) At least twenty seconds playing time per operation thereof;

(ii) The crane must be capable of reaching, picking up and dispensing all prizes within the machine.

(iii) The crane cabinet must be level so that when the crane's head descends, it makes a vertical descent to the bottom of its travel, this being perpendicular to the bottom of the prize access area and parallel to the cabinet sides.

(iv) The controls for the crane must be clearly labelled as to function and signs posted giving instructions on crane play to the player.

(v) The device must have a coin acceptor capable of taking money for one play and may have an additional acceptor to include paper money not to exceed the cost of five plays.

(vi) Prizes must be loose and shall not be packed, arranged or lodged in the machine in any way which would prevent the prize from being picked up by the claw.

Any additional games, or a modification of the games authorized above, must be submitted to the commission staff in writing PRIOR to using the new or modified game in the state. The written request shall include proposed rules of play, game specifications and pictures of the game or modification. A demonstration of the game must be provided to the staff, upon request, in Lacey or at such place as designated by the commission staff. A fee will be assessed by the commission to offset the cost of review and analysis as required.

After review, the director may temporarily authorize the use of a new or modified game, in writing, subject to final approval by the commission.

[Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-20-605, filed 9/18/91, effective 10/19/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-20-605, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-07-059 (Order 175), § 230-20-605, filed 3/15/88. Statutory Authority: RCW 9.46.070 (3), (8) and (11). 85-09-040 (Order 149), § 230-20-605, filed 4/15/85. Statutory Authority: RCW 9.46.070 (4), (7), (8) and (11). 83-06-077 (Order 127), § 230-20-605, filed 3/2/83. Statutory Authority: RCW 9.46.070(11). 82-13-054 (Order 121), § 230-20-605, filed 6/14/82.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 230-20-630 Amusement games--Fees, rules, prizes and variations in objects to be posted--Fees to be paid in cash or script--Prizes not to differ from those posted. (1) No person shall conduct any amusement game at any location within the state of Washington unless there is posted in a conspicuous place, readily visible to persons playing the game, a sign(s) made of permanent material, such as wood, poster board, metal or plastic with lettering at least one and one-half inches in height that contains the following information:

- (a) Fees charged for playing;
- (b) The rules by which the game is to be played;
- (c) Prizes to be won;

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

(e) The name of the operator and an assigned concession number.

(2) Licensed amusement game operators shall assign each concession a number and a list of all concessions and their assigned numbers shall be kept available in the show office.

(3) No amusement games shall be conducted wherein the price charged for playing said game is paid other than in cash, or in an amount other than that posted upon the premises of said game. The term "cash" as used herein shall include checks. In addition, the operator may accept as consideration, tokens, script or tickets, but only under the following conditions:

(a) The value of each token, ticket or item of script, as measured by the equivalent amount of cash which a player would have to present in lieu of said token, ticket or script, must be indicated on the face thereof;

(b) Said tokens, tickets or script are not redeemable for cash;

(c) Said tickets or script shall bear the name of the operator or sponsor.

(4) No amusement games shall be conducted within the state of Washington wherein the prize to be given to a prospective winner is other than that posted upon the premises of said game: Provided, however, That after an individual player has won two or more prizes, an operator may offer said player the opportunity to exchange said prizes for one or more other prizes, but only if the prize to be received by the player in exchange was on display during the play of the game. Any prize system which requires forfeiture of previously won prize(s) in exchange for another play is prohibited. Operators of amusement games may utilize a scheme for distribution of prizes wherein the winners of individual prizes receive tickets, which are subsequently redeemable in combination with other tickets won for a merchandise prize.

[Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-20-630, filed 9/18/91, effective 10/19/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-20-630, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-07-059 (Order 175), § 230-20-630, filed 3/15/88; Order 55, § 230-20-630, filed 6/25/76.]

WAC 230-20-670 Commercial amusement games--Operating requirements. (1) Each location where commercial amusement games are operated shall be required to obtain a commercial amusement game license.

(2) A person licensed as a commercial amusement game operator may enter into a contract with licensees to operate amusement games on their premises. The contract must be written and specific in terms, setting out the time of the contract, revenue sharing plan and all expenses to be borne by each party: *Provided*, That the revenue sharing plan may be based on a percentage of revenue generated by the activity if the method of distribution is specific. All contracts regarding the operation of amusement games shall be submitted to the commission and become part of the licensee file.

(3) It shall be the responsibility of the commercial amusement game operator providing the games to ensure that each premises is licensed with the commission prior to operating at that location.

[Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-20-670, filed 9/18/91, effective 10/19/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-20-670, filed 11/27/89, effective 12/28/89.]

WAC 230-20-680 Commercial amusement games--Operation restrictions. (1) No person shall operate commercial amusement games in any location except under the following conditions:

(a) The operation of amusement games must be closely monitored and controlled to ensure all games are operated in accordance with all provisions of this WAC title;

(b) The players are protected from fraud and game manipulation; and

(c) All games and/or machines are maintained in proper condition to ensure the operation is as approved by WAC 230-20-605.

