

notification submitted by any person who has failed to comply with a final order or decision as set forth in RCW 76.09.080, 76.09.090, or 76.09.110, or has failed to pay any civil penalties as provided in RCW 76.09.170.

The department shall provide written notice of its intent to disapprove future applications or notifications, and shall forward copies of such notice to any affected landowner, timber owner or operator; such written notice shall occur within ninety days of the failure to comply with a final order or decisions as set forth in RCW 76.09.080, 76.09.090, or 76.09.110, or has failed to pay any civil penalties as provided in RCW 76.09.170. The disapproval period shall run from thirty days following the date of actual notice or from the date all appeals, if any, have been exhausted.

Any person provided notice of intent to disapprove an application or notification may seek review from the forest practices appeals board within thirty days of the date of notice.

(2) A county may bring injunctive, declaratory, or other actions for enforcement for forest practice activities within its jurisdiction in the superior court as provided by law against the department, the forest landowner, timber owner or operator to enforce the forest practices regulations or any final order of the department or the appeals board. No civil or criminal penalties shall be imposed for past actions or omissions if such actions or omissions were conducted pursuant to an approval or directive of the department. A county may not commence injunctions, declaratory actions, or other actions for enforcement under this subsection unless the department fails to take appropriate actions after ten days' written notice to the department by the county of a violation of the forest practices rules or final orders of the department or the appeals board.

[Statutory Authority: RCW 76.09.040, 76.09.170 and chapter 34.05 RCW. 94-01-134, § 222-46-070, filed 12/20/93, effective 1/1/94; Order 263, § 222-46-070, filed 6/16/76.]

Chapter 222-50 WAC

RELATIONSHIP TO OTHER LAWS AND REGULATIONS

WAC

222-50-020 Other agency requirements.

WAC 222-50-020 Other agency requirements. (1) Many other laws and regulations apply to the conduct of forest practices. Other agencies administer some of these other regulatory programs. Permits may be required by such agencies prior to the conduct of certain forest practices. The department will maintain a list for distribution of state, regional and local regulatory programs that apply to forest practice operations. Affected parties are urged to consult with the specified agencies and independent experts with respect to the regulatory requirements shown on the list.

(2) **Hydraulics project approval law, RCW 75.20.100.** A hydraulics project approval must be obtained from the department of fisheries and the department of wildlife prior to constructing any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the

waters of the state or materials from the stream beds. See RCW 75.20.100 and WAC 232-14-010.

(3) **Compliance with the Shoreline Management Act,** chapter 90.58 RCW, is required. The Shoreline Management Act is implemented by the department of ecology and the applicable local governmental entity. A substantial development permit must be obtained prior to conducting forest practices which are "substantial developments" within the "shoreline" area as those terms are defined by the Shoreline Management Act.

(4) Nothing in these regulations is intended to interfere with any authority of the department of wildlife to protect wildlife under any other statutes or regulations, or under any agreements with landowners.

(5) **Federal Endangered Species Act, 16 U.S.C. 1531 et seq.,** and other federal laws. The federal Endangered Species Act and other federal laws may impose certain obligations on persons conducting forest practices. Compliance with the Forest Practices Act or these rules does not ensure compliance with the Endangered Species Act or other federal laws.

[Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. 93-12-001, § 222-50-020, filed 5/19/93, effective 6/19/93. Statutory Authority: RCW 76.09.040. 88-19-112 (Order 551, Resolution No. 88-1), § 222-50-020, filed 9/21/88, effective 11/1/88. Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-50-020, filed 8/3/82, effective 10/1/82; Order 263, § 222-50-020, 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.
- 230-40** Card games.

Chapter 230-02 WAC

GENERAL PROVISIONS AND DEFINITIONS

WAC

- 230-02-035 Field offices and operations.
- 230-02-108 Gambling proceeds defined.
- 230-02-183 Active member defined.
- 230-02-210 Distributor defined.
- 230-02-230 Manufacturer defined.
- 230-02-250 Bingo equipment.
- 230-02-270 Punchboard defined.
- 230-02-278 Program services defined.
- 230-02-400 Card game.
- 230-02-511 Attended amusement game defined.
- 230-02-514 Coin or token activated amusement games defined.

WAC 230-02-035 Field offices and operations. The administrative office of the commission and its staff is located at 649 Woodland Square Loop, S.E., Lacey, WA 98503-8121. The mailing address is: P.O. Box 42400, Olympia, WA 98504-2400. Commission offices located in other cities are as follows:

City	Telephone Number
Eastern Region	
N 901 Monroe, Rm. 240 Spokane 99201	(509) 456-3167
1031 Broadway Moses Lake 98837	(509) 766-2305
901 Summitview, #230, Yakima 98902	(509) 575-2820
500 N. Morain, Suite 1202, Kennewick 99336	(509) 545-2056
P.O. Box 2067, Wenatchee 98801	(509) 662-0435
Northwest Region	
Fisher Business Center 3500 188th St. SW, Suite 601, Lynnwood 98037	(206) 356-2968
King County Region	
Valley 405 Business Park, 941 Powell Ave., SW, Suite 103, Renton 98055	(206) 277-7139
Southwest Region	
Tacoma Mall Office Building - 4301 Pine St. #307 Tacoma 98409-7206	(206) 593-2227
Suite 5, Angelo Plaza 1801 D Street, Vancouver 98663	(206) 696-6783
Suite B, 2625C Parkmont Lane, SW Olympia 98502	(206) 586-4392

[Statutory Authority: RCW 9.46.070, 93-06-011 (Order 237), § 230-02-035, filed 2/19/93, effective 3/22/93. Statutory Authority: Chapter 34.05 RCW, 89-24-003 (Order 200), § 230-02-035, filed 11/27/89, effective 12/28/89.]

WAC 230-02-108 Gambling proceeds defined. For purposes of this title, "gambling proceeds" means:

(1) All moneys remaining from the operation of any gambling activity after payment of prizes and necessary expenses. Expenses are deemed to be necessary when the activity can not be operated without such, or they improve the overall profitability of the activity by increasing gross gambling receipts more than the corresponding increase in expenses; and

(2) All assets obtained with moneys generated from gambling activities. All assets of the organization are presumed to be obtained with gambling proceeds unless the organization maintains complete separation of funds generated from nongambling sources from funds generated from gambling activities.

[Statutory Authority: RCW 9.46.070, 9.46.0261 and 9.46.0209. 94-01-035, § 230-02-108, filed 12/6/93, effective 1/6/94.]

WAC 230-02-183 Active member defined. For purposes of this title, "active member" means an individual

who is a "bona fide member," as defined by RCW 9.46.0261, and meets all of the requirements set out below:

(1) Did not join the organization specifically to participate in, or be an operator or manager of, gambling activities;

(2) Is authorized to vote in the election of officers or board members who determine the policies of the organization;

(3) Has been a member for at least twelve months preceding an application for a gambling license, or has been accepted as a member according to guidelines set out in the organization's bylaws and such acceptance recorded in the official minutes of a regular membership meeting: *Provided*, That the minimum time provision does not apply to board members or directors if the organization's membership consists entirely of board members or directors elected or appointed for a limited term;

(4) Complies with the organization's membership criteria, as set out in its bylaws;

(5) Lives within the boundaries of Washington state or, if outside the state boundaries, lives within one hundred miles of the main administrative offices of the organization;

(6) Is at least eighteen years old;

(7) Has, over the last twelve months, participated directly in the activities conducted by the organization. For purposes of this section, the following activities shall be prima facie evidence of direct participation:

(a) Attended at least one regular membership meeting within the previous twelve months; or

(b) Voted in person or, if authorized by the organization's bylaws, by proxy at a meeting at which officers and/or board members were elected within the previous twelve months; or

(c) Has been actively involved in policy setting for the organization by serving as a member of the board of directors or a similar policy setting position; or

(d) Has paid dues imposed by the organization during the last twelve months; or

(e) Has served as a volunteer providing services or raising funds from nongambling sources during the last twelve months; or

(f) Has maintained a level of communications with the organization that would allow them to demonstrate in-depth knowledge regarding the activities of the organization during the previous twelve months. In-depth knowledge would include:

(i) The types of program services provided;

(ii) The scope of program services provided;

(iii) Sources and levels of funding available to the organization; and

(iv) Key plans, including major programs and capital projects.

(8) The citizens of an incorporated town or city, who are registered to vote in the election for the mayor or governing body of such town or city, shall be deemed to be "active members" for purposes of this title and are exempted from all other requirements of this section.

[Statutory Authority: RCW 9.46.070, 9.46.0261 and 9.46.0209. 94-01-035, § 230-02-183, filed 12/6/93, effective 1/6/94.]

WAC 230-02-210 Distributor defined. A "distributor" is any person who purchases or otherwise obtains a

completed piece of equipment for use in authorized gambling activities, including but not limited to punchboards or pull tabs, from any person and sells or otherwise furnishes such equipment, with or without merchandise to be awarded as prizes in connection therewith, to another person for the resale of or the display or operation of that equipment.

As used in these rules, the term "distributor" shall include a person who services and repairs pull tab dispensing devices, bingo equipment, or any other authorized gambling equipment, which shall be authorized so long as the person performing such servicing or repairs is licensed as a distributor or distributor's representative, and makes no addition to, or modification or alteration of, the device.

A manufacturer who sells or otherwise furnishes such equipment not manufactured by him to any other person for resale or for display or operation of that equipment is also a "distributor."

[Statutory Authority: RCW 9.46.070. 94-01-033 § 230-02-210, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 9.46.070(4). 81-09-055 (Order 106), § 230-02-210, filed 4/17/81; Order 80, § 230-02-210, filed 12/28/77; Order 5, § 230-02-210, filed 12/19/73.]

WAC 230-02-230 Manufacturer defined. A "manufacturer" is any person who fabricates or assembles, from raw materials or subparts, a completed piece of equipment or pieces of equipment for use in authorized gambling activities, including but not limited to punchboards and pull tabs and bingo equipment, and who sells or otherwise furnishes the same to any distributor, operator, or retail outlet.

The term shall include, but not be limited to, any person who converts, modifies, combines, adds to, or removes parts or a portion from any item, device, or assembly to further its promotion, sale, or use as a gambling device or gambling record in this state: *Provided*, That a person adding only promotional flares to punchboards or pull tab series to advise the public of the prizes available, the rules of play, and the consideration required shall not be deemed a manufacturer.

The term "manufacturer" shall not include a licensed distributor or distributor's representative who services or repairs pull tab dispensing devices or bingo equipment, so long as no addition to, or modification or alteration of, the device is made: *Provided*, That distributors may perform modifications provided by manufacturers to upgrade equipment to current technology or to remove and install general purpose equipment for trade-in purposes.

[Statutory Authority: RCW 9.46.070. 94-01-033 § 230-02-230, filed 12/6/93, effective 1/6/94; Order 80, § 230-02-230, filed 12/28/77; Order 14, § 230-02-230, filed 3/27/74; Order 5, § 230-02-230, filed 12/19/73.]

WAC 230-02-250 Bingo equipment. Bingo equipment includes all equipment that is actually used, made for use, or sold for the purpose of use, in bingo games for which consideration is charged to participate and prizes are awarded to winners. Bingo equipment includes, but is not limited to:

- (1) Blowers or other devices from which balls are mixed and randomly withdrawn to determine the letters and numbers to be called;
- (2) Reusable and disposable bingo cards;
- (3) Electronic flashboards that interface with the mixing and selection device;

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(4) Electronic player assistance devices, including software or equipment interfaced with such; and

(5) Any other device commonly used in the direct operation of the game: *Provided*, That general purpose equipment and supplies that are only indirectly involved in the conduct of the game shall not be deemed bingo equipment. The following equipment and supplies will not be deemed bingo equipment for purposes of this title:

- (a) Tables, chairs, or card stands;
- (b) Audio or video equipment used only to communicate progress of the game to players;
- (c) Computer or cash register equipment used to record sales or act as a storage medium for records;
- (d) General supplies, such as glue sticks, daubers, and other items for resale to players; and
- (e) Bingo games manufactured and sold for recreational purposes.

[Statutory Authority: RCW 9.46.070. 94-01-033 § 230-02-250, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 9.46.070 (8), (11), and (14). 83-13-050 (Order 134), § 230-02-250, filed 6/14/83; Order 29, § 230-02-250, filed 1/23/75.]

WAC 230-02-270 Punchboard defined. "Punchboard" means a board or device containing a number of receptacles of uniform size in which are placed, at random, punches (slips of paper or other substance, imprinted with numbers or symbols) and which:

- (1) A specific serial number is assigned to the punchboard and printed on each punch;
- (2) A flare or face sheet covers the receptacles and sets out the winning numbers or symbols and prizes which may be won;
- (3) Upon the payment of consideration, a player may select and remove a punch from a receptacle; and
- (4) A prize is awarded if the number or symbol, set out on the selected punch, matches a symbol on the flare or face sheet.

[Statutory Authority: RCW 9.46.070. 93-12-082, § 230-02-270, filed 5/28/93, effective 7/1/93. Statutory Authority: Chapter 9.46 RCW. 86-19-056 (Order 161), § 230-02-270, filed 9/15/86; Order 5, § 230-02-270, filed 12/19/73.]

WAC 230-02-278 Program services defined. For purposes of this title, "program services" means providing care, support, or assistance to individuals, and/or sponsoring or conducting activities that directly relate to a charitable or nonprofit organization's stated purposes, when such services/activities are:

- (1) Directly provided to the public or the organization's members through programs operated by the organization; or
- (2) Indirectly provided by:
 - (a) Making contributions to individuals or to other service-providing organizations for the charitable use of the public or the organization's members;
 - (b) Funding scholarships; or
 - (c) Sponsoring activities directly related to any organizational purposes set out in WAC 230-04-024 (1)(b).

[Statutory Authority: RCW 9.46.070, 9.46.0261 and 9.46.0209. 94-01-035, § 230-02-278, filed 12/6/93, effective 1/6/94.]

WAC 230-02-400 Card game. A card game for the purposes of these rules, is a social card game as defined by RCW 9.46.0281 and authorized under RCW 9.46.0325, played by consenting adults wherein wagers are made and collected by the participants based upon the outcome of the game.

[Statutory Authority: RCW 9.46.070, 9.46.0281 and 9.46.0325. 93-17-098 (Order 243), § 230-02-400, filed 8/17/93, effective 1/1/94; Order 78, § 230-02-400, filed 11/17/77; Order 23, § 230-02-400, filed 9/23/74.]

WAC 230-02-511 Attended amusement game defined. Any amusement game conducted in a manner which requires the presence or assistance of any natural person, as an attendant, in the regular operation of such game, shall be considered an attended amusement game. Regular operation shall include, but not be limited to: The collection of a valuable consideration from the player(s), providing equipment or components to the player(s) such as to allow participation in the game, and the delivery of merchandise prizes to any player who successfully achieves the state goal of the game. Regular operation shall not include any material assistance in the play of the game or any participation in the game by the attendant. Any such game shall be conducted in accordance with all other rules of the gambling commission and provisions of chapter 9.46 RCW.

[Statutory Authority: RCW 9.46.070. 94-01-036, § 230-02-511, filed 12/6/93, effective 1/6/94.]

WAC 230-02-514 Coin or token activated amusement games defined. Any amusement game consisting of a mechanical, electronic, or electro-mechanical machine or device which allows the player to activate the game by means of inserting one or more coins or tokens, and which dispenses a merchandise prize - or coupons, tickets or tokens which are redeemable for a merchandise prize - upon successfully achieving the stated goal of the game, shall be considered a coin or token activated amusement game. Any such game shall be conducted in accordance with all other rules of the gambling commission and provisions of chapter 9.46 RCW.

[Statutory Authority: RCW 9.46.070. 94-01-036, § 230-02-514, filed 12/6/93, effective 1/6/94.]

Chapter 230-04 WAC LICENSING

WAC

230-04-024	Bona fide charitable or nonprofit organizations— Minimum qualifications—Restrictions— Definitions.
230-04-040	Certification procedure—Charitable and nonprofit organizations—Additional information required.
230-04-110	Licensing of manufacturers.
230-04-120	Licensing of distributors.
230-04-135	Commercial amusement games—License required.
230-04-138	Commercial amusement games—Authorized locations.
230-04-201	Fees.
230-04-400	Denial, suspension or revocation of licenses.

WAC 230-04-024 Bona fide charitable or nonprofit organizations—Minimum qualifications—Restrictions—

Definitions. All applicants for certification to conduct gambling activities as charitable or nonprofit organizations must provide conclusive evidence upon initial application and annually thereafter that they are qualified under the requirements of RCW 9.46.0209 and formed and operated for purposes other than to conduct gambling activities. Each applicant shall comply with all of the following requirements and restrictions:

(1) An organization must be a bona fide charitable or nonprofit organization and have been formed and operated for the following purposes in order to conduct gambling activities:

(a) Any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW;

(b) Any organization, whether incorporated or not, which has been formed and operating exclusively for one or more of the purposes set out in WAC 230-02-155 and/or 230-02-161;

(c) Any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the Armed Forces of the United States and to carry on a system of national and international relief to reduce the suffering caused by pestilence, famine, fire, floods, and other national calamities;

(d) An incorporated city or town in the state of Washington; or

(e) A branch or chapter of a parent organization, when such parent organization is itself eligible for licensure. A branch or chapter must demonstrate to the satisfaction of the commission that it has not been formed and operated for purposes of conducting gambling activities and is in its own right qualified to obtain the license sought. The director may require an affidavit signed by the chief executive officer of the parent organization certifying that the branch or chapter is a bona fide subdivision of the parent organization.

(2) An organization must have been organized and continuously operating for at least twelve months prior to submission of an initial or annual certification application. For purposes of this section, "continuously operating" means that during the immediate twelve months preceding the application, the organization has provided program services which directly relate to its stated purposes or was actively involved in soliciting funds for providing program services from nongambling sources: *Provided*, That if the organization's sole function during the immediate twelve months preceding the application has been fund raising, it may be deemed to have not been "continuously operating" for purposes of this section;

(3) An organization must have at least fifteen active members as defined by WAC 230-02-183, each with an equal vote in elections of officers or board members who determine the policies of the organization;

(4) An organization must have demonstrated that they have made significant progress toward meeting its stated purposes during the twelve consecutive month period preceding initial application or annual certification. For purposes of this section, "significant progress" means an organization has complied with requirements set out in its bylaws and/or articles of incorporation and has actively engaged in providing program services to the public or members during the entire period under consideration. Such

activities will be deemed significant when an organization utilizes a majority of resources it has available, including gambling proceeds, for providing program services. Any organization requesting certification to operate gambling activities in Group II or Group III, as defined in WAC 230-04-040, shall demonstrate it has made "significant progress" by meeting the requirements of WAC 230-08-255;

(5) An organization must ensure that salaries or wages, if paid, are:

(a) Necessary to economically conduct the activities of the organization; and

(b) Reasonable when compared to the local prevailing wage scale for similar positions: *Provided*, That for purposes of this section, "similar position" means a type or classification of position that has a predominance of characteristics, duties, and/or responsibilities that closely approximate those of the position being compared and which the scope of duties and responsibilities are at the same approximate level. Organizations that pay salaries or wages, that are not reasonable when compared to similar positions in the general area of employment, shall be deemed as paying salaries and wages that are directly or indirectly based on gambling receipts received.

(6) An organization must take positive steps to ensure the assets of the organization are protected from misuse, dedicated solely to the purposes of the organization, and do not inure to the benefit of private individuals;

(7) An organization must provide in its bylaws or, if incorporated, in its articles of incorporation, a statement that upon dissolution all assets of the organization remaining after satisfaction of all its debts must be distributed to another bona fide nonprofit or charitable organization qualified under RCW 9.46.0209;

(8) An organization shall not accumulate excessive reserves in the form of cash or other assets, not directly related to its organizational purpose(s). Organizations demonstrating excessive reserves may be deemed as being organized primarily for purposes of gambling. For the purposes of this subsection, the following definitions apply:

(a) Organizational purpose(s) - one or more of the lawful purposes contained in RCW 9.46.0209 for which an organization is formed and operated;

(b) Excessive reserves - an amount that is greater than the sum of the licensee's current liabilities (debts due within one year), plus an amount that is not more than total expenditures for program services during the most recently completed fiscal year, plus an amount that is not more than the average net income from combined gambling activities, including any sales activities conducted in conjunction with the gambling activity, such as a snack bar, for a three-month period. This computation shall be based on the most current financial data on file with the commission as required by WAC 230-08-122(2): *Provided*, That funds reserved with the director's approval, as authorized by WAC 230-08-255(3), will be excluded from the computation of excessive reserves: *Provided further*, That funds transferred to an endowment or specifically restricted trust fund will not be treated as reserves for purposes of this section if the following restrictions are observed:

(i) The endowment or specifically dedicated trust fund is either legally irrevocable or restricted in a manner that

approval is required by a majority of the membership prior to use or transfer of the principle or corpus;

(ii) The funds are expressly dedicated for funding new programs, capital projects, or to endow program services;

(iii) The funds are saved according to a plan that includes the amount to be reserved, the purpose for which the funds are being reserved, and the estimated time the reserves will be used;

(iv) The plan is approved by the organization's officers or board of directors and the commission; and

(v) The total amount of gambling proceeds that is transferred to endowments or trust funds, in combination, does not exceed two million dollars: *Provided*, That an organization may petition the director to exceed this limitation. The director may approve the petition as requested, disapprove with written comments, or approve a modified level based on facts presented. The director's decision may be appealed to the commission. Appeal of this decision will be heard at a regular public meeting of the commission under the requirements of WAC 230-50-850. The commission's decision shall be final. Petitions for relief under this section shall include: The reason for the request, including whether the increased reserves are for charitable or nonprofit purposes and planned time-lines for use; the total amount of reserves requested; the impact on programs if the petition is denied; and alternative sources of funding available;

(c) Cash - actual cash, demand deposits, certificates of deposit, money market funds, securities, or other liquid assets;

(d) Other assets not directly related to the purpose of the organization - any nonliquid, long-term investments or assets which would not be normally associated with providing program services or fund raising activities.

(9) An organization must maintain records to support compliance with the above requirements. Such records shall be completed per WAC 230-08-010, and include details necessary to allow reasonable confirmation of compliance by commission staff. At least the following records shall be maintained:

(a) Official minutes of all membership and board meetings including issues discussed, decisions made, and members in attendance;

(b) A listing of the names of all members. Full names, addresses, telephone numbers, and the dates they became a member must be provided for all "active members";

(c) A copy of the most recently approved articles of incorporation and bylaws; and

(d) All correspondence with the Internal Revenue Service and the secretary of state regarding the organization's status as a nonprofit organization.

(10) Incorporated cities or towns, authorized by subsection (1)(d) of this section, are exempted from the requirements of subsections (5), (6), (7), (8), and (9) of this section.

[Statutory Authority: RCW 9.46.070, 9.46.0261 and 9.46.0209. 94-01-035, § 230-04-024, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 9.46.070 (7), (8), (9), (10), (14), (19) and (20). 89-09-047 (Order 190), § 230-04-024, filed 4/18/89, effective 7/1/89.]

WAC 230-04-040 Certification procedure—Charitable and nonprofit organizations—Additional information required. (1) Any organization requesting a

license to conduct bingo in Group I or any organization requesting a license to conduct nonbingo activities with annual gross gambling receipts of less than \$500,000 shall submit the information required in the annual certification report pursuant to WAC 230-08-122(1) as a condition of certification.

(2) Any organization requesting a license or license upgrade to conduct bingo in Group II or III, or to conduct any other gambling activity in excess of \$500,000 gross gambling receipts, shall submit the information required in the annual certification report pursuant to WAC 230-08-122 (1), (2), and, if applicable, (3) as a condition of certification.

(3) Any organization not currently licensed to conduct bingo in any class and applying for a class D or above license or applying for a bingo license for any class and planning to pay premises rent exceeding one thousand dollars per month, including all terms, shall submit a pro forma plan of operations, including a market study. The plan shall be detailed enough to allow commission staff the ability to assess the profitability of the planned game and potential for compliance with WAC 230-20-064. The plan shall include at least the following information:

- (a) Research procedures and planning assumptions used;
- (b) Planned attendance;
- (c) Anticipated market area;
- (d) Bingo card prices and estimated sales per player;
- (e) Bingo prize payouts and game schedules;
- (f) Estimated expenses and net income;
- (g) Other income generating activities planned in conjunction with the game or premises, including the estimated net income from these activities; and
- (h) Other information requested by commission staff.

[Statutory Authority: RCW 9.46.070. 93-13-062 (Order 240), § 230-04-040, filed 6/17/93, effective 7/18/93. Statutory Authority: RCW 9.46.070 (7), (8), (9), (10), (14), (19) and (20). 89-09-047 (Order 190), § 230-04-040, filed 4/18/89, effective 7/1/89.]

WAC 230-04-110 Licensing of manufacturers. A license must be obtained from the commission prior to manufacturing, selling, or supplying gambling equipment to any person(s) within this state, or for use within this state. The following definitions and requirements apply to certification and licensing of manufacturers:

(1) For purposes of this title, "gambling equipment" includes at least the following devices:

- (a) Punchboards and pull tabs;
- (b) Devices for the dispensing of pull tabs;
- (c) Bingo equipment, as defined by WAC 230-02-250; and

(d) Any gambling equipment or paraphernalia for use in connection with licensed fund raising events or a 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 full name and address of each location where such devices are manufactured or stored;
- (c) The name, home address, and share of ownership of all owners of the manufacturing business if the business is

not a corporation. If the business is a corporation, the name, address, and share of ownership of the officers, the directors, and substantial interest holders;

(d) A full description of each separate type of gambling equipment or device that an applicant seeks to manufacture or to market in this state;

(e) The brand name under which each type of gambling device or equipment is sold;

(f) If the applicant is incorporated under laws other than the laws of Washington state, then the full name and business and home address of the resident agent designated by the applicant pursuant to WAC 230-12-300; and

(g) A list of all distributors receiving gambling equipment and all businesses or organizations located within the state of Washington in which the applicant has any financial interest and the details of that financial interest. For the purpose of this subsection, the term financial interest shall include all arrangements through which a person directly or indirectly receives any portion of the profits of the licensed manufacturer and indebtedness between the licensee and any other person, other than a regulated financial institution, in excess of five thousand dollars.

(3) An applicant must demonstrate the ability to comply with all manufacturing restrictions and quality control requirements. The licensing process shall include an on-site review of the applicant's manufacturing equipment and process to ensure capability to comply with all regulatory requirements of this title;

(4) The following information shall be included as an attachment to the application form:

(a) A list of all affiliated businesses or corporations in which the applicant, officers, directors, or substantial interest holders of the applicant, either directly or indirectly, own or control:

- (i) As a sole proprietor; or
- (ii) As a partner; or
- (iii) More than fifty percent of the voting stock of a privately held or closed corporation; or
- (iv) At least five percent of the voting stock of a publicly traded corporation.

(b) A list of all licensed businesses or corporations in which the applicant, officers, directors, or substantial interest holders of the applicant have any interest;

(c) A list of all jurisdictions in which the applicant or any of the officers, directors, or substantial interest holders of the applicant have been licensed regarding gambling-related activities at any level during the preceding ten years;

(d) A statement regarding whether the applicant or officers, directors, or substantial interest holders have ever had a license for gambling-related activities denied, revoked, or suspended by any jurisdiction for a period longer than thirty days. All details of such must be provided as a part of the application; and

(e) A statement acknowledging that all records related to the ownership or operation of the business shall be made available for review at the time and place requested by commission staff. In addition to other records requested, the following shall be available:

(i) Personal financial records of all substantial interest holders;

(ii) All records related to the scope of activity, including sales of product, purchases of raw materials and parts, and any contracts, franchises, patent agreements, etc., related to sales or purchases; and

(iii) Records related to any financial or management control of or by customers and suppliers.

(5) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form; and

(6) 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. 94-01-033 § 230-04-110, filed 12/6/93, effective 1/6/94. 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. Prior to selling, renting, or otherwise supplying gambling equipment, supplies, or related paraphernalia, including service of such, 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. The following definitions and requirements apply to certification and licensing of distributors:

(1) For purposes of this title, a license is required to sell, rent, or otherwise provide to any person the following items:

- (a) Punchboards and pull tabs;
- (b) Devices for the dispensing of pull tabs;
- (c) Bingo equipment, as defined by WAC 230-02-250;

and

(d) Any gambling equipment or paraphernalia for use in connection with licensed fund raising events or a 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 location operated by the distributor or where records or inventory will be located;

(c) The name, home address, and share of ownership of all owners of the business if the business is not a corporation. If the business is a corporation, the name, address, and share of ownership of the officers, the directors, and substantial interest holders;

(d) A full description of each separate type of gambling equipment or related supplies that the distributor intends to market in this state or for use in this state;

(e) The brand name under which each type of gambling equipment will be sold;

(f) If the applicant does not maintain a business office within the state or is incorporated in another state or county, then the full name and business and home address of the resident agent designated by the applicant pursuant to WAC 230-12-300; and

(g) A list of all manufacturers of gambling equipment and all businesses or organizations located in the state of Washington in which the applicant has any financial interest and the details of that financial interest. For the purposes of this subsection, the term financial interest shall include all arrangements through which a person directly or indirectly receives any portion of the profits of the licensed distributor and indebtedness between any other person and the applicant, other than a regulated financial institution, in excess of five thousand dollars.

(3) The following information shall be included as an attachment to the application form:

(a) A list of all affiliated businesses or corporations in which the applicant, officers, directors, or substantial interest holders of the applicant, either directly or indirectly, own or control:

- (i) As a sole proprietor; or
- (ii) As a partner; or
- (iii) More than fifty percent of the voting stock of a privately held or closed corporation; or
- (iv) At least five percent of the voting stock of a publicly traded corporation.

(b) A list of all licensed businesses or corporations in which the applicant, officers, directors, or substantial interest holders of the applicant have any interest;

(c) A list of all jurisdictions in which the applicant or any of the officers, directors, or substantial interest holders of the applicant have been licensed for gambling-related activities at any level during the preceding ten years;

(d) A statement regarding whether the applicant or officers, directors, or substantial interest holders of the applicant have ever had a license for gambling-related activities denied, revoked, or suspended by any jurisdiction for a period longer than thirty days. All details of such must be provided as a part of the application; and

(e) A statement acknowledging that all records related to the ownership or operation of the business shall be made available for review at the time and place requested by commission staff. In addition to other records requested, the following shall be available:

(i) Personal financial records of all substantial interest holders;

(ii) All records related to the scope of activity, including suppliers, customers, and any contracts related to sales or purchases; and

(iii) Records related to any financial or management control of or by customers and suppliers.

(4) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form; and

(5) 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. 94-01-033 § 230-04-120, filed 12/6/93, effective 1/6/94. 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 230-04-135 Commercial amusement games—License required. Prior to operating, renting, leasing, or otherwise sharing in the proceeds of amusement games operated at any location, commercial amusement game operators shall first obtain a license from the commission. The following requirements apply to commercial amusement game operators:

(1) Class A commercial amusement game licensees may allow a Class B and above licensee to operate amusement games at their business premises.

(2) 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.

(3) 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);

(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; and

(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 (a) of this subsection, all applicants requesting to operate amusement games at locations authorized by WAC 230-04-138 (1)(f), (g), (h), (i), (j), (k), or (l) 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 twelve months;

(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; and

(vi) Grocery stores as authorized by WAC 230-04-138 (1)(k): The type of retail products sold and size of the store premises, in gross square feet not including parking areas.

(c) Limited duration locations. In addition to the information required by (a) of this subsection, all applicants requesting to operate commercial amusement games must receive written permission from the sponsor of any activity authorized by WAC 230-04-138 (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: RCW 9.46.070. 93-19-090 (Order 244), § 230-04-135, filed 9/15/93, effective 10/16/93. 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 seventeen 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; or

(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 ten 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; or

(k) Within a grocery store. A grocery store is any retail store selling a line of dry grocery, canned goods, or nonfood items plus some perishable items consisting of more than twelve thousand gross square feet not including the parking areas; or

(l) Any premise controlled and operated by a bona fide charitable/nonprofit organization that it currently licensed to operate punchboards and pull tabs and/or bingo if the rent or other consideration paid to the charitable/nonprofit organization is equal to or greater than twenty-two percent of the gross gambling receipts of the activity.

(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 subsection (1)(a), (b), (c), (d), or (e) of this section, 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 subsection (1)(f), (g), (h), (i), (j), (k), or with charitable/nonprofit organizations set out in subsection (l) of this section to locate and operate amusement games upon their premises if they are 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.

[Statutory Authority: RCW 9.46.070, 93-19-090 (Order 244), § 230-04-138, filed 9/15/93, effective 10/16/93; 93-01-013, § 230-04-138, filed 12/4/92, effective 1/4/93. 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 230-04-201 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	Premises only	\$ 50
	Class B	Up to \$ 10,000	50
	Class C	Up to \$ 25,000	250
	Class D	Up to \$ 50,000	400
	Class E	over \$ 50,000	700
*Allows a charitable or nonprofit organization to enter into a contract with Class B or above commercial amusement game licensee to locate and operate amusement games on their premises.			
2.	BINGO GROUP	CLASS (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	\$ 150
		Renewal	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
	PRE	(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
	DUPLICATE LICENSE REPLACEMENT	(See WAC 230-04-290)	25
	IDENTIFICATION STAMPS	(See WAC 230-30-016)	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.	500

NOTE: Charitable and nonprofit organizations licensed to conduct fund raising events may rent equipment up to four occasions without getting licensed as a distributor.

7. PERMITS	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191)	\$ 25
	Recreational gaming activity permit (RGA) (see WAC 230-25-330 and 230-02-505)	50

8. PUNCHBOARDS/	(Fee based on annual gross		
PULL TABS	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.

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

10. SEPARATE PREMISES BINGO	Occasion (see WAC 230-04-300)	\$ 25
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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)	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.	

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

LICENSE TYPE	DEFINITION	FEE
1. CARD GAMES		
Class B	(Fee to play charged) limited card games - to hearts, rummy, pitch, pi-nochle, 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
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 REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-04-340(1))	50
LICENSE TRANSFERS	(See WAC 230-30-016)	25
	(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

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 CARD ROOM EMPLOYEE	Original	\$ 150
	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	Premises only	** \$250/100
Class B	Up to \$ 50,000	\$ 350
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	Over \$ 1,000,000	7,500

* Allows the owner of a business operated at any location qualified under WAC 230-04-138 (5) to enter into a contract with a Class B or above commercial amusement game licensee to locate and operate amusement games on their premises.

** Provides for a fee reduction of \$150 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. 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
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[Statutory Authority: RCW 9.46.070. 93-19-090 (Order 244), § 230-04-201, filed 9/15/93, effective 10/16/93; 92-21-056 (Order 233), § 230-04-201, filed 10/19/92, effective 11/19/92. 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.]

WAC 230-04-400 Denial, suspension or revocation of licenses. The commission may deny a license or permit to any applicant, or may suspend or revoke any and all licenses or permits of any holder, when the applicant or holder, or any other person with any interest in the applicant or holder:

(1) Commits any act that constitutes grounds under RCW 9.46.075 for denying, suspending, or revoking licenses or permits;

(2) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person, whether any of these crimes is a misdemeanor or felony;

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level;

(4) Is serving a period of probation or community supervision imposed as a sentence for any criminal offense, whether juvenile, misdemeanor, or felony, and whether or not the offense is covered under RCW 9.46.075(4): *Provided*, That each case will be individually analyzed to determine the extent to which the probationary or supervisory status affects the person's qualifications to hold a license or permit;

(5) Is the subject of an outstanding gross misdemeanor or felony arrest warrant;

(6) Poses a threat to the effective regulation of gaming or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gaming activities, as demonstrated through the person's prior activities, criminal record, reputation, habits, or associations;

(7) When other than a charitable or nonprofit organization operates punchboards or pull tabs, or operates or allows card games at any time other than as a commercial stimulant;

(8) Fails to provide at the office of the commission any information required under the commission's rules within the time required therefor by applicable rule, or if no maximum time has been established respecting the particular kind of information by other rule then within thirty days after receiving a written request therefor from the commission or its staff;

(9) Allows any person to participate in the management or operation of any activity regulated by the commission

without prior written approval of the commission or its director when that person:

(a) Has been convicted of, pleaded guilty to, or forfeited bond upon any of the offenses set out in RCW 9.46.075(4);

(b) Has violated any other provisions of chapter 9.46 RCW or Title 230 WAC; or

(c) Would otherwise be subject to denial or revocation under the provisions of this section.

(10) Commits any other act that the commission determines constitutes a sufficient reason in the public interest for denying, suspending, or revoking licenses or permits.

[Statutory Authority: RCW 9.46.075. 93-12-082, § 230-04-400, filed 5/28/93, effective 7/1/93; Order 51, § 230-04-400, filed 4/30/76; Order 45, § 230-04-400, filed 12/30/75; Order 42, § 230-04-400, filed 9/18/75; Order 33, § 230-04-400, filed 2/21/75; Order 23, § 230-04-400, filed 9/23/74; Order 14, § 230-04-400, filed 3/27/74; Order 12, § 230-04-400, filed 2/14/74; Order 5, § 230-04-400, filed 12/19/73.]

Chapter 230-08 WAC RECORDS AND REPORTS

WAC

230-08-010	Monthly records.
230-08-017	Control of gambling equipment—Use of identification and inspection services stamps.
230-08-025	Accounting records to be maintained by distributors and manufacturers.
230-08-040	Sales invoices—Minimum information to be recorded for transfer of gambling equipment.
230-08-060	Commercial amusement game records.
230-08-080	Daily records—Bingo.
230-08-090	Daily records—Card games.
230-08-095	Minimum standards for Class D and above bingo games—Monthly and annual accounting records.
230-08-105	Disposable bingo cards—Inventory control record.
230-08-140	Quarterly activity reports by distributors.
230-08-150	Quarterly activity reports by manufacturers.
230-08-255	Bona fide charitable or nonprofit organizations— Significant progress—Group II and Group III licensees.

WAC 230-08-010 Monthly records. Every person or organization licensed to operate any authorized gambling activity shall maintain permanent monthly records of all financial transactions directly or indirectly related to gambling activities. 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: *Provided*, That punchboard and pull tab monthly records may be stored in computer data bases if:

(a) Computer data base records are not the primary storage medium and all original input control documents supporting data maintained in computer data bases are retained by the licensee;

(b) A "hard copy" report organizing the data maintained in the computer data base is generated for each month. This report must be completed and available for review no later than thirty days following the end of the month.