(2) All locations where school-aged minors are allowed to play must be supervised by an adult during all hours of operation. The adult supervisor will ensure that school-age minors are prohibited from entry and/or playing amusement games in locations authorized by WAC 230-04-138 (1)(g), (i), or (j) during school hours and after 10:00 p.m. on any day: *Provided*, That school-aged minors are prohibited from entry into licensed amusement game/locations in regional shopping centers after the normal shopping area closing hours on Sunday through Thursday.

[Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-20-680, filed 9/18/91, effective 10/19/91.]

WAC 230-20-698 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-20-699 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-20-700 Coin activated amusement games--Standards. All coin activated amusement games must have nonresetable coin-in meters, the removal or disconnection of which stops the play of the machine. The meter must be certified as accurate to within plus or minus 1 coin in 1,000 plays.

[Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-20-700, filed 10/15/91, effective 11/15/91.]

**Chapter 230-25 WAC
FUND RAISING EVENTS**

WAC

- 230-25-110 Fund raising event--Use of equipment, lease or rental from licensee only.
- 230-25-265 Fund raising event--Regular salary for licensee's employee not "payment" for work on fund raising event under certain conditions--Food and beverage exception.
- 230-25-330 Recreational gaming activity--Rules for play.

WAC 230-25-110 Fund raising event--Use of equipment, lease or rental from licensee only. Only those persons holding a valid license to sell or distribute punchboards, pull tabs, or pull tab dispensing devices and/or fund raising event equipment shall be authorized to sell or lease gaming equipment to bona fide nonprofit or charitable organizations licensed to conduct fund raising events for use in connection with a licensed fund raising event. All rules and regulations of the commission relating to the sale or distribution of punchboards, pull tabs, or pull tab dispensing devices by such distributors, shall be likewise applicable to the sale or rental by them of gaming equipment and pull tabs for use in a licensed fund raising event, except to the extent such rules are inconsistent with the provisions of this section: *Provided*, commission approval of such gaming equipment shall not be required, nor shall identification stamps be required for such equipment: *Provided further*, a licensee to conduct fund raising events may sell, loan or rent equipment acquired for its own fund raising event to another such licensee(s) for up to four events per year without being licensed as a distributor of fund raising event equipment.

No sale or rental of gaming equipment for use in a licensed fund raising event shall be transacted except on commercially reasonable terms established in the competitive market. All rentals shall be a lump sum or hourly rate, and shall not be based upon a percentage of the income or profit derived from the conduct of the fund raising event.

No licensee to conduct fund raising events shall purchase or rent gaming equipment except from another such licensee, or from a licensed distributor.

Any bona fide charitable or nonprofit organization licensed to conduct fund raising events may utilize such equipment, not otherwise prohibited by law or these regulations, as is owned or constructed by such licensee, or which is borrowed or leased from another bona fide charitable or nonprofit organization which has been licensed by the commission to conduct fund raising events.

No licensee to conduct fund raising events shall use, or permit the use of, equipment owned by it for any purpose other than the operation of licensed fund raising events, or other authorized gambling activities by the licensee: *Provided*, however, That the licensee may, within the twelve calendar month period following the conduct of the fund raising event for which it was licensed, loan or rent such equipment to another bona fide charitable or nonprofit organization for use in conjunction with a licensed fund raising event.

[Statutory Authority: Chapter 9.46 RCW. 91-15-040 (Order 224), § 230-25-110, filed 7/17/91, effective 8/17/91. Statutory Authority: RCW 9.46.070. 88-19-038 (Order 183), § 230-25-110, filed 9/13/88. Statutory Authority: RCW 9.46.020(5) and § 1(5), chapter 326, Laws of 1977 ex. sess., and RCW 9.46.070(4). 78-03-061 (Order 81), § 230-25-110, filed 2/22/78; Order 80, § 230-25-110, filed 12/28/77.]

WAC 230-25-265 Fund raising event--Regular salary for licensee's employee not "payment" for work on fund raising event under certain conditions--Food and beverage exception. The salary of a regular and full time

employee, or a regular but part time employee if the organization has employed a person in that part time position for the past three consecutive years, of an organization licensed to conduct fund raising events shall not be deemed "payment" (as the term "paid" is used in RCW 9.46.0233) for work performed by the employee in connection with a fund raising event conducted by that organization when all of the following conditions are met:

(1) The position held by the employee has been created for purposes unrelated to the conduct of fund raising events and requires the performance of duties unrelated to fund raising events year around. The employee's contribution to fund raising events must be an incidental part of his or her total duties, consisting of less than 1% of total time worked for the organization; and

(2) The employee is paid on a recurring basis on a regular and established rate throughout the calendar year, unrelated to the income produced by any fund raising event; and

(3) The employee does not operate any gambling game or lottery at any fund raising event conducted by the organization but confines his or her services in connection with the event to assisting the organization's other members with the overall planning and organization of the event and with supervision of the supporting services for the event. However, such an employee who is also a bona fide member of the organization or its bona fide auxiliary and is not otherwise scheduled for duty in his or her assigned employee duties at the time the fund raising event is to be held may participate in the conduct of the fund raising event as a bona fide member as set out in WAC 230-25-260.

(4) For the purposes of this rule, the furnishing of food and nonalcoholic beverages to event volunteers, not to exceed \$20 per volunteer per event, shall not be construed as payment or compensation.

[Statutory Authority: Chapter 9.46 RCW. 91-05-047 and 91-06-008 (Orders 220 and 220A), § 230-25-265, filed 2/14/91 and 2/22/91, effective 3/17/91 and 3/25/91. Statutory Authority: RCW 9.46.020(23) and 9.46.070(14). 81-19-072 (Order 111), § 230-25-265, filed 9/15/81. Statutory Authority: RCW 9.46.070(13). 79-01-026 (Order 88), § 230-25-265, filed 12/18/78.]

WAC 230-25-330 Recreational gaming activity-- Rules for play. An organization or association issued a permit shall conduct a recreational gaming activity in accordance with the following rules:

(1) Any gambling device utilized for such activity must be rented or obtained from a licensed distributor of fund raising event equipment or a licensee authorized to conduct fund raising events (not applicable to home-made, nonprofessional devices);

(2) Gambling of any type shall be prohibited on the premises where recreational gaming activity takes place;

(3) Script or chips having no value shall be utilized for each activity;

(4) There shall be no fee charged for the opportunity to participate or enter the premises, Provided: An organization may charge a fee for an accompanying dinner, meal, or entertainment associated with the activity,

as long as such a fee is only related to those additional activities and the costs incurred in renting the devices utilized in the activity;

(5) An organization may utilize a scheme whereby participants can redeem their script or chips for prizes; Provided: All prizes must be donated to or provided by the sponsoring organization;

(6) The activity shall be limited to eight hours. The director may for good cause shown, grant additional time;

(7) The sponsoring organization must notify local law enforcement officials at least ten days prior to the commencement of the activity, and specify the date, time and location of the activity.

[Statutory Authority: Chapter 9.46 RCW. 91-15-040 (Order 224), § 230-25-330, filed 7/17/91, effective 8/17/91.]

Chapter 230-30 WAC PUNCHBOARDS AND PULL TABS

WAC

230-30-070	Control of prizes.
230-30-080	Limitation on pull tab dispensing devices.
230-30-102	Pull tab series assembly and packaging.
230-30-103	Standards for construction of pull tabs.

WAC 230-30-070 Control of prizes. All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise.

(1) Prizes shall be cash or merchandise only. Prizes may not involve the opportunity of taking an additional chance or chances on another punchboard or of obtaining another pull tab or pull tabs. Where the prize involves the opportunity to punch again on the same punchboard, a prize must be awarded for each such punch which is not less than the highest amount of money, or worth not less than the most valuable merchandise prize, which might otherwise have been won by the punch for which the opportunity to take the second punch was awarded. Each such board must clearly indicate on its face the terms and conditions under which the opportunity to obtain the second, or step-up punch, may be obtained and the prizes which may be won by the step-up punch.

(2) Display of prizes:

(a) All prizes shall be displayed in the immediate vicinity of the punchboard or pull tab device and such prizes shall be in full view of any person prior to that person purchasing the opportunity to play.

(b) When the prize is cash it shall be displayed as follows:

(i) If the punchboard or pull tab series contains the opportunity to win both cash and merchandise prizes, the money itself shall not be displayed, but a coupon designating the cash available to be won shall be substituted; and

(ii) If the only prizes which may be won are cash prizes, they shall be clearly and fully described or represented by a coupon displayed upon the prize flare attached to the face or displayed in the immediate vicinity of the pull tab dispensing device.

(c) The licensee shall display prizes so arranged that a customer can easily determine which prizes are available from any particular punchboard or pull tab series or device operated or located upon the premises.

(d) Upon determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from any display and present it to the winner.

(e) Upon determination of a winner of any cash prize of five dollars or more, or of any merchandise prize with a retail value of five dollars or more, but prior to award of the prize, the licensee shall conspicuously delete all references to that prize being available to players from any flare, punchboard or pull tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. The prize shall then be paid or delivered to the winner forthwith.

(3) Payment of prizes. The licensee must pay or award to the customer or player playing the punchboard or pull tab series all such prizes that have not been deleted from the flare of the punchboard or pull tab series when the punchboard or pull tab series is completely played out.