(c) An up-to-date "hard copy" report is provided within three days upon request of commission agents, law enforcement personnel, or local tax authorities;

(d) Reports generated from the computer data base provides all data required by subsection (7) of this section; and

(e) Reports generated from the computer data base organizes the required data in an order that approximates the standard format and does not impede audit;

(7) Monthly records for punchboards and pull tabs shall disclose for each punchboard and pull tab series the following information:

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

(b) The Washington state identification and inspection services stamp number recorded by attaching a records entry label: *Provided*, That in lieu of the records entry label, licensees may use a facsimile of the bar coded Washington state identification and inspection services stamp number which is generated by a printer interfaced with a computer data base, if the following standards and procedures are followed:

(i) The Washington state identification and inspection services stamp number must be electronically input into the data base by scanning the stamp with a bar code reader;

(ii) Records must be printed on white paper. Facsimiles of the bar coded Washington state identification and inspection stamp numbers must be at least one-quarter inch in

height with a "quiet zone" on at least one-quarter inch of each side of the bar code;

(iii) Bar code facsimiles must be code "interleaved two of five" (USS-12/5) with a readability rate of at least 99.0% with a maximum of three passes with commission bar code reading equipment. Each licensee will be responsible for the accuracy of printouts and ensuring that bar codes are electronically readable. It is recommended that specifications of a printer be reviewed for capability to meet minimum standards prior to purchase or lease and that the printer be equipped with a serviceable ribbon;

(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:

(i) Subtracting actual cash from net gambling receipts for punchboards and pull tabs which award cash prizes; and

(ii) Subtracting actual cash from gross gambling receipts for punchboards and pull tabs which award merchandise prizes;

(l) The actual cash received from the operation of each pull tab series or punchboard: *Provided*, That when more than one series of pull tabs is sold from a single dispensing device and the dispensing device is equipped with recording devices or meters which provide an accounting of the number of tabs dispensed from each individual series, the actual cash received may be computed by use of the meter readings. If this method is used to account for actual cash, all series in each dispensing device shall be played out at least once each calendar quarter and the combined cash over or short calculated for all series played from each dispensing device during the period by reconciling the total cash removed from the dispensing device to the total tabs sold from that dispensing device. The combined cash over or short shall be recorded as required by (k) of this subsection;

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

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

[Statutory Authority: RCW 9.46.070 (7), (8), (9) and (17). 93-13-063 (Order 241), § 230-08-010, filed 6/17/93, effective 7/18/93. Statutory Authority: RCW 9.46.070. 92-19-107 (Order 231), § 230-08-010, filed 9/18/92, effective 10/19/92. 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 of gambling equipment—Use of identification and inspection services stamps. To ensure gambling equipment is used only as authorized, manufacturers, distributors, and operators shall maintain close control over all gambling equipment in their possession. Each transfer of such equipment shall be documented by completing an invoice or other written record setting forth the information required by WAC 230-08-040. Identification and inspection services stamps obtained from the commission shall be used to identify gambling equipment and shall be permanently and conspicuously affixed to all equipment and devices designated by the commission. Once attached, identification and inspection services stamps 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 attached to the following gambling equipment and devices:

(a) Punchboards and pull tab series;

(b) Pull tab dispensing devices;

(c) Disposable bingo cards: *Provided*, That this requirement applies to cards shipped for use in Washington state after December 31, 1993. All inventory on hand at the distributor and operator level at the close of business on December 31, 1993, shall be exempt from this requirement; and

(d) Other gambling equipment or devices, as determined by the director.

(2) Identification and inspection services stamps shall only be sold to and attached by licensed manufacturers or commission staff: *Provided*, That a licensed owner of controlled gambling equipment may purchase and attach stamps per WAC 230-30-018;

(3) The fee charged for identification and inspection services stamps shall be set by the commission at a level sufficient to fund regulation and control of gambling equipment. Fees shall be as set out below:

(a) Punchboards and pull tabs - twenty-five cents;

(b) Pull tab dispensing devices - twenty-five cents;

(c) Disposable bingo cards:

(i) Sets of individual cards or sheets of cards - twenty-five cents;

(ii) Collations of cards - one dollar;

(d) Other equipment or devices - the actual cost of inspection or approval, as determined by the director.

(4) Identification stamps shall only be affixed to gambling equipment or devices in such a manner as to assure reasonable inspection without obstruction. If equipment is enclosed or packaged within protective materials, 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 inspection services 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 in the following manner:

(a) Punchboards - On the reverse side 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) Pull tabs - On the face or reverse side of the flare. 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) Pull tab dispensing devices - On the outside of the main body, 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; and

(d) Disposable bingo cards - On the packing label attached to the outside of the shipping carton. Records entry labels shall be attached to the packing slip: *Provided*, That when a set or collation of cards is packed in more than one shipping carton, the stamp shall be attached to carton number one and the stamp number imprinted on all remaining shipping cartons.

(5) Identification and inspection services stamps shall not be attached to gambling equipment or devices that do not comply with rules of the commission. If a piece of equipment or a device requires specific commission approval, stamps shall not be affixed prior to such approval; and

(6) Any person requesting commission staff review, inspection, and/or evaluation of equipment, paraphernalia, services, or schemes related to licensed gambling activities shall reimburse the commission the cost to conduct such. If the requestor is currently licensed, there will be no assessment of cost for the first hour of service. A deposit of estimated cost may be required prior to performance of such service.

[Statutory Authority: RCW 9.46.070. 94-01-033 § 230-08-017, filed 12/6/93, effective 1/6/94. 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 230-08-025 Accounting records to be maintained by distributors and manufacturers. Every licensed distributor and manufacturer shall keep and maintain a complete set of records which include all details of all activities of the licensee related to the conduct of the licensed activity. These records shall be recorded using the double entry accounting system and maintained in accordance with generally accepted accounting principles. This system shall also be on the same basis as the licensee's federal income tax return. All records shall be maintained for a period of not less than three years following the end of the licensee's fiscal year. These records shall be updated at

least once a month and provide a monthly balance for each account. The minimum record system shall include the following:

(1) Sales invoices - every manufacturer and distributor shall record every sale, return, or any other type of transfer of punchboards/pull tabs, pull tab dispensing devices or bingo equipment including cards, by completing a standard sales invoice or credit memo. Distributors shall use an invoice in a format prescribed and approved by the commission that includes a separate line for each identification and inspection services stamp number. This invoice shall provide space for the operator to either attach a records entry label or enter the identification and inspection services stamp number and the date the device was placed out for play. These spaces shall be adjacent to the written entry of the identification and inspection services stamp number made by the distributor. These invoices shall set out the following information:

(a) Each invoice must be prenumbered at the time of purchase. The numbering must be consecutive, using not less than four digits: *Provided*, That manufacturers and distributors may use a computer generated numbering system if the same system is used for all sales and specific numbers can not be input by use of a manual override function;

(b) The date of sale. For distributors only: If the date of delivery is different, then the delivery date must also be entered;

(c) The customer's name and an adequate business address;

(d) A full description of each item sold, including the identification and inspection services stamp number for each item, if attached, and all information required by WAC 230-08-040;

(e) The quantity and sales price of each individual item, including individual items of merchandise to be used as prizes on punchboards and pull tabs;

(f) The gross amount of each sale to each customer including all discount terms and the total dollar amount of any discount;

(g) The sales invoice shall be prepared in at least three parts: *Provided*, That invoices for sales to operators shall be prepared in at least four parts. Invoices shall be distributed and maintained as follows:

(i) The original shall be issued to the customer: *Provided*, That an additional copy of distributor invoices shall be provided to the operator;

(ii) One shall be retained in an invoice file by customer name; and

(iii) One shall be retained in an invoice file by invoice number or in an alternative manner that accounts for each invoice numerically. This provision may be waived if the licensee receives written commission approval.

(h) Credit memos for returned items shall be prepared in the same detail as (a) through (g) of this subsection.

(2) Sales journal - the sales journal shall contain at least, but not be limited to, the following by month:

(a) The date of the sale;

(b) The invoice number of the sale;

(c) The customer name or person remitting a payment;

(d) Sales shall be categorized at least by the following:

(i) Punchboards that pay out cash prizes;

(ii) Punchboards that pay out merchandise prizes;

(iii) Pull tabs that pay out cash prizes;

(iv) Pull tabs that pay out merchandise prizes;

(v) Pull tab dispensing devices;

(vi) Merchandise that is intended for use as a prize on a punchboard or pull tab series;

(vii) Bingo equipment;

(viii) Other types of sales directly related to gambling activities, including but not limited to, equipment leases, equipment sales, and supplies; and

(ix) Sales and leases of general purpose equipment and supplies indirectly related to gambling activities, including cash registers, scales, tables, chairs, glue sticks, souvenirs, etc.

(e) Total amount of the invoice.

(3) Cash disbursements book (check register) - this record shall include a recording of all checks issued by the licensee, cash payments made by the licensee, or payments made by any other means. All expenses by the licensee, both gambling and nongambling related, shall be documented by invoices or other appropriate supporting documents. Entries to this record shall contain at least, but not limited to, the following information by month:

(a) The date the check was issued or payment made;

(b) The number of the check issued;

(c) The name of the payee; and

(d) Each disbursement shall be categorized by type of expense.

(4) Cash receipts - all cash receipts shall be recorded in an original book of entry whether it be a sales journal, a check register, or a separate cash receipts journal, and at a minimum shall include a recording of not only cash sales, but also cash received from all sources, and shall contain at least, but not limited to, the following by month:

(a) The date the payment was received;

(b) The name of the person remitting the payment;

(c) The amount of payment received.

(5) General ledger - each licensee whose gambling related sales exceed \$500,000 per year, shall have a general ledger which shall contain, in addition to all other accounts by month, a separate sales account for each type of sale;

(6) Bank reconciliation - a bank reconciliation shall be performed each month. In addition, all funds that have not been deposited at year end shall be reconciled in an account titled "cash on hand";

(7) Copies of all financial data which support tax reports to any and all governmental agencies;

(8) Manufacturer shall maintain records that provide an accountability trail for all identification and inspection services stamps purchased. These records shall include enough details to allow audit of all used, unused, and damaged stamps and includes the following minimum items:

(a) The name of the purchaser;

(b) The date of the sale; and

(c) The invoice number recording the sale.

(9) An alternative format may be used for subsections (1)(a), (g)(ii), (g)(iii), (h), (2), and (3), of this section upon advance written approval from the commission.

[Statutory Authority: RCW 9.46.070. 94-01-033 § 230-08-025, filed 12/6/93, effective 1/6/94; 92-19-107 (Order 231), § 230-08-025, filed 9/18/92, effective 10/19/92. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-08-025, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-13-

060 (Order 179), § 230-08-025, filed 6/14/88. Statutory Authority: RCW 9.46.070 (8) and (11). 83-10-002 (Order 132), § 230-08-025, filed 4/21/83.]

WAC 230-08-040 Sales invoices—Minimum information to be recorded for transfer of gambling equipment. In addition to entries required by WAC 230-08-025, the following information shall be recorded on invoices for sales or transfer of gambling equipment:

- (1) Punchboards/pull tabs - for each board or series:
 - (a) Trade name of device;
 - (b) Type of device;
 - (c) Form number or other manufacturer-assigned scheme to specifically identify a device, including the size or number of chances; and
 - (d) Identification and inspection services stamp number.
- (2) Pull tab dispensing devices:
 - (a) Trade name of device;
 - (b) Type of device; and
 - (c) Identification and inspection services stamp number.
- (3) Disposable bingo cards - for each set of cards or collation of packets:
 - (a) Type of product, including product line;
 - (b) Description of product, including the number of cartons, "series," "on," "cut," and "up";
 - (c) Identification and inspection services stamp number;
 - (d) Serial number or, if packets, serial number of the top page;
 - (e) Color and border pattern or, if packets, color and border pattern of the top page; and
 - (f) The unit or package number when a series or collation has been divided as authorized in WAC 230-20-192(6).
- (4) All other gambling equipment:
 - (a) Trade name of device;
 - (b) Type of device;
 - (c) Serial number or other identification numbers or characteristics; and
 - (d) Identification and inspection services stamp number.

[Statutory Authority: RCW 9.46.070. 94-01-033 § 230-08-040, filed 12/6/93, effective 1/6/94.]

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. These records shall be maintained for a period of not less than three years. These records 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: *Provided*, That a summary of the operation of the activity, which includes at least coin-in meter readings and gross gambling receipts, shall be provided to charitable/nonprofit organizations each time a game is serviced and/or moneys received;
- (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.

[Statutory Authority: RCW 9.46.070. 93-19-090 (Order 244), § 230-08-060, filed 9/15/93, effective 10/16/93. 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 shall be supported by receipting records required by WAC 230-20-101 and inventory control records required by WAC 230-08-105. Licensees using the combination receipting method shall reconcile the extended value of disposable card packets and electronically generated cards sold to sales recorded per the cash register;
- (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 noncash 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 twenty dollars 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 two hundred dollars. 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 two hundred dollars 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 two hundred dollars: *Provided*, That if the game is played using disposable bingo 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; and

(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: RCW 9.46.070, 94-01-034, § 230-08-080, filed 12/6/93, effective 1/6/94. 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 230-08-090 Daily records—Card games. In addition to any other requirements set forth in these rules, persons licensed to operate card rooms shall be required to prepare a detailed record covering each occasion. This record shall be maintained continuously during hours of operation and updated immediately following the collection of fees during all time periods. The commission shall provide to the licensee a consecutively prenumbered standard format record sheet. This form shall contain the following:

(1) The date of the occasion;

(2) The time that the half hour fee was charged;

(3) The amount of half hour fee charged per table;

(4) The number of players at each table at half hour intervals to include all nonpaying house players;

(5) The names and time of play for each nonpaying house player (which may only include licensed card room employees and the licensee);

(6) The amount of fees collected at each table each half hour;

(7) The cumulative gross amount received from fees collected on each occasion and in total;

(8) A reconciliation of chips and cash on a daily basis; and

(9) A printed name, signature, and hours worked of the person who was responsible for the collection of fees.

All detailed record sheets issued to a licensee shall be numerically accounted for, and shall be maintained on the premises for a period of not less than three years from the date of the occasion which it records. An "occasion" for card rooms shall be defined as 20 hours beginning at 6:00 a.m. one day and running continuously through 2:00 a.m. the following day.

[Statutory Authority: RCW 9.46.070(8), 9.46.0325 and 9.46.070, 93-10-005 (Order 238), § 230-08-090, filed 4/21/93, effective 7/1/93. Statutory Authority: RCW 9.46.070 (8) and (17), 83-23-055 (Order 138), § 230-08-090, filed 11/15/83. Statutory Authority: RCW 9.46.070(8) and (14), 82-11-028 (Order 120), § 230-08-090, filed 5/11/82; Order 23, § 230-08-090, filed 9/23/74.]

WAC 230-08-095 Minimum standards for Class D and above 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.

(1) 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;

(2) The accrual method of accounting shall be mandatory and all income shall be recorded when earned and all expenses recorded when incurred: *Provided*, That the cash, modified cash, or tax basis accounting methods may be allowed if such method accurately represents the licensee's financial position and results of operations and the licensee does not have substantial liabilities or expenses not requiring a current outlay of cash, such as depreciation or amortization expenses.

(3) Organizations shall adopt a capitalization policy that is based on materiality and expected life of operating assets. Class F and above bingo licensees are authorized to use the

following guidelines for determining a minimum level for capitalizing assets:

(a) Assets exceeding two thousand dollars and having a useful life that exceeds one year should be capitalized and depreciated or amortized over the useful life of the asset;

(b) Preoperating start-up costs related to bingo games that exceed six thousand dollars should be capitalized and amortized over sixty months, beginning with the first month that bingo games are conducted;

(c) Leasehold improvements related to bingo games and exceeding two thousand dollars should be amortized over a period that does not exceed the life of the lease: *Provided*, That the amortization period may be extended to include any lease option periods if the organization's management states a reasonable expectation that the option will be exercised. All unamortized leasehold improvements shall be charged as an expense of the bingo game in the year that the lease expires.

(4) 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 gross gambling receipts; and

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

(5) 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 (5)(a) and (b) above, are not considered sufficient documentation.

(6) All expenditures by the licensee relating to nongambling 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. 93-13-062 (Order 240), § 230-08-095, filed 6/17/93, effective 7/18/93. 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 230-08-105 Disposable bingo cards—Inventory control record. All disposable bingo cards purchased or otherwise obtained must be controlled and accounted for by the licensee. This control function shall be accomplished by maintaining an inventory control record prepared in a format prescribed by the commission for Class D and above licensees: *Provided*, That alternative formats that accomplish regulatory requirements may be approved by commission staff.

(1) All purchase invoices, or a photocopy thereof, for disposable bingo cards received must be maintained on the bingo premises;

(2) Manufacturer packing records, required by WAC 230-20-192, shall be maintained as a part of the inventory control record;

(3) The following information must be recorded for disposable bingo cards, sheets of cards, or collations of packets used for games sold as a package:

(a) The identification and inspection services stamp number;

(b) The serial number or, if packets, the serial number of the top page;

(c) The number of cards or card packets in the series;

(d) The type of card or card packet;

(e) The purchase invoice number;

(f) The purchase invoice date;

(g) Date and session first placed into play; and

(h) Licensees using the combination receipting method, per WAC 230-20-101(5), shall record the following for each session the collation of cards is sold:

(i) The session number and date;

(ii) The beginning and ending audit control numbers of the top page of the packets;

(iii) Adjustments for any missing packets, per the manufacturer's packing record;

(iv) The number of packets distributed to sales points and returned as unsold;

(v) Total packets issued;

(vi) The value of each packet;

(vii) The extended value obtained by multiplying total packets issued times the value of each packet. This total shall be carried forward to the "Daily Bingo Summary" and reconciled to sales per the cash register record; and

(viii) The cumulative number of packets issued from the collation, session-to-date.

[Statutory Authority: RCW 9.46.070. 94-01-034, § 230-08-105, filed 12/6/93, effective 1/6/94.]

WAC 230-08-140 Quarterly activity reports by distributors. Each licensed distributor shall submit an activity report to the commission concerning sales and services relating to gambling activities each quarter by completing a report form furnished by the commission. The

following requirements shall be followed for completion and filing of activity reports:

(1) Quarterly reporting periods are defined as:

- (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 completed report shall be received in the office of the commission or postmarked no later than thirty 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) The report shall include, among other items, the following:

(a) The gross sales of gambling related supplies or equipment or merchandise of any kind which could be used to operate, or in connection with, punchboards, pull tabs, pull tab dispensing devices, bingo, or amusement games, where such sales are made in the state of Washington or for use or distribution within this state;

(b) The quantity of each specific type of device, equipment or merchandise sold within this state or for distribution and use within this state by the licensee;

(c) A listing of the name and address of each person who was a distributor's representative for the licensee during the three month period or who attempted to solicit sales of such devices, equipment or merchandise, either within the state of Washington or for use or distribution within the state; and

(d) The number of employees in the state of Washington other than those listed in (c) of this subsection.