(4) Cash in lieu of merchandise prizes. No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

(5) Record of winners:

(a) When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. The record of the win shall be made in the following manner:

(i) The winners shall be required to print their name and date of birth, in ink, upon the side of the winning punch or tab opposite the winning symbol(s);

(ii) The licensee or their representative shall then verify the winner's identity and record the date and initial the winning punch or tab.

(iii) If the pull tab or punch is constructed or printed in such a manner as to preclude recording the information required in (i) and (ii) above in a legible manner, the licensee may record the required information on a sheet of paper not less than three inches by five inches and staple the winning tab or punch thereto.

(6) Retention of records. Every licensee shall keep the record of all prizes awarded in excess of twenty dollars, containing all of the information required in subsection (5) above, and all winning pull tabs or punchboard punches for a period of at least four months following the last day of the month in which it was removed from play and shall display the same to any representative of the commission or law enforcement officials upon demand.

(7) Defacing winning punches or tabs. The licensee shall, within twenty-four hours after a winning pull tab or punch of five dollars or more has been presented for payment, mark or perforate the winning symbols in such a manner that the pull tab or punch cannot be presented again for payment.

(8) Value of merchandise prizes. For purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

(9) Spindle, banded, or "jar" type pull tabs played in a manner which awards merchandise prizes only. Pull tab series which award only merchandise prizes valued at no more than five dollars, are hereby permitted to employ schemes whereby certain predesignated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle-type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs designated as free or reimbursable. Free or reimbursable pull tabs in these types of pull tab series shall not constitute a prize or prizes nor shall monies collected and later reimbursed constitute revenue for the purposes of determining gross receipts.

[Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-30-070, filed 10/15/91, effective 11/15/91. Statutory Authority: RCW 9.46.070. 90-24-005 (Order 218), § 230-30-070, filed 11/26/90, effective 12/27/90. Statutory Authority: RCW 9.46.070 (11) and (14). 90-11-058, § 230-30-070, filed 5/15/90, effective 6/15/90. Statutory Authority: RCW 34.05.220(4), [34.05].230 and 9.46.070 (11) and (14). 90-05-032 (Order 205), § 230-30-070, filed 2/14/90, effective 3/17/90. Statutory Authority: RCW 9.46.070 (11) and (14). 89-17-056 (Order 196), § 230-30-070, filed 8/15/89, effective 9/15/89. Statutory Authority: RCW 9.46[070] (8), (14). 87-17-052 (Order 171), § 230-30-070, filed 8/18/87. Statutory Authority: Chapter 9.46 RCW. 87-03-023 (Order 164), § 230-30-070, filed 1/13/87. Statutory Authority: RCW [9.46.]070 (1), (2) and (11) and [9.46.]110. 85-21-046 (Order 154), § 230-30-070, filed 10/14/85. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 85-03-024 (Order 142), § 230-30-070, filed 1/9/85. Statutory Authority: RCW 9.46.070 (8) and (11). 82-01-065 and 82-03-033 (Order 115 and 116), § 230-30-070, filed 12/18/81 and 1/18/82; 81-21-033 (Order 114), § 230-30-070, filed 10/15/81. Statutory Authority: RCW 9.46.070(10). 79-09-029 (Order 91), § 230-30-070, filed 8/14/79; Order 43, § 230-30-070, filed 11/28/75; Order 29, § 230-30-070, filed 1/23/75; Order 27, § 230-30-070, filed 11/15/74; Order 23, § 230-30-070, filed 9/23/74; Order 14, § 230-30-070, filed 3/27/74; Order 12, § 230-30-070, filed 2/14/74; Order 5, § 230-30-070, filed 12/19/73.]

WAC 230-30-080 Limitation on pull tab dispensing devices. (1) No pull tabs shall be placed out for public play unless the total number of pull tabs originally in the series shall be clearly disclosed on the face of the flare advertising the prizes available from that series of pull tabs. The total number of pull tabs originally in the series will be placed upon the flare by the manufacturer prior to the series being sold to a distributor or operator.

(2) No pull tab shall be added to a series of pull tabs after that series has been shipped from its place of manufacture.

(3)(a) No pull tab series, or any portion thereof, shall be placed in, or if a spindle upon, any pull tab dispensing device until any other series of pull tabs previously in, or upon, the device has been played out or permanently removed from public play.

(b) Provided, that in the use of a multiple series dispenser, each series shall be played independently and in accordance with the provisions in (a) above.

(4) No pull tab once placed in, or if a spindle upon, a pull tab dispensing device out for public play shall be

removed from the dispensing device until the series is permanently removed from public play, except only:

- (a) Those pull tabs actually played by consumers,
- (b) Those pull tabs removed by representatives of the commission, or other law enforcement agency inspecting the device, and
- (c) Those tabs temporarily removed during necessary repair or maintenance of the device. Excepting only tabs removed under (b) and (c) hereinabove, once a pull tab has been removed from public play it shall not again be put out for public play.

(5) No person shall put out any pull tab series for public play unless the series of pull tabs is wholly contained within, or if a spindle upon, the device used for dispensing that series.

(6) No person shall sell or transfer to another person in this state, or for use within this state, or shall place out for public play any device for the dispensing of pull tabs not so constructed as to allow a consumer to clearly see each pull tab within, or if a spindle upon, the device prior to playing the device. However, a metal plate, not to exceed 3/4 inch in height, may be affixed across the front at the bottom of the dispensing columns of a mechanical pull tab dispensing device.

(7) No person shall sell or transfer to any other person in this state, or for use within this state, or put out for public play any device for the dispensing of pull tabs without permanent lines or markings on the face or viewable through the face of the device and clearly visible to the consumer which effectively divide the tabs remaining in the device into divisions of approximately 25 tabs so that the consumer can determine how many tabs remain within the device.

(8) No person shall put out for public play any device for the dispensing of pull tabs which is not so constructed as to provide for at least one selection position for every 1,200 pull tabs originally in the series in play in the machine.

(9) No person shall sell or transfer to another person in this state, or for use within this state, or put out for public play, any pull tab series which contains more than 6,000 individual pull tabs.

[Statutory Authority: RCW 9.46.070(11), 91-10-004 (Order 222), § 230-30-080, filed 4/18/91, effective 5/19/91. Statutory Authority: Chapter 9.46 RCW, 91-05-047 (Order 220), § 230-30-080, filed 2/14/91, effective 3/17/91. Statutory Authority: RCW 9.46.030 (2) and (3) and 9.46.070 (11) and (14), 83-19-024 (Order 136), § 230-30-080, filed 9/13/83. Statutory Authority: RCW 9.46.070(14), 81-19-073 (Order 112), § 230-30-080, filed 9/15/81. Statutory Authority: RCW 9.46.070(10), 79-07-019 (Order 90), § 230-30-080, filed 6/14/79; Order 55, § 230-30-080, filed 6/25/76; Order 43, § 230-30-080, filed 11/28/75; Order 15, § 230-30-080, filed 4/17/74; Order 9, § 230-30-080, filed 12/19/73, 1:26 p.m.; Order 5, § 230-30-080, filed 12/19/73, 1:25 p.m.]

WAC 230-30-102 Pull tab series assembly and packaging. (1) Manufacturers of pull tabs shall manufacture, assemble, and package each pull tab series in one container and in such a manner that none of the winning pull tabs, nor the location or approximate location of any of the winning pull tabs can be determined, in advance of opening the pull tabs in any manner or by

any device, including but not limited to any pattern in manufacture, assembly, packaging, markings, or by the use of a light.

(2) Winning pull tabs shall be distributed and mixed among all other pull tabs in a series so as to eliminate any pattern as between series, or portions of series, from which the location or approximate location of any of the winning tabs may be determined. The pull tab series must be assembled so that no placement of winners or losers exist that allows the possibility of prize manipulation or "pick out." Manufacturers shall not manufacture or offer for sale in Washington any pull tab series in which the winning pull tabs are not distributed and mixed among all other pull tabs in that series.

(3) Manufacturers will mix pull tabs prior to placing them in their final packing container. The mix shall insure that pull tabs are separated from the original collated row position and dispersed amongst all rows in the final packing container.

(4) Each series of pull tabs shall contain a packing slip placed inside the package containing the name of manufacturer, series number, date the series was packaged, and the name or identification of the person who packaged the series: *Provided*, That this information may be printed on the back of the flare or the outside of the package, box or container in which the pull tabs are packed.

(5) Manufacturers of pull tabs shall print on the outside of the die cut box, package or other container of pull tabs the following message "Washington State law requires that pull tabs NOT sold through a mechanical pull tab dispensing device must be removed from the packaging container and mixed before selling to the public. Failure to remove and mix pull tabs from a packaging container may result in a minimum five day suspension of a license for each series not mixed." *Provided*, [That] the above information may be printed on a crack and peel sticker and placed on the outside of the die cut box, package or other container of pull tabs. The above information may be printed on a colored packing slip and placed inside the package of pull tabs.

[Statutory Authority: Chapter 9.46 RCW, 91-21-053 (Order 228), § 230-30-102, filed 10/15/91, effective 11/15/91. Statutory Authority: RCW 9.46.070 and chapter 34.05 RCW, 90-21-053, § 230-30-102, filed 10/15/90, effective 11/15/90. Statutory Authority: RCW 9.46.070 (8), (11) and (14), 85-03-024 (Order 142), § 230-30-102, filed 1/9/85; Order 78, § 230-30-102, filed 11/17/77; Order 43, § 230-30-102, filed 11/28/75.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 230-30-103 Standards for construction of pull tabs. (1) All pull tabs manufactured for use in the state of Washington after January 1, 1992 shall utilize a secondary verification code to prohibit counterfeiting on tabs that award prizes greater than \$20.00. Such codes shall be approved by the director prior to use within the state. Punchboards are exempt from the secondary verification code requirements.