(5) Each distributor with an active license must submit a report regardless of the level of activity. If no activity was conducted during the period, a report stating "no activity" shall be submitted;

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

[Statutory Authority: RCW 9.46.070. 94-01-033 § 230-08-140, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-08-140, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (8) and (9). 85-06-002 (Order 147), § 230-08-140, filed 2/22/85. Statutory Authority: RCW 9.46.070(7). 79-09-029 (Order 91), § 230-08-140, filed 8/14/79; Order 70, § 230-08-140, filed 5/24/77; Order 46, § 230-08-140, filed 2/13/76; Order 29, § 230-08-140, filed 1/23/75; Order 5, § 230-08-140, filed 12/19/73, 1:25 p.m.]

WAC 230-08-150 Quarterly activity reports by manufacturers. Each licensed manufacturer shall submit an activity report to the commission concerning all sales and services relating to gambling activities each quarter by completing a report form furnished by the commission. The following requirements shall be followed for completion and filing of activity reports:

(1) Quarterly reporting periods are defined as:

- (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 completed report shall be received in the office of the commission or postmarked no later than thirty 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 shall also sign the report;

(4) The report shall include, among other items, the following:

(a) The gross sales of gambling related supplies or equipment, or merchandise of any kind which could be used to operate, or in connection with, punchboards, pull tabs, pull tab dispensing devices, bingo, or amusement games, when such sales are made in the state of Washington or for distribution or use within the state of Washington;

(b) The quantity of each specific type of such device, equipment, or merchandise sold within the state or for distribution or use within the state of Washington by the licensee;

(c) A listing of the name and address of each person who was a manufacturer's representative for the licensee or who solicited sales of such devices or equipment for or on behalf of the licensee within the state of Washington or for use or distribution within the state; and

(d) The number of employees in the state of Washington other than those listed in (c) of this subsection.

(5) Each manufacturer with an active license must submit a report regardless of the level of activity. If no activity was conducted during the period, a report stating "no activity" shall be submitted;

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

[Statutory Authority: RCW 9.46.070. 94-01-033 § 230-08-150, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-08-150, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (8) and (9). 85-06-002 (Order 147), § 230-08-150, filed 2/22/85; Order 70, § 230-08-150, filed 5/24/77; Order 46, § 230-08-150, filed 2/13/76; Order 29, § 230-08-150, filed 1/23/75; Order 14, § 230-08-150, filed 3/27/74; Order 5, § 230-08-150, filed 12/19/73, 1:25 p.m.]

WAC 230-08-255 Bona fide charitable or nonprofit organizations—Significant progress—Group II and Group III licensees. Any charitable or nonprofit organization requesting certification to conduct gambling activities in Group II or Group III, as defined by WAC 230-04-040, must demonstrate it has made significant progress toward meeting its stated purpose(s) during the period under review. Compliance with the following requirements shall be prima facie evidence that an organization has made significant progress:

(1) It held elections to select officers at least once in the previous two years;

(2) It held a general membership meeting to conduct the business of the organization at least once in the previous two years;

(3) It expended at least sixty percent of the gambling proceeds earned in its most recently completed fiscal accounting year by either directly providing program services or by purchasing capital assets necessary to provide future

program services. For purposes of compliance with this subsection, the following provisions and procedures apply:

(a) An organization will be deemed to have complied with the requirements of this subsection if:

(i) It expends an amount equal to sixty percent or more of gambling proceeds earned during the current fiscal accounting period providing program services; or

(ii) It has a formal plan to spend an amount that is equal to or greater than sixty percent of the gambling proceeds earned in the current period to provide program services in the immediately subsequent fiscal accounting period and the plan is submitted to the commission as a part of its certification application.

(b) An organization may be exempted from this provision for up to three years if:

(i) It is reserving funds to start or expand specific programs;

(ii) It expends at least twenty-five percent of gambling proceeds for providing program services in the current fiscal accounting period;

(iii) It has a formal plan regarding the funds reserved; and

(iv) The director approved the plan.

(c) The amount of gambling proceeds expended to provide program services shall be computed using the following guidelines:

(i) All reductions of the principal and interest expense related to loans used to purchase program service assets shall be treated as program service expenses during the period they are paid;

(ii) Noncash expenses, such as depreciation or amortization shall be subtracted from program service expenses;

(iii) For computation of ratios for compliance with this section, fees paid by members or the public to receive program services or to participate in specific activities shall be classified as a reduction to both program service expenses and income to the organization; and

(iv) The amount of gambling proceeds used to provide program services shall be computed by multiplying adjusted program services expenses by a ratio determined by dividing gambling proceeds for the period by adjusted total income from all sources for the same period.

(4) It does not expend more than thirty-five percent of the total amount spent providing program services for administrative or supporting services or, if more than fifty percent of program services are provided through indirect methods such as contributions, scholarships, and/or sponsorships, then not more than twenty percent of the total amount spent for program services shall be spent for supporting services: *Provided*, That unique, nonrepeating expenses may be factored out of the computation of administrative or supporting services expenditures for compliance with this section: *Provided further*, That expenditures that relate to more than one function shall be allocated to the various functions. Methods of allocation shall be documented and available for commission staff review. The director may grant an exemption to exceed the above limitation when an organization can demonstrate special circumstances. For purposes of this section, "administrative" or "supporting services" expenses shall include management and general overhead expenses which are essential to providing program

services but which are not directly attributable to program services. At least the following expenditures shall be considered administrative or supporting services expenses:

(a) Wages and benefits for general operation of the organization such as executive directors and other management or support personnel (secretarial, reception, bookkeeping, etc.);

(b) Expenses related to providing an administrative office, including rent, depreciation, interest, utilities, taxes, insurance, and supplies;

(c) General management functions of the organization such as planning (budget etc.), recruiting and training staff, and procuring and distributing materials;

(d) Scheduling and conducting board, committee, and membership meetings;

(e) Publicizing the organization: *Provided*, That solicitation of new members or volunteers, or announcements and publications intended to educate the public regarding services provided by the organization, shall be deemed to be program service expenses;

(f) General expenses related to soliciting contributions and other nongambling fund raising activities. Direct expenses related to a specific fund raising activity shall be deducted from the receipts of the activity and will be treated as supporting services expenses only to the extent total expenses exceed receipts for the activity; and

(g) Outside supporting services such as accounting, audit, legal, etc.

[Statutory Authority: RCW 9.46.070, 9.46.0261 and 9.46.0209. 94-01-035, § 230-08-255, filed 12/6/93, effective 1/6/94.]

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.
230-12-030	No beer or liquor as prizes.
230-12-078	Bona fide charitable or nonprofit organizations—Responsibilities—Independent management control structure required.

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 two hundred dollars;

(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) Funds received from commercial amusement game operators that relate to the operation of amusement games on their premises shall be deposited in the licensee's gambling receipts account no later than the second banking day following receipt;

(e) 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

(f) 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. 93-19-090 (Order 244), § 230-12-020, filed 9/15/93, effective 10/16/93. 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 230-12-030 No beer or liquor as prizes. No beverages containing alcohol, including but not limited to, beer or liquor, shall be offered or awarded as a prize or in lieu of a prize for winning at any of the activities authorized by chapter 9.46 RCW: *Provided*, That this section does not apply to activities that are authorized by RCW 9.46.0305 (Dice or coin contests for music, food, or beverage payment), and RCW 9.46.0315 (Raffles—No license required, when) conducted by bona fide charitable or bona fide nonprofit organizations. No such alcoholic beverages shall be furnished to any person participating in the activity by anyone except upon the participant paying the market price therefor. If liquor is offered for sale upon the premises where an authorized activity is being conducted then no one under the age of eighteen years shall be admitted to that portion of the premises used to conduct the authorized activity. The licensee and each person conducting the activity and each person physically operating the activity shall be responsible to see that no unauthorized person is admitted to that portion of the premises.

[Statutory Authority: RCW 9.46.070, 9.46.0315 and 9.46.0321. 93-17-098 (Order 243), § 230-12-030, filed 8/17/93, effective 1/1/94; Order 51, § 230-12-030, filed 4/30/76; Order 12, § 230-12-030, filed 2/14/74; Order 5, § 230-12-030, filed 12/19/73.]

WAC 230-12-078 Bona fide charitable or nonprofit organizations—Responsibilities—Independent management control structure required. It shall be the affirmative responsibility of each charitable or nonprofit organization licensed to conduct gambling activities, and its officers or board of directors, to ensure the legislative intent regarding gambling activities is met. This responsibility shall be fulfilled by developing and maintaining an independent management control system that ensures: Gambling activities are closely supervised and operated according to commission guidelines; gambling proceeds are used solely to advance the purposes of the organization; all assets of the organization are protected from misuse or defalcation; and an operating environment that facilitates implementation of the officers' or board of directors' policies is maintained. Each charitable or nonprofit organization licensed to conduct gambling activities in Group II or Group III, as defined in WAC 230-04-040, shall fulfill its responsibilities by:

(1) Developing and implementing a management control system which:

(a) Will be overseen by an independent slate of officers or board of directors, that has been elected by a process in which all active members have a single vote;

(b) Includes written policies which set the responsibilities of officers, board of directors, and employees;

(c) Includes written policies establishing the scope of authority delegated to officers, board of directors, and employees;

(d) Includes affirmative management and accounting controls that ensure that all funds and other assets directly or indirectly obtained with gambling proceeds are protected from misuse, dedicated solely to the purposes of the organization, and do not inure to the private use of any person. For purposes of this section, the following uses of gambling proceeds shall not be deemed inurement:

(i) Providing program services to members or the public; or

(ii) Expenditures for necessary expenses, including salaries or wages for services to perform the purposes of the organization. Salaries or wages paid to members, officers, board of directors, or direct family members of any of the preceding, shall not be deemed inurement if they are necessary, reasonable, and the decision to pay such is made in an independent management control environment.

(e) Includes a planning process that sets goals regarding uses of gambling proceeds and allows the officers or board of directors to monitor progress toward meeting such goals: *Provided*, That organizations reserving funds in endowments or trust funds under limitations in WAC 230-04-024 (8)(b) and (c) must have a formal business plan or budget outlining uses of such;

(f) Includes a system of internal accounting controls that is designed to reduce errors, minimize risk of defalcations, and safeguard assets. The organization's officers or board of directors shall implement procedures to monitor established controls for compliance. The internal accounting control system shall include at least the following controls:

(i) Management approval for expenditures;

(ii) Procedures that restrict access to assets to only those individuals authorized by management;

(iii) Procedures to ensure all transactions are recorded in accordance with generally accepted accounting principles. Transactions shall be recorded with enough detail to maintain accountability of assets; and

(iv) Periodic comparison of recorded assets to physical assets and reconciliation of all differences.

(g) Will be documented and available for commission staff review.

(2) Maintaining an independent operating environment. An organization's operating environment will be independent when its officers, board members, and supervisory level employees completely separate their personal interests and the interest of the organization: *Provided*, That an organization shall not be in violation of this section if individual officers or board members acknowledge potential conflicts of interest and abstain from voting on issues that directly or indirectly affect their personal interest. Any potential conflicts of interest situations involving supervisor level employees must be reviewed and approved by the governing board of the organization. All discussions or balloting regarding potential conflicts of interest shall be recorded in the official meeting minutes. Any of the following actions by officers, board members, or supervisory level employees that are not approved by the board of directors and documented in the official minutes shall provide a presumption of the lack of an independent operating environment:

(a) They directly or indirectly receive financial or personal benefit from the organization or share in gambling proceeds of the organization; or

(b) They are directly or indirectly responsible for supervision of, or have decision-making authority over transactions that may result in direct or indirect financial or personal benefit to: Their direct relatives, including spouses, parents, children, siblings, and similar relationships, whether by blood, adoption, or marriage; persons with whom they maintain a common household; or persons with whom they have a business relationship; or

(c) They directly or, through lack of action, indirectly allow others to receive or share in the gambling proceeds of the organization.

[Statutory Authority: RCW 9.46.070, 9.46.0261 and 9.46.0209. 94-01-035, § 230-12-078, filed 12/6/93, effective 1/6/94.]

Chapter 230-20 WAC

BINGO, RAFFLES AND AMUSEMENT GAMES

WAC

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230-20-700	Coin or token activated amusement games—Standards.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-20-605	Types of amusement games authorized. [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.] Repealed by 94-01-036, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 9.46.070.
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WAC 230-20-010 Disclosure of prizes and rules.

All licensees shall inform all persons contemplating participation in bingo or amusement games of the cost to play, rules of play, and prizes available. Notification must be prior to requiring the player to make any payment for the opportunity to take part in the activity.

(1) Information that must be disclosed:

(a) All costs to participate;

(b) A complete list and description of all prizes available, and including any extra cost or conditions of ownership related to prizes;

(c) The licensee's cost or the retail value for all noncash prizes that exceed five hundred dollars. If the retail value is disclosed, it must be identified as such by including an explanation such as "retail value" or "MSRP."

(d) All rules by which such prizes may be won;

(e) Any contingencies that may change the cost to play or prizes available; and

(f) Whether duplicate cards are in play.

(2) Disclosure shall be made by conspicuously posting or displaying signs upon the premises where the activity is operated. Disclosure may be made by signs or by printed flyers or handouts available at the premises;

(3) Any broadcast or published advertisements or other printed information distributed to the public which pertains to game schedules, prizes to be awarded at bingo games, or cost related to play must disclose if there are any contingencies which may result in changes to these terms: *Provided*, That advertised bingo prizes and game formats may be changed in case of inclement weather, natural disaster, or other unforeseen emergencies, if players are so informed prior to purchasing cards;

(4) In those cases where persons are able to pay for the opportunity to participate in the activity after the winner of any one of the prizes offered has been determined, the licensee shall remove each prize won from any display of prizes, and from any list of prizes which have been posted or displayed upon the premises where the activity is conducted, immediately upon the determination of the winner of that particular prize: *Provided*, That during a bingo session, players may be informed by use of the public address system and prominent display of the game name or number.

[Statutory Authority: RCW 9.46.070, 93-13-062 (Order 240), § 230-20-010, filed 6/17/93, effective 7/18/93. Statutory Authority: RCW 9.46.070 (11) and (14), 88-17-050 (Order 182), § 230-20-010, filed 8/16/88. Statutory Authority: RCW 9.46.020 (1) and (10) and 9.46.070 (3), (11) and (14), 86-09-036 (Order 157), § 230-20-010, filed 4/11/86. Statutory Authority: RCW 9.46.070 (3), (8) and (11), 85-09-040 (Order 149), § 230-20-010, filed 4/15/85. Statutory Authority: RCW 9.46.070 (8) and (11), 83-11-034 (Order 133), § 230-20-010, filed 5/16/83; Order 42, § 230-20-010, filed 9/18/75; Order 23, § 230-20-010, filed 9/23/74; Order 5, § 230-20-010, filed 12/19/73, 1:25 p.m.]

WAC 230-20-064 Maximum receipts, prizes, and expenses for bingo games—Net income required. Bingo is to be conducted as a social pastime and for the raising of funds to support the purpose(s) of the organization only. Organizations licensed to conduct bingo games must comply with the following limitations:

(1) Gross receipts from the sale of bingo cards shall not exceed the limits by class of license for the organization's license year as set out in WAC 230-04-201, Table 1., or as

restricted by the commission under subsection (6) of this section.

(2) To prevent the payment of prizes in such amounts that would significantly reduce net income, prize payouts, as percentages of gross receipts, shall not exceed the percentages listed in Table 1. by class of license, or as restricted by the commission under subsection (6) of this section.

(3) To insure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, combined net income from bingo games, punchboards/pull tabs, and food, drink or other retail sales activities conducted in conjunction with bingo games, as a percentage of bingo games gross receipts shall not be less than the percentage listed in Table 1. by class of license for any annual license period, or as restricted by the commission under subsection (6) of this section: *Provided*, That local gambling taxes paid or accrued will be allowed as a credit when computing net income for bingo and punchboards and pull tabs. The director may allow a licensee to temporarily exceed the limitations set out in subsection (2) or (3) of this section, or Table 1. of this section when unusual and/or uncontrollable conditions affect the licensee's ability to comply. Any licensee seeking relief from these requirements must petition the commission staff in writing. This petition must set forth the specific circumstances for which such relief is sought and include objective evidence regarding the scope of the impact on the bingo operation. The director may authorize exceptions under the following conditions:

(a) When a new class D or above bingo licensee or any game not under the jurisdiction of the commission and which operates two or more days per week begins bingo activities within the market area of an operating game. For purposes of this section, "market area" is defined as:

(i) Primary market area - within the area encompassed by a measurement that starts at the premises of an operating class D or above bingo game and extends to a radius that is located five miles from such premises;

(ii) Secondary market area - within the area encompassed by a measurement that starts at a radius that is located five miles from the premises of an operating class D or above bingo game and extends to a radius that is located ten miles from the premises;

(iii) Rural market area - within the area starting at the premises of an operating class D or above bingo game and extending to the twenty-five mile radius from such premises when such premises is located in any county that the total population is less than one hundred thousand.

(b) When a class D or above game is forced to move its current operations outside their primary market area due to circumstances beyond the control of the organization. Examples of uncontrollable circumstances are:

(i) Premises destroyed or condemned;

(ii) Lease expiration without an option to renew;

(iii) Increases to rent that would put the licensee in jeopardy of being in violation of net income requirements;

(iv) Permanent interruption of customer flow, such as: Closure of arterial exit ramps; loss of customer parking; cancellation of public transportation; etc.; or

(v) Other circumstances as approved by the director.

(c) When an organization not previously licensed to conduct bingo at any class begins operations at the class D or above level;

(d) When a licensee is required to upgrade their license class in the last quarter of their annual license period; or

(e) When an organization incurs a temporary interruption of customer flow. A "temporary interruption of customer flow" is defined as an interruption that the licensee can not prevent but which will be corrected within a reasonable time period, such as street repairs, damage to premises, inclement weather, etc.

(5) Relief granted under subsection (4) of this section shall be limited to adjustment of the requirements in Table 1. as follows:

(a) Relief for subsection (4)(a) of this section - New game operating within the primary market area. When a new class D or above or any game not under the jurisdiction of the commission and which operates two or more days per week begins operations within the primary market area of an operating class D or above bingo game and:

(i) The new game operates two or more occasions per week that are common to the currently operating game, the annual and calendar quarter prize payout limits shall be increased by two percentage points for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by two percentage points for the first twelve months of operation of the new game; or

(ii) The new game operates one occasion or less per week that is common to the currently operating game, the annual and calendar quarter prize payouts limits shall be increased by one percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one percentage point for the first twelve months of operation of the new game.

(b) Relief for subsection (4)(a) of this section - New game operating within the secondary or rural market area. When a new class D or above or any game not under the jurisdiction of the commission and which operates two or more days per week begins operations within the secondary or rural market area of an operating class D or above bingo game and:

(i) The new game operates on two or more occasions common to the current game, then the annual and calendar quarter prize payout limits shall be increased by one percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one percentage point for the first twelve months of operation of the new game; or

(ii) The new game operates on one or less occasion common to the current game, then the annual and calendar quarter prize payout limits shall be increased by one-half percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one-half percentage point for the first twelve months of operation of the new game.

(c) Relief for subsection (4)(b) of this section - Organizations forced to move their game outside their primary market area shall be authorized an increase in the quarterly prize payout limit of one percentage point, and a decrease in the annual net income limit by one percentage point for the first twelve months of operation in the new location;

(d) Relief for subsection (4)(c) of this section - Organizations not previously licensed to conduct bingo at any level shall be authorized a two percentage point reduction in the

net income requirement and a two percentage point increase in the maximum prize payout requirement of Table 1. for the first annual license period;

(e) Relief for subsection (4)(d) of this section - Organizations required to upgrade their license in the last quarter of their annual license period shall be measured for the entire annual license period based on the lower license class limits; and

(f) Relief for subsection (4)(e) of this section - Organizations that have temporary interruption of customer flow shall be measured for the affected period, plus one month, based on performance with the interruption period factored out.

(6) Enforcement actions. The commission may impose the following corrective requirements and/or penalties on any licensee who fails to meet requirements of this section:

(a) Any licensee that exceeds the maximum calendar quarter prize payout limit or reports net income that is more than two percentage points lower than the annual minimum net income requirements during any quarter and whose net income falls below the annual minimum requirements when measured license year-to-date shall:

(i) Take immediate steps to decrease prizes and/or expenses;

(ii) Report the violation to commission staff as soon as discovered, but in no case later than thirty days following the end of the quarter. This notification shall be separate and additional to the quarterly activity report;

(iii) Provide a written plan of actions to gain compliance to the commission no later than forty-five days following the end of the quarter. This plan shall be evaluated by commission staff and input provided to the licensee no later than thirty days after receipt;

(iv) Provide the commission additional reports determined by the staff as necessary to monitor progress toward compliance; and

(v) Upon request, a committee of the licensee's management, including the chief executive officer, executive director, or equivalent manager responsible for supervising the primary bingo manager, and the primary bingo manager shall meet with commission staff to discuss the action plan.

(b) Any licensee who fails to achieve the minimum net income requirement for their annual measurement period shall be limited in license class for the next annual license period to the license class equal to the level of net income actually achieved, not to exceed a license class that authorizes at least one-half of the maximum gross gambling receipts of the current license class. The annual measurement period used shall be the licensee's annual fiscal accounting year: *Provided*, That the reduction for the first violation shall be a maximum of two license classes. A licensee limited under this section will not be granted an increase in their authorized license class until it has demonstrated the ability to maintain net income requirements at or above the minimum level for the class of license sought. Achieving net income requirements at or above the minimum level for at least two quarters, one of which may be the last quarter in the previous license year, shall be prima facie evidence of such ability: *Provided Further*, That a licensee may petition the commissioners for a license to operate at a higher level. Any such petition would be heard at a regular public

meeting of the commission under the requirements of WAC 230-50-850. Petitions for relief under this section must include: The impact the reduction would have on their programs; what portion of their programs are charitable as compared to nonprofit; and income available from other sources to fund programs. The commission may take testimony from other parties that may be affected by approval of the petition. Any approval granted under this section may be made contingent upon future compliance or other issues as determined by the commission.

(c) The commission deems the responsibility for maintaining prize payouts at or below the maximum annual limit to be that of the primary bingo manager. The organization's board of directors may relieve the primary bingo manager of this responsibility by informing the commission in writing. Unless relieved by the board of directors, the primary manager shall be responsible for all penalties imposed under this section. If the board relieves the manager of responsibility for prizes, the commission shall consider the organization fully responsible for compliance with this section. In this case, prize payouts will be considered when reviewing violations of this section. The primary manager shall not be compensated in any manner during periods of license suspension imposed under this

section. Any primary bingo manager who fails to achieve the annual limit for the class of license issued to the organization, as set out in Table 1. below, shall:

(i) First violation - Receive a written warning and be required to demonstrate in-depth knowledge of factors affecting prize payouts including, but not limited to, bingo game prize probabilities, expected payouts for each type of game, factors included in the computation, and methods for analysis of games. The scope and depth of their bingo management knowledge shall be demonstrated by requiring the manager to prepare and submit their current game schedules, records used to analyze games, and the expected payout for each game. The manager will be required to meet with commission staff to discuss the evaluation and other aspects of their game;

(ii) Second violation - Three day suspension that includes at least one operating day;

(iii) Third violation - Ten day suspension that includes at least four operating days;

(iv) Fourth violation - Thirty-day suspension;

(v) Fifth violation - Revocation of manager's license for at least one year.

Table 1.

Group	License Class	Annual Gross Receipts	Annual Prize Payout Limits	Calendar Quarter Prize Payout Limits	Annual Minimum Net Income Requirements - Bingo *	Annual Minimum Net Income Requirements - Bingo & Punchboards/Pull Tabs **
I	A	Up to \$ 10,000	No Limits	No Limits	No Limits ***	No Limits ***
	B	\$ 10,001- 50,000	No Limits	No Limits	No Limits ***	No Limits ***
	C	50,001- 100,000	No Limits	No Limits	No Limits ***	No Limits ***
	D	100,001- 300,000	Max of 85.0%	Max of 85.0%	At least 1.0%	At least 2.0%
	E	300,001- 500,000	Max of 84.0%	Max of 85.0%	At least 2.0%	At least 3.0%
II	F	500,001- 1,000,000	Max of 83.0%	Max of 84.0%	At least 3.5%	At least 4.5%
	G	1,000,001- 1,500,000	Max of 80.0%	Max of 81.0%	At least 5.0%	At least 7.0%
	H	1,500,001- 2,000,000	Max of 78.0%	Max of 79.0%	At least 7.0%	At least 9.0%
	I	2,000,001- 2,500,000	Max of 76.0%	Max of 77.0%	At least 9.0%	At least 11.0%
	J	2,500,001- 3,000,000	Max of 74.0%	Max of 75.0%	At least 11.0%	At least 13.0%
III	K	3,000,001- 3,500,000	Max of 72.0%	Max of 73.0%	At least 12.5%	At least 15.0%
	L	3,500,001- 4,000,000	Max of 70.0%	Max of 70.0%	At least 13.5%	At least 16.0%
	M	Over 4,000,000	Max of 70.0%	Max of 71.0%	At least 14.5%	At least 17.0%

* = Combined net income from bingo games and sales of food, drink, or other retail items, if applicable, as a percent of bingo gross receipts. Local gambling taxes are not considered an expense for computing net income.

** = Combined net income from punchboards/pull tabs, bingo games and sales of food, drink, or other retail items, if applicable, as a percent of bingo gross receipts. Local gambling taxes are not considered an expense for computing net income.

*** = Combined net income must be equal to or greater than zero (0) if wages or rent is paid to operate the activity. Local gambling taxes are not considered an expense for computing net income.

[Statutory Authority: RCW 9.46.070. 93-13-062 (Order 240), § 230-20-064, filed 6/17/93, effective 7/18/93. Statutory Authority: RCW 9.46.070 (1)(16). 90-10-007, § 230-20-064, filed 4/19/90, effective 7/1/90. Statutory Authority: RCW 9.46.070 (7), (8), (9), (10), (14), (19) and (20). 89-09-047 (Order 190), § 230-20-064, filed 4/18/89, effective 7/1/89. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-07-059 (Order 175), § 230-20-064, filed 3/15/88. Statutory Authority: Chapter 9.46 RCW. 87-13-045 (Order 168), § 230-20-064, filed 6/16/87. Statutory Authority: RCW 9.46.070 (7), (13) and (18). 85-13-041 (Order 151), § 230-20-064, filed 6/14/85.]

WAC 230-20-070 Regulation of managers, operators, and other employees. (1) Amusement games and raffles. No person other than a bona fide member of a qualified bona fide charitable or qualified bona fide nonprofit organization, shall take any part in the management or operation of, including (with respect to amusement games) the furnishing of equipment for, or work as an employee upon, amusement games or raffles conducted by that organization under a license from the commission: *Provided, however,* That, except as to persons operating without a license under RCW 9.46.0315 and 9.46.0321, employees of the organization on a regular or part time basis employed primarily for purposes other than the conduct of such activities, shall be considered members of the organization for the purposes of this subsection.

(2) Bingo.

(a) No person other than a bona fide member or an employee of a charitable or nonprofit organization licensee

shall take any part in the management or operation of bingo conducted under a license issued to that organization by the commission, and no licensee shall allow any person not one of its members or employees to do so. No person other than a bona fide member of a charitable or nonprofit organization operating without a license under RCW 9.46.0321 shall take any part in the management or operation of bingo conducted by that organization and no such organization shall allow any person not one of its members to do so.

(b) No person who takes any part in the management or operation of a bingo game conducted by one licensee shall take any part in the management or operation of any bingo game conducted by any other organization, or any other branch of the same organization: *Provided, That*

(i) A person participating in the conduct of bingo games by one Class A, B, or C licensee may also participate in the conduct of bingo games by other Class A, B, or C licensees on a voluntary basis only when such person receives no remuneration for services to other licensees and when the requirements of subsection (3) below are satisfied; or

(ii) A person participating in the operation of bingo games conducted by one licensee under any class of license may also participate in the operation of bingo games conducted by other licensees under any class of bingo license, but only when that person has no managerial or supervisory responsibilities in connection with the operation of bingo activities by any licensee and when the requirements of subsection (3) below are satisfied. An assistant bingo game manager as defined by WAC 230-02-418 shall not be deemed a person having managerial or supervisory responsibilities for the purpose of this section and may participate as an hourly employee in the bingo operations of other bingo licensees.

(3) Any licensee which desires to have any person who participates in any manner in the conduct of bingo games for another licensee participate in the conduct of its bingo games shall notify the commission, and local police officials, in writing, of the name and address of that person, the name and address of any licensees for whom that person is working, and the capacity in which that person is working for each licensee prior to the time that person participates in the conduct of the licensee's bingo games. In addition, the licensee shall notify any other licensees for which the person works that the individual is now also working for it.

(4) No licensee shall allow any person to take any part in the management, supervision or operation of a bingo game except in conformance with this rule.

(5) Certain premises excepted. The limitations set forth above in (1) and (2) shall not apply to qualified agricultural fairs conducting amusement games or bingo.

[Statutory Authority: RCW 9.46.070, 9.46.0205, 9.46.0277, 9.46.0315, 9.46.0321 and 9.46.0331. 93-17-098 (Order 243), § 230-20-070, filed 8/17/93, effective 1/1/94. Statutory Authority: RCW 9.46.070 (8) and (17). 83-23-055 (Order 138), § 230-20-070, filed 11/15/83. Statutory Authority: RCW 9.46.070(10). 80-03-060 (Order 99), § 230-20-070, filed 2/25/80; Order 68, § 230-20-070, filed 4/25/77; Order 65, § 230-20-070, filed 1/7/77; Order 53, § 230-20-070, filed 5/25/76; Order 29, § 230-20-070, filed 1/23/75; Order 14, § 230-20-070, filed 3/27/74; Order 5, § 230-20-070, filed 12/19/73, 1:25 p.m.]

**WAC 230-20-101 Income from bingo games—
Receipting required.** All income from bingo games shall

be accounted for by the licensee at the time the income is received from each individual player: *Provided, That* Class A, B, and C 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 the requirements of this rule if the requirements of WAC 230-08-015 are followed. Each individual player shall be issued a receipt at the time of payment for the amount paid to participate in each game or set of games. This receipt shall be retained by the player as evidence that the number of cards being played have been properly purchased. The following methods are authorized for use to document receipt of bingo income:

(1) Cash register: A cash register receipt may be used to document receipt of bingo income if:

(a) A consecutively numbered receipt is printed and given to the customer. The following information shall appear upon the receipt:

(i) The name of the licensee operating the activity;

(ii) The date;

(iii) The amount of money paid for the opportunity to play each type of game;

(iv) The total amount of money paid; and

(v) The consecutive customer receipt number.

(b) The cash register shall have the ability to assign a consecutive four digit customer receipt number to every sales transaction processed. This numbering system must be of a type that can only be reset by service personnel and does not return to zero at the conclusion of any period of use or power interruption: *Provided, That* a cash register which does not meet the above standard but has adequate alternative control features may be used if written commission approval is received prior to use;

(c) Cash registers used to record receipts for Class D and above licensees shall have the ability to assign a consecutive three-digit number to notate each time transactions are subtotalled or when a set of transactions are totalled and closed;

(d) The cash register shall have sufficient keys to record separately each type of sale as required by WAC 230-08-080;

(e) The cash register must store and compute a total for each type of sale recorded and must be capable of providing such upon request;

(f) If the cash register is electronic, the memory unit must retain all transactions recorded during a session, regardless of whether or not its power source is interrupted;

(g) All cash register receipts for voids, overrings, returns, "no sales" and any other receipts not issued to a player must be retained with the daily bingo records;

(h) All transactions, customer receipt numbers, and control totals must be recorded on the tape retained in the cash register. The internal tape, showing these transactions, shall be retained with the daily records of the licensee for a period of not less than three years; and

(i) If the cash register is used by the licensee for purposes other than recording the receipts from bingo, the internal cash register tapes from all other uses shall be retained for not less than three years and be available upon request.

(2) Tickets: Tickets may be used for receipting of bingo income received by Class F and below licensees and by any class of licensee conducting bingo games authorized by WAC 230-20-242 if the following conditions are met:

(a) All tickets must be printed by a commercial printer with the following information:

- (i) A consecutive number of at least four digits; and
- (ii) The dollar value or the amount of money represented by each ticket if used to receipt for income.

(b) Each ticket on a roll shall represent the same specific amount of money;

(c) Tickets shall be issued consecutively from each roll, starting with the lowest numbered ticket;

(d) All tickets purchased or otherwise obtained must be accounted for by the licensee. All tickets purchased or otherwise obtained by the licensee after June 30, 1991, 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. The following information shall be documented on the purchase invoice for each roll of tickets purchased:

- (i) Name of vendor;
- (ii) Name of purchaser;
- (iii) Date of purchase;
- (iv) Number of rolls of tickets purchased; and
- (v) The color, dollar value, total number of tickets, and beginning ticket number for each roll.

(e) An inventory record in a format prescribed by the commission shall be maintained of all tickets on the premises, which are used for income receipting of any type or for conducting bingo games authorized by WAC 230-20-242. All information regarding any tickets received by a licensee shall be entered in the inventory record prior to the beginning of the next bingo occasion. The following information must be recorded for each roll of tickets:

- (i) The date each roll of tickets is purchased or obtained by the licensee;
- (ii) The purchase invoice number;
- (iii) The color;
- (iv) The dollar value of the tickets;
- (v) The beginning ticket number;
- (vi) The total number of tickets on each roll; and
- (vii) The individual making the entry into the inventory record shall acknowledge the entry by initialing the log at the time of entry.

(f) The licensee shall record the following information for each separate roll of tickets in its daily records:

- (i) The color;
- (ii) The value of each ticket;
- (iii) The lowest numbered ticket issued as a receipt; and
- (iv) The highest numbered ticket issued as a receipt.

(g) Any ticket, not issued as a receipt during a session, that bears a number falling below the highest numbered ticket issued during that session, shall not be used to receipt for any type of income by the licensee and must be retained by the licensee as a part of its daily records.

(3) Electronically generated bingo cards: Electronically generated bingo cards may be used to document receipting of bingo income: *Provided*, That if the sales transaction and issuance of cards to the customer are not completed and documented concurrently, the combination receipting method authorized in subsection (5) of this section must be used.

For purposes of this title, "electronically generated bingo cards" means bingo cards or faces whose specific numbers or symbols and the sequence in which the numbers or symbols are arranged on the cards or faces has been predetermined by a licensed manufacturer and stored in electronic computer devices or data bases. If electronically generated bingo cards are used as receipts, the following conditions must be met:

(a) All cards must be printed on the premises of the licensed bingo operator, during the occasion in which the cards are intended for use, by means of a printer interfaced with the computer, and meet the requirements of WAC 230-20-240;

(b) If printed prior to the time of sale to a player, cards or sheets of cards must be sold consecutively at each individual sales point, beginning with the lowest card, sheet, or transaction number assigned. Cards or sheets of cards, which are not issued consecutively during a session, that have an audit number that is lower than the highest audit number issued as a receipt must be retained by the licensee as a part of their daily bingo records for at least one year;

(c) Requirements of WAC 230-20-192 (3) and (12) apply to these cards;

(d) Cards used in player selection games, authorized by WAC 230-20-241, must be printed on two-part, self-duplicating paper and include an original and a duplicate copy: *Provided*, That a single copy card may be used if all data imprinted on the card is either imprinted on a continuous printed transaction journal retained in the card generating device or stored in the computer data base and printed out at the end of each session. The original must be given to the player and the duplicate copy will be retained by the operator as a part of the daily bingo records;

(e) All transactions recorded during a bingo session must be summarized and printed in the form of a permanent record at the end of each session. This record shall provide the following information:

- (i) The beginning and ending card number;
- (ii) The beginning and ending transaction number;
- (iii) The total number of cards sold;
- (iv) The total number of sales transactions;
- (v) The total dollar amount of sales; and
- (vi) The number and dollar amount of all voids, overruns, or sale returns.

(f) All electronically generated cards or sheets of cards must be imprinted with an audit system that includes at least the following information:

(i) Each card must be assigned a card number, as defined by WAC 230-20-192 (2)(b);

(ii) Each sheet of cards must be assigned a consecutive transaction number that does not repeat in less than 999,999 transactions;

(iii) The name of the licensee operating the activity;

(iv) The time and date of the transaction;

(v) The game number;

(vi) The amount of money paid for the opportunity to play each game: *Provided*, That if the combination receipting method authorized by subsection (5) of this section is used to receipt for income, the customer receipt number may be substituted for this requirement;

(vii) The total amount of money paid; and

(viii) The numbers and symbols and the card number assigned by the manufacturer or, if printed for use in "player selection games" authorized by WAC 230-20-241, the bingo numbers selected by the player.

(g) An electronic device used to store bingo cards and interface with a printer for providing such to players must contain the following controls:

(i) A record of all transactions occurring during a session must be retained in memory until the transactions have been totalled, printed, and cleared by the operator, regardless of whether or not the unit's primary power source is interrupted;

(ii) The ability to compute a total of all transactions occurring during the current session and to print out such upon request;

(iii) The circuitry and programs that maintain and control the time and date of sale and transaction number, must be secured in a manner that prohibits change or resetting except by the manufacturer or qualified service personnel. A detailed record, supported by service documents shall be retained for each service call involving a change of the time, date, or transaction number; and

(iv) The electronically stored bingo cards must be secured in a manner that prevents an operator or player from modifying them. Cards issued to a player shall not be exchanged, transferred, refunded, or the price modified in any manner after completion of the sales transaction. Cards must be stored on erasable programmable read only memory (EPROM), compact disc read only memory (CDROM), write once read many disc drives (WORM), or other systems approved by the commission.

(4) Disposable (throwaway) bingo cards: Disposable bingo cards may be used to receipt for bingo income if the following requirements are met:

(a) Cards must meet all requirements of WAC 230-20-192;

(b) The inventory control record required by WAC 230-08-105 must be completed: *Provided*, That the requirements of subsection (2)(h) of this section are not required if disposable cards are used as income receipts;

(c) Cards or sheets of cards intended for playing a single game, including on-the-way games - The following shall be recorded for each set of cards:

(i) Serial number;

(ii) The color and/or border pattern;

(iii) The value of each card or sheet;

(iv) The lowest consecutive card or sheet number issued as a receipt;

(v) The last card or sheet number issued as a receipt;

(vi) Missing cards or sheets per the manufacturer's packing record;

(vii) The number of cards returned and not issued;

(viii) The number of cards issued as receipts; and

(ix) The total gross gambling receipts from all cards issued as receipts.