(2) Pull tabs shall be constructed so that it is impossible to determine the covered or concealed number, symbol, set of symbols, or game protection on the pull tab until it has been dispensed to and opened by the player, by any method or device, including but not limited to, the use of a marking, variance in size, variance in paper fiber, or light.

(3) All pull tabs, except banded and latex covered pull tabs, will be constructed using a two or three ply paper stock construction.

(4) The manufacturer shall conspicuously print on the face or cover sheet the series number and the name of the manufacturer or label or trademark identifying the manufacturer. On banded pull tabs, the series number and the name of the manufacturer or label or trademark identifying the manufacturer shall be printed so both are readily visible prior to opening the pull tab.

(5) The cover sheet shall be color coded when individual series numbers are repeated and may show the consumer how to open the pull tab to determine the symbols or numbers. The cover sheet will contain perforated and/or clean-cut openings centered over the symbols or numbers on the back of the face sheet in such a manner as to allow easy opening by the consumer after purchase of the pull tabs, while at the same time, not permitting pull tabs to be opened prematurely in normal handling. Perforation should exist on both horizontal lines of the opening with either perforated or clean-cut on the vertical or elliptical line where the tab must be grasped for opening after bending the edge of ticket down. On latex covered pull tabs, either the face or back of the pull tab shall be color coded when individual series numbers are repeated and may show the consumer how to remove the latex to determine the symbols or numbers. On banded pull tabs, the paper stock shall be color coded when individual series numbers are repeated.

(6) Pull tabs will be glued or sealed so that it is impossible to determine the covered or concealed numbers, symbol or set of symbols on the pull tab until it has been dispensed to and opened by the player.

(7) Thickness.

(a) Vendable pull tabs. Defined as pull tabs that are sold out of mechanical pull tab dispensing devices approved for such use in this state by the Washington state gambling commission.

(i) Single opening and double sided tabs. The overall bulk thickness of the pull tab shall be .045 inches plus or minus .003 inches.

(ii) Multiple opening tabs. The overall bulk thickness of the pull tab shall be .026 inches plus or minus .002 inches.

(b) Nonvendable pull tabs. Defined as pull tabs that cannot be sold out of mechanical pull tab dispensing devices approved for use in this state by the Washington state gambling commission. Nonvendable pull tabs may be dispensed from fishbowls, receptacles, packing boxes or spindles. Manufacturers may use any thickness, provided they comply with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be of the same thickness.

(8) Length and width.

(a) Vendable pull tabs[.]

(i) Single opening and double sided tabs shall be 1 7/8 inches x 1 inch plus or minus 1/8 inch.

(ii) Multiple opening tabs shall be 3 1/2 inches by 1 7/8 inches plus or minus 1 inch.

(b) Nonvendable pull tabs – manufacturers may construct nonvendable pull tabs in any size provided the pull tab complies with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be uniform in length or width and not vary by more than 3/64 inch, provided that in no case shall winning pull tabs be identifiable by visible variation in dimension.

(9) All pull tabs will be constructed to insure that, when offered for sale to the public, the pull tab is virtually opaque and free of security defects wherein winning pull tabs cannot be determined prior to being opened through the use of high intensity lights or any other method.

(10) Each manufacturer shall establish his own game protection for each pull tab game or series of games. The game protection shall be a method of identifying winning pull tabs, after they have been purchased and opened, from nonwinning, altered or forged pull tabs. The manufacturer may use special numbers, colors, designs, ink or any combination to establish the game protection. Manufacturers will submit to the gambling commission a letter explaining the game protection and will keep the commission informed on any changes. Spindle-type pull tab series when played in the manner set out in WAC 230-30-070(8) are exempt from this requirement.

[Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-30-103, filed 10/15/91, effective 11/15/91; 87-15-052 (Order 169), § 230-30-103, filed 7/14/87. Statutory Authority: RCW 9.46-.070 (1), (2), and (11) and 9.46.110. 85-21-046 (Order 154), § 230-30-103, filed 10/14/85. Statutory Authority: RCW 9.46.070 (5), (7), (8), (9), (11), (14) and (19). 84-13-038 (Order 140), § 230-30-103, filed 6/15/84; Order 78, § 230-30-103, filed 11/17/77; Order 43, § 230-30-103, filed 11/28/75.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 230-40 WAC CARD GAMES

WAC

230-40-125 Washington blackjack—Rules of play—Wagering limits.

WAC 230-40-125 Washington blackjack—Rules of play—Wagering limits. Washington blackjack is a nonhouse banking, card game and shall be permitted in Class A and E card rooms only and shall be played only in the following manner:

(1) One or two standard fifty-two-card decks shall be used with suits disregarded and each card valued numerically only: Ace, 1 or 11; face cards (K, Q, J), 10 each; others according to their spots, 10 to 2. One or two

decks may be used when there are six or less players. Two decks shall be used when there are seven or more players. The cards shall be dealt from a shoe at all times. The game is played with a dealer/banker and only a player may be a dealer/banker.