(d) Packs or packets of cards sold as a package and intended for playing a defined set of games within a session - The following shall be recorded for each set or collation of packs or packets of cards:

(i) The serial number of the top sheet or page of the packet;

(ii) The color and/or border pattern of the top sheet or page of the packet;

(iii) The lowest consecutive card, sheet, or packet number for the first packet issued as a receipt;

(iv) The card, sheet, or packet number of the last or highest packet issued as a receipt;

(v) The number of packets issued as receipts;

(vi) The number of packets returned and not issued;

(vii) Missing packets per the manufacturer's packing record;

(viii) The value of each packet; and

(ix) The total gross receipts from all packets issued as receipts.

(e) Each disposable card, or sheet or packet of cards, from the same set or collation shall be consecutively issued at each individual sales point. Each card, or sheet or packet of cards, which were not issued consecutively during a session, and the audit number is lower than the highest audit number issued as a receipt, shall be retained by the licensee for a period of not less than one year: *Provided*, That cards, or sheets or packets of cards, required by this subsection to be retained may be sold at the next bingo session that the specific set of cards is used; and

(f) Disposable cards issued for each type of sale shall be recorded separately as required by WAC 230-08-080: *Provided*, That when more than one card or sheet number appears on a sheet of cards issued, then the primary card or sheet numbering system designated by the manufacturer shall be used to determine the beginning number sold and the ending number sold. Each time the numbering of the sheets breaks in the set, a separate entry shall be made in the records.

(5) Combination receipting system: A combination receipting system utilizing a cash register and disposable or electronically generated bingo cards may be used to receipt for bingo income from package sales. Class G and above licensees shall use this method to receipt for income from disposable bingo card packets and electronically generated bingo cards if sales transactions and issuance of cards are not completed and documented concurrently. When a combination receipting system is used, the following requirements must be met:

(a) All requirements for cash register receipting set out in subsection (1) of this section shall be followed;

(b) If receipting for the sale of disposable bingo card packets:

(i) Each packet of cards, from the same collation shall be consecutively issued at each individual sales point. Each packet of cards, which were not issued consecutively during a session, and the audit number is lower than the highest audit number issued, shall be retained by the licensee for a period of not less than one year: *Provided*, That packets of cards required to be retained by this subsection may be sold during the next bingo session that the specific collation of cards is used; and

(ii) The information required by WAC 230-08-105 must be recorded in the inventory control record.

(c) If receipting for electronically generated bingo cards:

(i) All requirements of subsection (3) of this section must be followed; and

(ii) The totals from the transaction record shall be carried forward to the "daily bingo summary" and reconciled to sales per the cash register record.

[Statutory Authority: RCW 9.46.070. 94-01-034, § 230-20-101, filed 12/6/93, effective 1/6/94; 90-24-005 (Order 218), § 230-20-101, filed 11/26/90, effective 12/27/90.]

WAC 230-20-111 Promotional activities performances as gifts—Advance approval required. In order to preserve the integrity and image of the charitable and non-profit bingo industry, promotional activities including performances to entertain bingo patrons shall be deemed a promotional gift and subject to the monetary restrictions of WAC 230-20-242. For the purpose of this rule, a performance includes any show, comedy act, skit, play, dance, or similar activities, whether live or recorded, and whether or not consideration is paid or not paid to the performers of such activities.

(1) An organization that plans to offer any performance before, during, or after any bingo session shall present a written detailed outline of such and shall secure approval by the director of the commission prior to conducting the performance. The organization shall, in writing, request a review by the director at least sixty days in advance of the scheduled date of the performance.

(2) The director shall review the subject matter of the proposed performance and shall not approve any such performance which in the director's opinion is contrary to the public interest of preserving the integrity of charitable bingo.

(3) If the director denies a request to conduct a performance, the organization may request a review by the commission within thirty days of the decision. The decision of the commission shall be final.

[Statutory Authority: RCW 9.46.070. 93-15-041 (Order 242), § 230-20-111, filed 7/14/93, effective 8/14/93.]

WAC 230-20-192 Standards for disposable bingo cards—Definitions. Disposable bingo cards sold for use in the state of Washington after December 31, 1993, shall be manufactured and controlled using processes and procedures that ensure integrity of the activity and facilitates regulation by the commission. Manufacturers of disposable bingo cards shall comply with the following requirements:

(1) Manufacturers shall establish quality control procedures necessary to ensure manufacturing processes, including collating of cards into packs or packets, meet the requirements of this section. Quality control procedures shall be documented and provided to commission staff upon request;

(2) For purposes of this title, the following definitions apply:

(a) "Card" or "face" means a unique group and configuration of numbers or symbols imprinted on paper, cardboard, or other materials, and designed to be used to conduct bingo games;

(b) "Card number" means the number assigned by the manufacturer to identify a single card or face. A "card number" may also be referred to as a "face" or "perm" number;

(c) "Collate" means the process of cutting and/or assembling master sheets or pre-cut sheets of cards from one

or more sets of cards into packets or books for marketing purposes. "Collate" may also be referred to as "finish" or "finishing";

(d) "Collation" means a group of packets or books of cards assembled from more than one set of cards;

(e) "Consecutively numbered" means a numbering system normally beginning with the number one, increased by one for each individual unit added to the group, and ending with a number identical to the total number of units assigned to that group;

(f) "Cut" means the layout or orientation of cards or sheets of cards subdivided from a master sheet of cards or faces. A "cut" will be either square, horizontal, or vertical;

(g) "Disposable bingo card" means a nonreusable paper bingo card manufactured by a licensed manufacturer;

(h) "Duplicate cards" means two or more cards that are imprinted with the same numbers or symbols, regardless of the configuration or location of such numbers or symbols on the card;

(i) "On" means the number of cards or faces imprinted on a sheet or "cut." The term is normally preceded by the number of cards;

(j) "Pack" or "packet" means a group of cards or sheets of cards collated into a book when each page or sheet in the book is intended for use to play a separate bingo game, including "on-the-way" games, within a session;

(k) "Product line" means a specific type of card, identifiable by features or characteristics that are unique when compared to other types of cards marketed by the manufacturer. A "product line" includes all series and all cards within each series as identified by the manufacturer;

(l) "Serial number" means a number assigned to a set of cards by a manufacturer for identification and tracking purposes when the same number is not used to identify another set of cards from the same product line, color, border pattern, and series in less than 999,999 occurrences or twelve months, whichever occurs first: *Provided*, That if the product line is used as a determining factor for assignment of a serial number, the difference between various product lines must be readily identifiable by observation;

(m) "Series" of cards means a specific group of cards or faces that have been assigned consecutive card or face numbers by a manufacturer. Series are typically identified by the first and last card number in the group of cards, such as "1 to 9000 series";

(n) "Set" of cards means a specific group of cards from the same product line, which are the same color, border pattern, and imprinted with the same serial number. A "set" of cards may include more than one series of cards or faces;

(o) "Sheet number" means the number assigned by the manufacturer to identify an arrangement of more than one card that results from dividing master sheets of cards to facilitate marketing;

(p) "Skip" means the standard spread or difference between card or sheet numbers at different page levels in packs or packets;

(q) "Subset" means a portion of a set of cards or collation of packets that has been divided by a licensed distributor to facilitate marketing; and

(r) "Up" means the number of pages or sheets collated into each packet or book of cards. The term is normally preceded by the number of pages or sheets.

(3) Each card or face in a particular type or product line must be imprinted with a unique set of numbers or symbols and configuration of numbers or symbols. Duplicate cards within a specific product line are prohibited. Manufacturers of disposable bingo cards are responsible for ensuring that there are no duplicate cards in a set or collation of cards sold to distributors or operators: *Provided*, That duplicate cards can be collated into packets if they are located at different page levels in the packets and intended only for use during separate games, including "on-the-way" games, within a session. If a manufacturer discovers a duplicate card error or is notified of such by the commission staff or a licensee, it shall immediately comply with the following steps:

(a) Stop marketing the product line containing duplicate cards in Washington;

(b) Recall all sets of cards and/or collations of packets or books containing duplicate cards at the same page level;

(c) Take steps to correct manufacturing or collating processes necessary to ensure duplicate cards are not sold to operators, and inform the commission in writing regarding steps taken;

(d) Reimburse all operators who submit a claim for prizes paid as a result of selling sets or collations containing duplicate cards when such claim has been validated by commission staff; and

(e) Reimburse the commission for all cost incurred investigating duplicate card complaints that result in findings that the error was caused by manufacturers.

(4) Packets of cards must be collated so that each page of the packet:

(a) Is from a different set of cards;

(b) Has skips that are consistent throughout the entire collation and contains cards that are different when compared to other cards or faces in the pack or packet; and

(c) Has a different color or border pattern.

(5) Each set must include an audit system that allows identification of that specific set and each specific card within that set, allows tracking of the transfer of cards from the point of manufacture to operators, and facilitates sale by the operator to the player: *Provided*, That audit systems that accomplish regulatory requirements using alternative controls may be approved by the commission staff. The audit system shall meet the following requirements:

(a) Each set of cards manufactured as a specific product line, using the same color and border pattern, will be assigned a unique serial number by the manufacturer. The serial number must be imprinted on each card or face;

(b) Each card or face must be identified by a card number imprinted on the face of the card: *Provided*, That cards used in "player selection" games, authorized by WAC 230-20-241, are exempted from this requirement if an alternative control numbering system is used; and

(c) Each sheet of cards within a set must be consecutively numbered: *Provided*, That sheets of cards do not have to be numbered if alternative audit controls are available and disclosed to the operator.

(6) Each set of cards or collation of packets of cards shall be sold intact as a single unit: *Provided*, That for ease of marketing to Class E and below operators and to operators of authorized unlicensed activities, distributors may divide sets or collations as authorized below:

(a) Cartons or packages assembled by manufacturers can not be opened prior to sale to an operator, except that distributors may open cartons or packages as authorized below:

(i) At an operator's request to change the "on," "up," and "cut." When such modification is made, the distributor shall be responsible for resealing the carton and noting all changes on the packing label;

(ii) To provide cards to Class A or B bingo games and for unlicensed activities authorized by RCW 9.46.0321 or 9.46.0355; and

(iii) To provide cards to individuals for noncommercial recreational activities.

(b) Subsets must contain at least one carton or package: *Provided*, That cartons or packages may be broken and cards sold in smaller quantities under conditions described in subsection (6)(a) (i) and (ii) of this section; and

(c) Subsets of cards used for "hidden face" bingo games must contain at least one thousand cards or sheets of cards.

(7) In addition to the requirements of subsections (1) through (6) of this section, cards sold to operators for use in the operation of "hidden face" bingo games, authorized by WAC 230-20-243, must meet the following requirements:

(a) Each card or sheet of cards must be printed, folded, and sealed in a manner that prohibits determination of numbers or symbols, configurations of such on the card, or the card number prior to opening by the player;

(b) Each card or sheet of cards must have a separate numbering system that is randomly distributed when compared to the card number imprinted in the "free" space. Manufacturers must utilize procedures that mix cards or sheets of cards in a manner that ensures no consistent relationship exists between the "card numbers" and separate numbering system within a set or subset and that there are no patterns or consistent relationships of the location of a specific card number between subsets from different sets;

(c) The serial number and the additional card or sheet number, required by (b) of this subsection, must be imprinted on the outside of the cards or sheets of cards and visible for recording without opening the card or sheet of cards; and

(d) Each set of cards must contain at least six thousand unique faces or patterns of numbers or symbols.

(8) In addition to the requirements of subsections (1) through (6) of this section, cards sold to operators for use in "player selection" bingo games, authorized by WAC 230-20-241, must be printed on two-part, self-duplicating paper that provides an original and duplicate copy;

(9) A packing record must be completed for each set of cards or collation of packets and either enclosed inside or in an envelope attached to the carton or package. If the marketing unit contains more than one carton or package, the packing record must be located on carton or package number one. The packing record must include at least the following:

(a) Name of manufacturer;

(b) Description of product, including the "series," "on," "cut," and "up";

(c) Records entry labels that match the identification and inspection services stamp attached to the packing label on the outside of the carton or package;

(d) Serial number or, if packets, serial number of the top page;

(e) Color and border pattern or, if packets, colors and border patterns of all sets and the sequence they are collated in the packet; and

(f) A record of any missing cards, sheets of cards, or packets.

(10) Each separate packing or marketing unit containing a set of cards or collation of packets of cards must be identified in a manner that allows determination of the contents without opening the package. If the marketing unit contains more than one case or carton, each unit shall be labeled and numbered. Minimum information to be disclosed on each carton or package:

(a) The identification and inspection services stamp number;

(b) Serial number or, if packets, serial number of the top page;

(c) Color and border pattern or, if packets, color and border pattern of the top page; and

(d) Number of the carton and the total number of cartons included in the marketing unit.

(11) Sets of cards, collations of packets, or any other marketing units established by a manufacturer shall be complete and contain the correct number of cards or packets and the specific cards or packets noted on the packing slip: *Provided*, That up to one percent of the cards in the set may be missing if all missing cards, sheets, or packets are documented on the packing record enclosed in carton or package number one of the marketing unit; and

(12) To provide the commission and operators the ability to verify the authenticity of winning cards, each manufacturer shall prepare and make available a master verification system for each type or product line of cards it manufactures. This master verification system shall provide a facsimile of each card within a set of cards by the card number. The master verification system shall display the exact numbers or symbols and the location or configuration of numbers or symbols on the card.

[Statutory Authority: RCW 9.46.070. 94-01-033 § 230-20-192, filed 12/6/93, effective 1/6/94.]

WAC 230-20-240 Bingo equipment to be used. The conduct of bingo must include the following required items:

(1) A mechanical device that uses air flow for mixing and randomly withdrawing balls to determine the letters and numbers or symbols to be called must be utilized by all Class D and above operators. This device shall be constructed in the following manner:

(a) It will allow participants full view of the mixing action of the balls; and

(b) The operation cannot be interrupted to change the random placement of the balls at the exit receptacle of the device, except when the device is shut off as allowed by WAC 230-20-246.

(2) A set of seventy-five balls bearing the numbers one through seventy-five and the letters B, I, N, G, or O. The entire set of balls shall be available for inspection by the players before a bingo session begins to determine that all are present and in operating condition. Each numbered ball shall be the same weight as each of the other balls and free from any defects;

(3) Flashboards shall be utilized to display numbers called at all Class D and above bingo games. They must be visible to all players and clearly indicate all numbers that have been called: *Provided*, That malfunctions occurring during a bingo occasion need not be repaired during that occasion, but must be repaired before use on any other occasion;

(4) Bingo cards must be preprinted, manufactured cards that meet the following standards:

(a) Have twenty-five spaces, one of which may be a free space, arranged in five even columns headed with the letters B, I, N, G, and O, and except for the free space, imprinted with numbers and symbols: *Provided*, That bingo cards used for conducting player selection games are exempt from the requirements of this subsection if the requirements of WAC 230-20-241 are followed:

(b) After December 31, 1993, be manufactured by a licensed manufacturer: *Provided*, That electronically generated bingo cards authorized by WAC 230-20-101(3) may be produced by the operator using a printer interfaced with an electronic data base system: *Provided further*, That cards used in player selection games may be manufactured by unlicensed manufacturers if:

(i) The primary activity of such manufacturer is producing nongambling products;

(ii) Cards must meet the requirements of WAC 230-20-192 and 230-20-241. The licensee that initially purchases such cards from the unlicensed manufacturer shall assume responsibility for compliance with all commission requirements;

(iii) In addition to the requirements set out in WAC 230-08-024 and 230-08-040, the invoice transferring these cards must include the beginning card number. If an operator purchases such cards directly from an unlicensed manufacturer, the operator shall assume responsibility for compliance with this requirement.

(c) All disposable bingo cards must meet the requirements of WAC 230-20-192; and

(d) Electronically generated cards and supporting equipment must meet the requirements of WAC 230-20-101(3).

(5) Effective January 1, 1994, all Class G and above bingo licensees shall conduct bingo games using disposable bingo cards or electronically generated cards. All income must be receipted for by using the audit system required by WAC 230-20-192 in conjunction with appropriate receipting system required by WAC 230-20-101 (3), (4), or (5);

(6) Effective January 1, 1994, duplicate cards, as defined in WAC 230-20-192, are prohibited in the operation of bingo games conducted by Class D or above licensees. Operators are advised that conducting games using cards manufactured by different manufacturers may result in duplicate cards being placed in play and that the majority of cards in the "1 to 9000 series" are duplicate, regardless of the manufacturer. Duplicate card violations that result from use of cards from different manufacturers shall be the responsibility of the operator: *Provided*, That this section shall not apply to braille cards, authorized by WAC 230-20-246(4), if the operator takes steps to prevent duplicate cards and informs players regarding limitations to prizes when winners have duplicate cards because braille cards are being played;

(7) If duplicate cards are inadvertently sold at bingo games conducted by Class D or above licensees after June 30, 1994, the following procedures and restrictions apply:

(a) If all winners with duplicate cards are paid the entire prize amount that would be due if there were no duplicate cards, the licensee shall not be deemed to be in violation of this section;

(b) The amount of the prize for games with winners having duplicate cards shall be computed and paid using the following guidelines:

(i) Games that provide a bonus for a single winner - If all winners have duplicate cards then all winners shall be paid the bonus;

(ii) Games that result in multiple winners, some of which are players with duplicate cards - The split of the prize pool will be computed by counting all duplicate card winners as one. After the prize pool split is computed using this method, all winners will be paid according to the computed prize split;

(iii) If the prize pool contains noncash or merchandise prizes, the amount added to the prize pool for computing the split shall be the licensee's cost or retail value, whichever is posted in the game schedule: *Provided*, That manufacturers shall not be responsible for increases to the prize pool required by this subsection; and

(iv) If the prize is greater than one thousand dollars, the operator shall not be required to increase the total prize pool by more than fifty percent or five thousand dollars, whichever is less: *Provided*, That this limitation shall only be authorized once within a twelve-month period. If this limitation has been used within the last twelve months, the full prize amount shall be paid to all holders of duplicate cards.

(c) Increases to prize pools as a result of duplicate card errors, for which the licensee is not reimbursed by a manufacturer, may be deducted from prize payouts for computing compliance with WAC 230-20-064;

(d) Details of circumstances that resulted in duplicate cards being sold shall be documented and maintained as a part of the daily bingo record for the session;

(e) The commission shall be notified within forty-eight hours after discovery of a duplicate card error if:

(i) Caused by manufacturer printing, packaging, or collation errors; or

(ii) Any player winning with a duplicate card was not paid the entire prize amount.

(f) Licensees shall pursue reimbursement of all prizes paid due to errors from the manufacturer responsible for such errors.

[Statutory Authority: RCW 9.46.070. 94-01-033 § 230-20-240, filed 12/6/93, effective 1/6/94; 90-24-005 (Order 218), § 230-20-240, filed 11/26/90, effective 12/27/90. Statutory Authority: RCW 9.46.070 (11) and (14). 88-17-050 (Order 182), § 230-20-240, filed 8/16/88. Statutory Authority: RCW 9.46.020 (1) and (10) and 9.46.070 (3), (11) and (14). 86-09-036 (Order 157), § 230-20-240, filed 4/11/86. Statutory Authority: RCW 9.46.070 (5), (6), (8), (10) and (11). 84-01-026 (Order 139), § 230-20-240, filed 12/12/83. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 83-13-050 (Order 134), § 230-20-240, filed 6/14/83.]