(2) When starting a new table the cards are cut to determine who the first dealer/banker will be. The dealer shall announce the amount of money that he or she will put into the bank. A minimum bank may be established as per individual house rule.

(3) Once the bank has been established, the player to the immediate left of the dealer places his/her wager on the bet line and the dealer covers that wager by matching it with a like amount of chips. Each player makes their wager in turn and each wager is immediately matched by the dealer. The maximum wager shall not be more than ten dollars and the minimum wager may be set by house rule. If the bank runs out of money (tapped out) prior to the commencement of the deal, then only those players with a wager covered will be dealt a hand. No player may be dealt more than one hand.

(4) The play begins with the dealer dealing one card face up to each covered player including himself/herself, one more card face up to each covered player, and then one down card to himself/herself. If a player holds an ace and a face card or a ten, it is a "natural" 21 and the player collects twice the amount of their bet from the dealer, unless the dealer also has a natural which results in a tie (push). All ties result in the players and the dealer recovering their wagers.

(5) If the dealer has a "natural," he/she collects the wagers from players who do not have a "natural." If the dealer does not have a "natural," he/she pays off any player with a "natural" starting with the one closest to their left. Should the dealer not have enough money in the bank to make up the two for one payoff due on a "natural," then those hands and wagers will be frozen in place until the additional wagers are made up or the hand is over. If after the hand is over, a dealer cannot cover the two for one, the player shall get the amount of wager that was covered by the dealer.

(6) If the dealer does not have a "natural," play continues with the player on the dealer's immediate left. The dealer deals cards face up, one by one, as that player calls for them. The player's aim is to total 21 or as close to 21 without going over. When a player is satisfied with their total, they shall declare "stand." If more cards are wanted, the player declares "hit." If a player goes over a 21 point count, the hand is a "bust" and they must turn the hand down, while the dealer collects the bet.

(7) The dealer does the same with each remaining player. Any player who stands must wait while the dealer draws his or her cards. If the dealer goes bust, each standing player is paid the amount of their wager. If the dealer "stands," the down card is turned up and players whose totals are higher than the dealer's are paid. The dealer collects from any player whose total is

less. Action is always to the left of the dealer. Any frozen wagers needing to be "made up" will be done in order, to the left of the dealer from losing wagers the dealer collects. Should the dealer not be able to cover all frozen wagers then those frozen wagers are released to the winning players and the deal passes immediately to the left at which time the new dealer shall announce their bank and shuffle the cards. The same shall apply if the dealer has no money in the bank. The dealer may, if allowed by house rule, add to their bank in between hands.

(8) Upon completion of the shuffle, the player to the right of the dealer shall cut the cards. After the cards have been placed into the shoe the dealer shall insert a blank card approximately three quarters of the way through the deck(s). A dealer may deal from the shoe until he/she reaches the blank card. After the blank card appears, the dealer may continue dealing that hand, but will not start a new hand. The deal must then pass to the player on the dealer's immediate left. The discards may only be reshuffled to complete the last hand.

(9) Once wagers are placed and covered on the bet line, no player, including the dealer, may touch those wagers until the winner has been determined. Any player touching the wagers may be ruled to have fouled and their wager forfeited.

(10) Any player who lifts their cards up from the table or slides their cards out of their own playing area shall be ruled to have fouled and their wager may be forfeited.

(11) No player may "buy" the bank. The deal must pass around the table to the left and no player can authorize another player to deal for him or her. A new player entering the game may not participate as the dealer/banker until at least two other players have dealt. If a player does not wish to deal and passes the deal, that player may not play in the first two hands conducted by the next dealer. A dealer may after completing one full hand, pass the deal and be able to participate in the next hand.

(12) The dealer must stand on 17 or above and must take hits on 16 or below. If a dealer has an ace, it shall be counted as 11 (eleven) if it brings his or her total to 17 or more (but not over 21).

(13) If a player's first two cards total exactly 9, 10 or 11, they may double their wager and receive one more card. The player must then stand on those three cards. If the dealer's bank is insufficient to cover a double down wager, the player may wager an amount equal to the dealer's remaining bank. The dealer must then cover that wager. If the dealer has no bank then a player may not double down.

(14) If the dealer's face-up card is a ten, face card or ace, he/she may look at their face-down card to see if they have a natural; if his/her face-up card is anything else, they may not look at their face-down card until their turn comes to draw. Should the dealer violate this rule their hand may be ruled to have been fouled, which shall result in forfeiture of all remaining dealer wagers.