WAC 230-20-241 Player selection games. A licensee may offer bingo games in which players are allowed to select their own numbers if the following conditions are met:

(1) The cards used to conduct the games must have controls that provide an audit trail adequate to determine all winning combinations are valid. The following types of cards are authorized:

(a) Two-part disposable cards may be used if the following conditions are met:

(i) The cards are printed on two-part, self-duplicating paper that provides for an original and a duplicate copy;

(ii) The disposable card method of receipting for income per WAC 230-20-101(4) is used;

(iii) Players shall mark their numbers on each card in a distinct, clear, and legible manner prior to separation of the duplicate and original. No alterations are allowed after separation of the duplicate and original cards. Operators shall establish and set forth in plain view, house rules setting out any conditions by which an entry may be added, deleted or changed prior to separation. Any such changes must be verified by a worker authorized by the bingo manager;

(iv) All original cards shall be placed in containers that shall be physically locked and controlled to assure no cards are placed in the container after the first bingo ball is called; and

(v) The player retains and plays the duplicate copy.

(b) Electronically generated cards may be used if the following conditions are met:

(i) The electronically generated bingo card method of receipting for income per WAC 230-20-101(3) is used;

(ii) All data required to be printed on the card by WAC 230-20-101 (3)(b) must be legible; and

(iii) Players do not mark or deface the card in any manner that prevents reading of the bingo numbers or any of the data imprinted on the card as set out in WAC 230-20-101 (3)(d).

(2) In addition to the requirements of WAC 230-20-102 and 230-20-246, a winning card of two hundred fifty dollars or more shall be verified by the winner's signature on the back of the card: *Provided*, That if a two-part card, allowed by subsection (1)(a) above, is used, the verifying neutral player's name and complete address must be recorded on the back of the original card;

(3) All winning cards and the duplicate copies, if required, shall be retained by the operator as a part of its daily bingo records; and

(4) Incomplete cards, cards with alterations that were not verified per subsection (1)(a)(iii) of this section, and cards for which all required imprinted data is not displayed and legible shall not be paid as winners. Incomplete, altered, and unreadable cards are the players' responsibility and refunds shall not be allowed: *Provided*, That a one-for-one exchange may be made by the game management in cases where errors are discovered prior to the start of the game or before the duplicate and original sheets have been separated. In this case the operator will mark "VOID" on the original, initial next to the players initials, and maintain the replaced card with the daily bingo records.

[Statutory Authority: RCW 9.46.070. 94-01-033 § 230-20-241, filed 12/6/93, effective 1/6/94; 90-24-005 (Order 218), § 230-20-241, filed 11/26/90, effective 12/27/90. Statutory Authority: RCW 9.46.070 (11) and (14). 88-17-050 (Order 182), § 230-20-241, filed 8/16/88.]

WAC 230-20-242 Activities conducted as a part of bingo games—Authorization—Restrictions. Bingo licensees may award prizes to winners of activities authorized by this section when such activities are conducted as a part of bingo games. Such activities shall be deemed to be bingo games if all players paying to participate are allowed to compete equally and all prizes awarded are treated as bingo game prizes for purposes of compliance with WAC 230-20-064. The following activities are authorized:

(1) Drawings. Each licensee shall be allowed to award prizes that are determined by a random drawing of tickets or by other random selection methods involving the numbering system on such tickets if:

(a) All rules regarding these drawings, including requirements to qualify for participation, time and date of the drawing, and whether a player must be present to win are clearly posted and distinctly explained to the players;

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

(c) Drawings may be conducted using tickets that accumulate during any bingo occasion, week, or any other period that does not extend past the end of any month;

(d) Licensees may restrict the awarding of tickets to players that are: Winners of bingo games; "good neighbors"; or other players that meet predetermined specific requirements; and

(e) The criterion for granting tickets, and the number of tickets awarded during each session, shall be recorded in the daily bingo record for each session. All winning tickets and other records shall be maintained as a part of the daily bingo records.

(2) 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:

(a) The total value of prizes shall not exceed five hundred dollars during any occasion;

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

(c) 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.

(3) "Good neighbor" prize schemes. A licensee may award prizes based upon the seating location of a player or players in regards to a winner of a bingo game. The following requirements must be observed prior to awarding "good neighbor" prizes:

(a) All rules regarding these prizes, including the amount to be awarded to each "good neighbor" or group of "good neighbors" and all requirements to qualify for a prize, must be clearly posted and distinctly explained to the players; and

(b) A record shall be completed setting out the criterion for awarding such prizes, the number of such prizes awarded during each session, 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.

(4) Second element of chance schemes may be used to increase the minimum prize for a bingo game after the winner(s) of the game has been determined by calling numbers and symbols if:

(a) The schemes do not involve the use of gambling devices specifically prohibited by public policy or commission rules;

(b) A player's minimum odds of winning the highest prize is equal to or greater than one winner out of one hundred twenty-five chances or the probability of winning the highest prize is .008 or greater;

(c) The scheme does not require the player to risk any portion of a prize already won;

(d) Every possible outcome of the scheme provides the player with an additional prize;

(e) All rules regarding play of the game are clearly posted and distinctly explained to the players. At least the following information shall be disclosed:

(i) The players minimum odds of winning the highest prize;

(ii) How a winner is determined;

(iii) Any contingencies or special requirements that may affect the outcome;

(iv) The cash value of the highest prize available; and

(v) Any financial burden that must be borne by the winner, such as taxes or registration fees.

(f) All requirements of WAC 230-20-010 are met before cards are purchased; and

(g) The scheme and supporting records contain control factors necessary for commission audit.

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

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

(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.

[Statutory Authority: RCW 9.46.070. 93-13-062 (Order 240), § 230-20-242, filed 6/17/93, effective 7/18/93.]

WAC 230-20-243 Hidden face bingo games.

Licensees may play bingo games that allow cards to be sold after numbers or symbols have been selected and called if the numbers or symbols imprinted on the cards can not be determined by any means prior to being opened by the player. The following restrictions apply to games involving hidden face bingo cards:

(1) Cards meeting the requirements of WAC 230-20-192 must be used;

(2) The disposable bingo card receipting method (WAC 230-20-101(4)) must be used to receipt for sales of these cards and all inventory requirements set out in WAC 230-08-105 apply;

(3) To ensure that duplicate cards are not sold during a game, strict compliance with consecutive issuance of cards must be followed and each complete set and/or subset of cards must be sold in its entirety prior to issuance of any cards from a different set and/or subset: *Provided*, That cards

from more than one set may be sold during a game if care is taken to ensure that duplicate cards are not sold;

(4) All play must be completed during a single session and only involve cards that are sold during that session;

(5) A new set of numbers or symbols shall be selected and called for each game or set of games if "on-the-way" games are played. Players that have paid to participate in the game must be present when the numbers or symbols are selected;

(6) The licensee must have a separate display board, visible to the players, for displaying numbers called. The numbers must be constantly displayed until the game is completed: *Provided*, That for purposes of this section, alternative displays may be utilized in lieu of a flashboard, as required by WAC 230-20-240, if the numbers are displayed on the electronic flashboard during all number selection periods; and

(7) The requirements of what constitutes a completed game must be documented and clearly posted for player review.

[Statutory Authority: RCW 9.46.070. 94-01-033 § 230-20-243, filed 12/6/93, effective 1/6/94.]

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 licensed premises during or immediately preceding the session for which the card is being sold;

(2) Bingo cards shall be sold and paid for prior to selection of the first symbol or number for a specified game or specified number of games: *Provided*, That 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. Hard cards purchased or exchanged after the first symbol or number is selected may only be used during subsequent games. Any sales method that allows a player to select a specific disposable or throwaway card shall be deemed to allow the player an advantage;

(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 visually impaired or disabled players;

(4) Visually impaired 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 visually impaired or disabled person may use a braille card or reserved hard card in place of a purchased throwaway;

(5) 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;

(6) All symbols and/or numbers shall be selected on the premises and in the presence of players paying to participate in the game. 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;

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

(8) 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;

(9) 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.

(10) 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 except as authorized by WAC 230-20-242;

(11) The minimum amount of a prize or prizes available for each bingo game shall be established and disclosed to bingo game players prior to their purchase of a chance to participate in a bingo game. The minimum prize may be increased by the primary bingo manager prior to the start of a game or through the following schemes during the game:

(a) Schemes using standard bingo equipment and cards such as:

(i) Number of symbols or numbers called prior to a winner;

(ii) The specific number or symbol called;

(iii) The specific letter called;

(iv) Position of winning combinations on the card;

(v) Position of the card on the sheet of cards; and

(vi) Odd or even numbers or symbol.

(b) Schemes preprinted on disposable cards that rely on a number or symbol called during a game; or

(c) Second element of chance schemes authorized by WAC 230-20-242(4).

(12) 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;

(13) 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;

(14) 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.

(15) 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: RCW 9.46.070. 93-13-062 (Order 240), § 230-20-246, filed 6/17/93, effective 7/18/93. 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 230-20-508 Authorized amusement games—Types, standards and classifications. The commission hereby authorizes the following amusement games, whether coin operated or not, to be operated by persons possessing a commercial amusement game 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) In all amusement games, a merchandise prize must be awarded to the player, if the player is successful at achieving the objective of the game, with one cost of play.

(2) All amusement games operated within the state of Washington must meet the standards of at least one of the following classifications:

(a) Group I - Ball toss/kick games: The player throws or kicks a ball or balls in order to achieve a specified goal. Upon achieving the goal of the game, the player is awarded a prize.

(i) All balls for each game must be uniform in size and weight.

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

(iii) No target may have a loose or floating weight.

(iv) The weight of any target will not exceed seven and one-half pounds.

(v) When the goal is to estimate the speed of the ball thrown or kicked, a minimum of three balls will be used to estimate the speed by the player and one ball for the actual throw or kick.

(vi) When ping pong or similar light weight balls are utilized in games requiring the ball to be tossed into a dish, saucer, cup or similar container, water must be placed in the bottom of each such container.

(b) Group II - Dart games: The player throws one or more darts into a target or target area. Upon successfully achieving a predetermined score, pattern, penetrating and/or breaking a target, or just sticking in the target, the player is awarded a prize.

(i) All darts must be uniform in size and in original condition with the point sharp or functional suction-cup darts and all feathers or tail sections intact.

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

(iii) 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 a foul line.

(iv) In "add em up games," when the player must achieve a predetermined score, all darts stuck on the lines will receive another throw. The player has the right to add up the score of the darts thrown.

(c) Group III - Hoop or ring toss games: The player must toss one or more hoops or rings over one or more targets which may consist of bottles, pegs, blocks, prizes, or any item capable of having a ring or hoop tossed over it.

(i) The operator must specifically advise the player as to the degree that the hoop(s) or ring(s) must go over the target.

(ii) All hoops or rings for each game must be uniform in size and shape and must be capable of going over the target.

(iii) All targets used at an individual stand must be the same size or the operator must disclose to the player by posting signs or using color codes to denote the different sizes.

(d) Group IV - Coin/token toss games: The player or players toss one or more coins or tokens onto a surface or into a target or target area. The game must have a clear and unobstructed thirty-six inch vertical airspace above the target, target area, or surface. The target, target area, or surface must be level. Any game which has a target or target area of four square inches or less must award a prize if any part of the coin or token is within the target or target area.

(e) Group V - Eye/hand coordination games: The player or players perform a task or tasks which requires the player to use the coordination between their hand(s) and eye(s) to successfully complete the task or tasks. The task or tasks may include one or a combination of the following:

(i) Striking a moving or fixed object or target to include a sequence of moving or fixed objects or targets;

(ii) Causing object(s) to be launched at target(s) from a device. The objects are aimed so they may land in, on, or through a target(s) to include catching or having the object(s) caught in the target(s);

(iii) Dropping object(s) onto target(s) or target area(s) or surface(s), to include covering the target(s), target area(s), or surface(s) with the object(s);

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

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

- (vi) Climbing on, over, through, or around object(s); or
- (vii) Similar tasks.

(A) If a player is required to cover a spot or specific target area, then the target or target area must be a circular spot.

(I) The player must receive at least five circular discs to drop on the target or target area.

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

(III) The target spot or area must be permanently affixed to a solid surface.

(B) A regulation billiard table, balls, and cue must be used for any game requiring a player to perform any task or tasks normally associated with playing billiards or pool.

(C) In games where objects are launched, tossed, or catapulted at target(s), the launching device shall respond in an identical manner on repetitive uses when an equal amount of force is applied or selected by the player.

(f) Group VI - Strength test games: The player(s) tests their own strength in performing a task or tasks for a predetermined number of times or length of time. This may include hand, arm, or whole body strength and may also require the player to use a tool or instrument to strike an object or target, which may cause the object to be propelled or travel a specific distance. The task(s) may require the object(s) to strike another object(s) to achieve the objective.

(g) Group VII - Crane games: The player, using one or more of a variety of control methods, maneuvers a crane or claw device into a position to attempt to retrieve a prize. All games must meet the following conditions:

- (i) At least twenty seconds playing time per operation.
- (ii) Crane or claw must be capable of reaching, picking up, and dispensing all prizes contained within the machine.
- (iii) The controls for the machine must be clearly labelled as to their function.

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

(h) Group VIII - Penny fall games: Penny fall games are electronic or electro-mechanical games in which:

- (i) The player inserts a coin or token into a chute;
- (ii) The player controls the direction the coin or token falls by aiming the chute;
- (iii) The coin or token will land on a flat surface or surfaces which have a sweeper(s) and/or a pusher arm moving across the surface or surfaces;

(iv) The surfaces shall be level and contain similar coins or tokens;

(v) A carefully aimed coin or token will cause coins or tokens on the flat surface(s) to be pushed or swept into holes or chutes dispensing the tokens or awarding a set number of tickets to the player;

(vi) The game may contain additional factors which if properly negotiated or struck by a coin or token, will award additional tickets to the player;

(vii) The additional factor may be in the form of targets that when lit, grant the player bonus tickets when the coin or token passes over the target;

(viii) Any such additional targets or bonus opportunities must be activated prior to the player inserting the coin or token to start play and must remain activated for a period of time sufficient to allow the player to attempt to strike or negotiate the targets or bonus opportunities;

(ix) The skill of the player must be the determining factor in the outcome of the game; and

(x) Merchandise prizes may be placed on the coins, tokens, or other surfaces in the game and if the prize is pushed into a hole or chute then it is awarded to the player. All such prizes must fit into or down the hole or chute in the game which awards prizes to the player.

(i) Group IX - Ball roll down games: The player rolls one or more balls to a target or target area. Upon achieving the objective of the game, the player is awarded a prize.

(i) Ball roll down games may be either one player attempting to score a predetermined number of points by landing in a target or target area, or striking and/or knocking down a target or targets.

(ii) Ball roll down games may be more than one player attempting to score a predetermined number of points, striking and/or knocking down a target(s), or landing in a target area. The first player to accomplish the goal is awarded a prize.

(j) Group X - Shooting games: A game in which the player or players use a device to fire a projectile or projectiles to hit a target or targets. The projectiles may include pellets, BB's, corks, water, electronic beams, light beams, balls, or suction-cup darts. The targets may be stationary or mobile. The player or players may be required to:

- (i) Completely shoot out or obliterate a target or portion thereof;
- (ii) Hit a target or specific portion thereof; or
- (iii) Hold an electronic beam, light beam, or water stream on a target or portion thereof to achieve a specific result.

(A) All safety requirements of the local city or county ordinances must be observed by the operator and player(s).

(B) A short range shooting gallery must give a player at least four shots to shoot out a target which has a diameter of one-quarter inch or less, or at least one shot per target which must be struck. Targets must be at least one-half inch square and may include a bullseye section which the player must shoot out without touching the outside of the target.

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

(D) Games may award a prize based upon the number of players participating and use a combined score to determine the winner.

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

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

(G) If a player is required to destroy or obliterate all or part of a target, then the player must have the right to visually inspect the target at the conclusion of the game.

(k) Group XI - Cake walks and fish pond games: Cake walks and fish ponds, as commonly known, are amusement

games. Cake walks involve a number of players walking on a numbered or color-coded circle while music is played. When the music stops, the player's prize is determined by the number or color of the portion of the circle they are standing on. Fish ponds are games where players receive a prize every time they compete, by either hooking or capturing a fish or similar object floating in a pool of water with a number or symbol on the bottom of the fish or object which corresponds to a prize or the operator may place a prize directly onto the "line" or catching device of the player from behind a curtain or similar obstruction.

(3) All classifications of amusement games must be operated as either an attended amusement game as defined by WAC 230-02-511 or as a coin or token activated amusement game as defined by WAC 230-02-514.

(4) No amusement game shall award additional plays as a prize.

(5) Operators may introduce new games that meet the standards of the applicable classification without prior approval of the commission: *Provided*, That an operator must provide to the commission at least sixty days prior to such introduction a description of the game, the rules of play, and a justification for the classification selected: *Provided, further*, That upon notification by the director that the proposed game does not meet the selected classification, or otherwise violates a provision of law or commission rule, the game may not be introduced, or if already introduced, must be removed from play until its operation is brought into compliance with such law or rules. New games not falling within the classifications of this rule may be approved by the director for a twelve-month test period pending submission of a petition to amend the rule.

[Statutory Authority: RCW 9.46.070. 94-01-036, § 230-20-508, filed 12/6/93, effective 1/6/94.]

WAC 230-20-509 Amusement games—Classification to be assigned by operator. Licensed operators of amusement games shall evaluate each game being operated under their control and determine the group type, specified by WAC 230-20-508, of each game. Operators shall prepare a list of all such games which they plan to operate during each license year and submit this list to the commission. Such list shall contain the following information:

- (1) The name under which the game is being played; and
- (2) The group type of each game.

[Statutory Authority: RCW 9.46.070. 94-01-036, § 230-20-509, filed 12/6/93, effective 1/6/94.]

WAC 230-20-605 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-20-615 Amusement games—Material degree of skill required—Standards. No amusement game shall be conducted within the state of Washington unless the outcome of said game depends to a material degree upon the skill of the contestant. The standard to be applied shall be the following:

- (1) Do contestants' physical and or mental abilities play an important and integral role in determining the outcome of the game; and

- (2) Would the success rate of the average contestant(s) improve with repeated play or practice.

If both subsections (1) and (2) of this section are present, a material degree of skill in the outcome of a game shall be deemed to be present.

[Statutory Authority: RCW 9.46.070. 94-01-036, § 230-20-615, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-07-059 (Order 175), § 230-20-615, filed 3/15/88.]

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;
- (e) The name of the operator and an assigned concession number; and
- (f) The group number of the game being conducted.