(15) If a player's first two cards are a pair, then that player may split the pair into two separate hands. The

amount of the player's original bet then goes on one of the cards, and they must place an equal amount as a bet on the other card. When this player's turn to draw comes, they receive an up-card for each hand and then play each hand in order. If the dealer does not have enough in their bank to cover the doubled bet, the dealer must cover an amount equal to the value of their remaining bank. The player then has the option to divide the wagers in any manner between the two hands, not to exceed the allowable limit per hand. If the dealer has no bank then the player may divide their wager in any manner between the two hands. If a player's original bet was a minimum allowed in that game then they may not split their pair. A player may only split a pair once.

(16) The dealer will pay only on the value of the cards held by the player and shall not pay on the number of cards received or the card sequence.

(17) There shall be no credit or I.O.U. issued by any player or management.

[Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-40-125, filed 10/15/91, effective 11/15/91; 91-05-047 (Order 220), § 230-40-125, filed 2/14/91, effective 3/17/91. Statutory Authority: RCW 9.46.070 (11) and (14). 90-11-058, § 230-40-125, filed 5/15/90, effective 6/15/90. Statutory Authority: RCW 34.05.220(4), [34.05].230 and 9.46.070 (11) and (14). 90-05-032 (Order 205), § 230-40-125, filed 2/14/90, effective 3/17/90.]

Chapter 230-50 WAC

HEARINGS—PRACTICE AND PROCEDURE

WAC

230-50-030 Adjudicated proceedings—Hearings—Interpreter—Timing.

WAC 230-50-030 Adjudicated proceedings—Hearings—Interpreter—Timing. Hearings conducted as part of adjudicated proceedings provided for in WAC 230-50-010 shall be initiated as follows:

(1) The chair person of the commission, some member of the commission acting in the absence of the chairperson or the director, shall give written approval to initiate a notice of administrative charges and opportunity for an adjudicated proceeding. After such approval is granted, the entire commission file and/or record on the licensee shall be forwarded to the assistant attorney general assigned to prosecute at the hearing. The notice shall be served upon the licensee or applicant in accordance with WAC 230-50-010. An application for adjudicated proceeding and request for hearing must be filed with the commission pursuant to WAC 230-50-010.

(2) Upon receipt of an application for adjudicated proceeding and request for hearing form, the director shall issue a notice of hearing. The notice of hearing shall contain all charges upon which the hearing will be conducted, and shall be served on the licensee, applicant, permittee or attorney representing the party at least 7 days prior to the date of the hearing. A copy of the notice of hearing shall be served upon the presiding officer assigned to the proceeding.

(3)(a) All notices of hearing shall be accompanied by a standard statement in at least five common foreign

languages, such languages to be those known by the commission staff to be languages used by some licensees, along with forms to request an interpreter to include assistance for hearing impaired persons at the hearing.

(b) Nothing herein contained shall prevent the commission or the director, as authorized by the commission, to temporarily suspend licenses, subject to final action of the commission, as authorized by RCW 9.46.070(1) and WAC 230-50-012.

(4) The presiding officer will be appointed and a notice of hearing issued within 90 days from the date upon which the commission received the application for adjudicated proceeding and request for hearing from the licensee, applicant or permittee, unless all parties agree to an extension of time beyond the 90 days by mutual consent. Any deviation for the 90 day requirement shall be in writing and made a part of the permanent record of the proceeding.

[Statutory Authority: RCW 9.46.070 and chapter 34.05 RCW. 91-03-063 (Order 219), § 230-50-030, filed 1/16/91, effective 2/16/91. Statutory Authority: Chapter 34.05 RCW. 89-24-003 (Order 200), § 230-50-030, filed 11/27/89, effective 12/28/89; Order 45, § 230-50-030, filed 12/30/75; Order 42, § 230-50-030, filed 9/18/75; Order 9, § 230-50-030, filed 12/19/73.]

Title 232 WAC

WILDLIFE, DEPARTMENT OF (Formerly: Game, Department of)

Chapters

232-12 Permanent regulations.
232-28 Seasons and limits.

Chapter 232-12 WAC

PERMANENT REGULATIONS

WAC

232-12-001 Definition of terms.
232-12-004 Classification of wild birds.
232-12-007 Classification of wild animals.
232-12-017 Deleterious exotic wildlife.
232-12-024 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat.
232-12-027 Game farm license provisions.
232-12-055 Hunting—Hunter orange clothing requirements.
232-12-244 Repealed.
232-12-267 Field identification of wildlife—Evidence of sex—Definitions.
232-12-271 Criteria for planting aquatic plants and releasing wildlife.
232-12-618 Repealed.
232-12-619 1992-94 Washington game fish regulations.
232-12-831 Assistance to the visually handicapped.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

232-12-244 Hunting restrictions. [Statutory Authority: RCW 77-12.040. 82-04-034 (Order 177), § 232-12-244, filed 1/28/82; 81-12-029 (Order 165), § 232-12-244, filed 6/1/81. Formerly WAC 232-12-520.] Repealed by 91-13-061 (Order 496), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 77.12.040 and 77.04.055.