(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 concession 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. 94-01-036, § 230-20-630, filed 12/6/93, effective 1/6/94. 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 restrictions. Class B or above commercial amusement game licensees locating and operating amusement games at premises not owned, leased, or otherwise controlled by them, as authorized by WAC 230-04-138(5) shall comply with the following restrictions:

(1) Each location where commercial amusement games are operated shall be required to obtain an amusement game license;

(2) A charitable/nonprofit organization licensed to operate amusement games or any person licensed for Class A (premise only) commercial amusement games may enter into a contract with a Class B or above commercial amusement game licensee to operate amusement games on their premises. All contracts regarding the operation of amusement games shall be submitted to the commission and become part of the license file. Violations of the terms of the contract by a commercial amusement game operator may be grounds for suspension or revocation of their license. All contracts must be written and specific in terms, setting out the time of the contract, amount of rent or consideration to be paid, rent due dates, and all expenses to be borne by each party;

(3) The rent or consideration paid to a Class A commercial amusement game location may be based on a percentage of revenue generated by the activity if the method of distribution is specific;

(4) The rent or consideration paid to charitable/nonprofit organizations shall not be based on a percentage of revenue generated by the activity unless the amount returned to the organization is equal to or exceeds twenty-two percent of the gross gambling receipts. Shall be paid to the organization at least once a month;

(5) No Class B or above commercial amusement game operator shall allow operation of a game at a premise which has not been previously licensed by the commission.

[Statutory Authority: RCW 9.46.070. 93-19-090 (Order 244), § 230-20-670, filed 9/15/93, effective 10/16/93. Statutory Authority: RCW 9.46.070(2) and 9.46.0331(2). 93-12-082, § 230-20-670, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 9.46.070. 92-21-056 (Order 233), § 230-20-670, filed 10/19/92, effective 11/19/92. 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 230-20-685 Commercial amusement games—Wager and prize limitations. For locations authorized under WAC 230-04-138 (1)(g), (i), (j), or (k) where school-aged minors are allowed to play, the following limitations shall apply.

(1) Prize limitations. No prize offered shall exceed a cost to the operator of one hundred dollars.

(2) Consideration. The maximum wager for play shall not exceed fifty cents.

[Statutory Authority: RCW 9.46.070(2) and 9.46.0331(2). 93-12-082, § 230-20-685, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 9.46.070 (3)(11)(14). 92-19-106 (Order 230), § 230-20-685, filed 9/18/92, effective 10/19/92.]

WAC 230-20-700 Coin or token activated amusement games—Standards. All coin or token activated amusement games operated at locations authorized under WAC 230-04-138 (1)(f), (g), (i), (j), (k), or (l) must have nonresettable 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 or token in 1,000 plays.

[Statutory Authority: RCW 9.46.070. 94-01-036, § 230-20-700, filed 12/6/93, effective 1/6/94. 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

230-25-160

Pull tabs at fund raising events—Operational requirements—Limitations.

WAC 230-25-160 Pull tabs at fund raising events—Operational requirements—Limitations. The following requirements shall be utilized in the sale of pull tabs at fund raising events.

(1) All pull tab series for use at fund raising events shall contain the inspection identification stamps and record entry labels and shall be purchased for specific use at fund raising events.

(2) Pull tabs shall be removed from the packaging container and mixed before selling to the public. All pull tabs will be sold out of a noncoin operated dispensing device (clear container). Pull tab prices shall be equal to the price set by the manufacturer for each specific series. The maximum price for any pull tab shall not exceed fifty cents.

(3) Up to a maximum of three pull tab series may be out for play at one time. All pull tabs shall be sold from a booth or similar confined area which prohibits public access to the pull tabs.

(4) Each pull tab series shall constitute a separate table and have a separate number. Each series shall have a separate corresponding lock box, money paddle, chip rack for making change and payment of prizes. All currency, coin, or chips used to purchase pull tabs, shall immediately be placed in the corresponding lock box by the attendant(s) on duty. All change given back to players shall be in the form of chips or coin.

(5) All winning pull tabs shall be defaced when cashed in and deposited in the corresponding lock box. Winning pull tabs shall be paid in chips and coin only. Provided: Winning pull tabs may be redeemed for additional tabs from the same series only. When a winning pull tab of five dollars or more is cashed, the attendant shall conspicuously delete all references to that prize being available to players from the flare prior to awarding the prize. In addition, for prizes over twenty dollars, the attendant(s) will verify the

winner's identity and record the date, and initial the winning pull tab. The winner shall be required to print their name and date of birth in ink on the winning pull tab or to an attached sheet of paper.

(6) When a series is removed from play, the series (including the flare), the corresponding lock box and chip rack shall be transported to the count room by a runner at which time the box shall be opened for tabulation. All moneys collected, prizes paid and tabs sold shall be tabulated and recorded on the pull tab accounting report furnished by the commission in accordance with the instructions attached to the accounting report.

(7) After completing the count, winning pull tabs shall be packaged separately or banded and placed with the unused portion of that particular series in the original shipping container. The organization must retain the used series for a period of one year.

(8) At the completion of the fund raising event, all series still out for play shall be transported to the count room in accordance with subsections (6) and (7) of this section. All unopened pull tab series shall be returned to the licensed distributor who furnished the series for a full refund. Pull tabs may not be sold, or transferred to another licensee.

[Statutory Authority: RCW 9.46.070 (8), (11) and (14). 93-12-082, § 230-25-160, filed 5/28/93, effective 7/1/93; 89-15-039 (Order 194), § 230-25-160, filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 9.46.070. 88-19-038 (Order 183), § 230-25-160, filed 9/13/88.]

Chapter 230-30 WAC PUNCHBOARDS AND PULL TABS

WAC

230-30-060	Punchboard restrictions.
230-30-072	Punchboard and pull tab inventory and retention requirements.
230-30-075	Minimum percentage of prizes for certain gambling activities.
230-30-080	Limitation on pull tab dispensing devices.
230-30-095	Repealed.
230-30-097	Standards—Coin-operated pull tab dispensing devices.
230-30-100	Punchboards and pull tabs to display name of its licensed manufacturer.
230-30-106	Standards for flares, made by manufacturers, distributors, operators.
230-30-300	Recall of defective punchboards, pull tabs or pull tab dispensing devices.
230-30-998	Punchboard and pull tab retention requirements—Test.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-30-095	Pull tab dispensing devices to be submitted to commission for approval prior to sale. [Order 55, § 230-30-095, filed 6/25/76; Order 45, § 230-30-095, filed 12/30/75.] Repealed by 93-12-082, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 9.46.070.
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WAC 230-30-060 Punchboard restrictions. No operator shall put out for play, and no manufacturer shall sell or furnish to any person, any punchboard:

(1) To which any key to any winning number, or symbol, exists other than a key which is furnished to the operator, which key designates the color codes for all

chances on that board without regard to whether or not such chances are designated winners.

(2) Which has taped sides, corners, or edges.

(3) Wherein the winning punches or approximate location of any winning punches can be determined in advance of punching the punchboard in any manner or by any device, including, but not limited to, any patterns in manufacture, assembly, packaging or programming. Winning punches shall be distributed and mixed among all other punches in the punchboard. The punchboard shall be manufactured or programmed with special care so as to eliminate any pattern as between punchboards, or portions of punchboards, from which the location or approximate location of the winning punches may be determined.

[Statutory Authority: RCW 9.46.070. 93-12-082, § 230-30-060, filed 5/28/93, effective 7/1/93. Statutory Authority: Chapter 9.46 RCW. 87-03-023 (Order 164), § 230-30-060, filed 1/13/87. Statutory Authority: RCW [9.46.070 (1), (2) and (11) and [9.46.]110. 85-21-046 (Order 154), § 230-30-060, filed 10/14/85. Statutory Authority: RCW 9.46.070 (5), (7), (8), (9), (11), (14) and (19). 84-13-038 (Order 140), § 230-30-060, filed 6/15/84; Order 5, § 230-30-060, filed 12/19/73.]

WAC 230-30-072 Punchboard and pull tab inventory and retention requirements. Each punchboard and pull tab series purchased or otherwise obtained by an operator shall be controlled and accounted for in the following manner:

(1) Each operator shall closely monitor punchboard and pull tab series purchased to assure that all Washington state identification and inspection service stamp numbers are correctly entered in all records and each device purchased is recorded. The following control procedures apply:

(a) After the close of business on September 30, 1988, and before operating punchboards and pull tabs after that date, each operator shall take a physical inventory of all punchboards and pull tabs in-play and awaiting play and record the following information separately for punchboards and pull tabs:

(i) Name of game; and

(ii) Washington state identification and inspection stamp number;

(b) At the time a punchboard or pull tab series is delivered, each operator will assure that all purchase invoice data is correctly recorded by the distributor by comparing the actual Washington state identification and inspection stamp number attached to each punchboard and pull tab series to the number recorded on the purchase invoice;

(c) All purchases of punchboards or pull tab series shall be recorded on a standard distributor's invoice, which will be used by the operator as a record to account for the punchboard or pull tab series between the time it is purchased and removed from play. Each invoice shall include space for the operator to either attach a records entry label or enter the Washington state identification and inspection services stamp number and the date the device was placed out for play: *Provided*, That in lieu of the distributor's invoice recording system, licensees may use a separate inventory record to account for purchases and uses of punchboards and pull tabs. The inventory record may be manually maintained or generated from a computer data base. If generated from a computer data base, all requirements relating to computer data base records and printouts,

as set out in WAC 230-08-010 (6) and (7) shall be followed. Inventory records shall include the following entries for each punchboard or pull tab series purchased or otherwise obtained:

- (i) Distributor's name;
- (ii) Invoice number;
- (iii) Date of purchase;
- (iv) Name of the punchboard or pull tab series;
- (v) Date placed into play;
- (vi) The Washington state identification and inspection services stamp number entered by the distributor at the time of purchase; and
- (vii) The Washington state identification and inspection services stamp number entered by the operator by attaching a records entry label at the time placed into play: *Provided*, That a computer generated facsimile of the number may be imprinted on the inventory record in lieu of a records entry label;

(d) At the time a punchboard or pull tab series is placed into play, each operator shall record in the allotted space on the distributor's invoice or the inventory record the following:

- (i) Date placed into play; and
- (ii) Washington state identification and inspection services stamp number by attaching a records entry label: *Provided*, That a computer generated facsimile of the number may be imprinted on the inventory record in lieu of a records entry label.

(e) If a device is returned to a distributor for any reason, including commission required recall, the operator shall record the date, invoice or credit memo number, and "returned" on the original purchase invoice or inventory log in the spaces allotted for "date-in-play" and "records entry label";

(2) Each punchboard or pull tab series which is removed from operation, together with the prize flare, all unplayed tabs, and all winning punches or tabs, shall be retained by the operator for at least four months following the last day of the month in which it was removed from play. The board, unplayed tabs, flare, and all winning punches or tabs shall remain available for inspection, on the licensed premises, by commission agents and/or local law enforcement and taxing agencies: *Provided*, That devices may be stored off premise if they are produced for inspection upon demand;

(3) Each punchboard or pull tab series which is not placed out for public play or returned to the distributor or manufacturer from whom it was originally purchased, must be retained on the licensed premises and made available for inspection by commission agents and/or local law enforcement and taxing agencies: *Provided*, That devices may be stored off premise if they are produced for inspection upon demand;

(4) Each punchboard or pull tab series which is deemed by the operator to be defective or unplayable, for any reason, shall not be returned to the distributor or manufacturer without approval from the commission. If it is found to be defective after it has been placed out for play, all other rules apply and it must be recorded as required by WAC 230-08-010: *Provided*, That the retention time required by subsection (2) above may be shortened by the commission upon inspection and written release by a commission agent.

[Statutory Authority: RCW 9.46.070 (7), (8), (9) and (17). 93-13-063 (Order 241), § 230-30-072, filed 6/17/93, effective 7/18/93. Statutory Authority: RCW 9.46.070(6). 89-21-069 (Order 198), § 230-30-072, filed 10/17/89, effective 11/17/89. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-13-060 (Order 179), § 230-30-072, filed 6/14/88.]

WAC 230-30-075 Minimum percentage of prizes for certain gambling activities. No operator shall put out for play and no distributor or manufacturer of punchboards and pull tabs shall sell or otherwise provide to any person in this state or for use in this state any punchboard or pull tab series that does not contain the following minimum percentage in prizes:

(1) Punchboards - a minimum of sixty percent respecting each punchboard placed out for public play.

(2) Pull tabs - a minimum of sixty percent respecting each series of pull tabs placed out for public play.

(3) For the purposes of determining the percentage of prizes offered on any punchboard, or in any pull tab series under this section, total merchandise prizes shall be computed at the amount actually paid therefor by the licensed operator plus fifty percent of that actual cost.

(4) Single cash prizes on punchboards/pull tabs shall not exceed:

- (a) Five hundred in cash; or
- (b) Effective July 1, 1993, a merchandise prize, or combination merchandise prize, for which the operator has not expended more than five hundred dollars.

(5) Multiple winners on an individual pull tab or punch shall not exceed the single cash or merchandise prize limit in subsection (4) of this section.

[Statutory Authority: RCW 9.46.070. 93-04-007 (Order 236), § 230-30-075, filed 1/22/93, effective 2/22/93. Statutory Authority: RCW [9.46.]070 (1), (2), and (11) and [9.46.]110. 85-21-046 (Order 154), § 230-30-075, filed 10/14/85. Statutory Authority: RCW 9.46.070(11). 82-06-007 (Order 119), § 230-30-075, filed 2/19/82. Statutory Authority: RCW 9.46.070(10). 79-09-029 (Order 91), § 230-30-075, filed 8/14/79; Order 70, § 230-30-075, filed 5/24/77; Order 43, § 230-30-075, filed 11/28/75.]

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 put out for public play, any pull tab series which contains more than 6,000 individual pull tabs.

[Statutory Authority: RCW 9.46.070. 93-12-082, § 230-30-080, filed 5/28/93, effective 7/1/93. 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 230-30-095 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-30-097 Standards—Coin-operated pull tab dispensing devices. Operators may utilize coin-operated pull tab dispensing devices provided that each such device meets the following standards:

(1) Devices must be manufactured by a manufacturer licensed by the Washington state gambling commission.

(2) Devices shall have conspicuously set forth thereon a stamp, seal, or label which identifies its manufacturer and the city and state of its manufacture.

(3) Devices shall have the manufacturer's serial number for that device stamped or embossed into its case.

(4) Devices shall be constructed so that consumers can clearly see each pull tab within the device, except that area at the bottom of the device, not to exceed one inch in height, covered for security or mechanical reasons.

(5) Devices shall have permanent lines or markings which divide the pull tabs remaining in the device into divisions of approximately twenty-five tabs so that the consumer can determine how many tabs remain within the device.

(6) Devices shall have one selection position for every one thousand two hundred pull tabs originally in the series.

(7) Devices utilizing bill acceptors or similar devices that do not return change shall clearly disclose that fact to the consumer.

[Statutory Authority: RCW 9.46.070. 93-12-082, § 230-30-097, filed 5/28/93, effective 7/1/93.]

WAC 230-30-100 Punchboards and pull tabs to display name of its licensed manufacturer. (1) No operator shall put out for play, and no distributor or manu-

facturer shall sell or otherwise furnish, any punchboard or series of pull tabs unless each such board or series shall have conspicuously set forth thereon a stamp, seal or label which identifies its manufacturer and the city and state of its manufacturer.

(2) Each individual pull tab shall have conspicuously set forth thereon the name of the manufacturer or label or trademark which identifies its manufacturer. The label or trademark must be filed with the commission prior to the printing of the pull tab.

(3) No operator shall put out for play and no distributor shall sell or otherwise furnish, any punchboard or series of pull tabs unless the manufacturer of punchboards or series of pull tabs has been licensed by the commission.

[Statutory Authority: RCW 9.46.070. 93-12-082, § 230-30-100, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 9.46.070(13). 79-07-019 (Order 90), § 230-30-100, filed 6/14/79; Order 55, § 230-30-100, filed 6/25/76; Order 43, § 230-30-100, filed 11/28/75; Order 27, § 230-30-100, filed 11/15/74; Order 23, § 230-30-100, filed 9/23/74; Order 18, § 230-30-100, filed 5/21/74; Order 12, § 230-30-100, filed 2/14/74.]

WAC 230-30-106 Standards for flares, made by manufacturers, distributors, operators. (1) Except as set forth in paragraph (2) below, the flare advertising prizes available from the operation of any punchboard, or any series of pull tabs shall be made by the manufacturer only, winning numbers or symbols shall not be altered by any operator or distributor, and shall:

(a) Be placed only upon the upper face, or on the top, of any such punchboard or any device used to dispense the pull tabs; and

(b) Clearly set out each of the prizes available and the number or symbol which wins prizes; and

(c) Set out the winning numbers or symbols for prizes of five dollars or more in cash, or merchandise worth five dollars or more at retail, in such a manner that each may be easily and clearly deleted or marked off as each prize is won and awarded. For the purposes of this subsection the retail value of a merchandise prize shall be the amount actually paid by the licensed operator plus 50 percent of that actual cost.

(2) Substitute flares

(a) Distributors may make and apply substitute flares to punchboards and pull tab series provided that the conditions set forth in (c) below are satisfied;

(b) Licensed operators may make and use substitute flares on punchboards and pull tab series which offer merchandise or combination merchandise-cash prizes provided that the conditions set forth in (c) below are satisfied;

(c) Use of substitute flares:

(i) The substitute flare must comply with the requirements of (1)(a), (b) and (c) of this section;

(ii) Substitute flares must meet the requirements of WAC 230-30-015;

(iii) The winning numbers or symbols on the substitute flare are selected from the winning numbers or symbols on the flare made by the manufacturer, or from the optional numbers placed on the back of the board by the manufacturer. Provided flares and games which offer merchandise, or combination merchandise/cash prizes, in excess of \$100.00 actual costs, must utilize numbers, not symbols to denote winners. Prizes must be assigned to the winning numbers

consecutively starting with the highest value prize being assigned the lowest available winning number; and

(iv) The substitute flare is stapled to the manufacturer's flare and the manufacturer's flare is defaced so that it is unusable, but the identification and inspection services stamp is readable and visible.

(3) Spindle-type pull tab series when played in the manner set out in WAC 230-30-070(9) are exempt from this section.

[Statutory Authority: RCW 9.46.070(8), 9.46.0325 and 9.46.070. 93-10-005 (Order 238), § 230-30-106, filed 4/21/93, effective 7/1/93. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 89-11-048 (Order 192), § 230-30-106, filed 5/16/89. Statutory Authority: RCW 9.46.070 (11) and (14). 87-24-016 (Order 173), § 230-30-106, filed 11/23/87. Statutory Authority: RCW 9.46.070(10). 79-09-029 (Order 91), § 230-30-106, filed 8/14/79; Order 43, § 230-30-106, filed 11/28/75.]

WAC 230-30-300 Recall of defective punchboards, pull tabs or pull tab dispensing devices. (1) Upon a determination that punchboards, pull tabs or pull tab dispensing devices for sale in Washington do not meet commission standards, the director may order all defective products and all similarly constructed or printed products be recalled by the manufacturer(s).

(2) If the director orders such a recall, the manufacturer of the product shall be immediately notified regarding the items to be recalled, reason for the recall, effective date of the recall, and any other specific requirements. The verbal notification shall be followed with a written notification. Immediately upon the oral notification, manufacturers shall cease sale in the state and initiate actions to ensure complete compliance with the recall. Manufacturers will notify all distributors within 72 hours of the items recalled, effective date of recall, and arrange for the prompt return of the defective items. Distributors, when notified in writing by either manufacturer or commission of the recall, shall immediately stop sales and/or delivery of the product.

(3) The commission shall notify, in writing, each licensed distributor of gambling paraphernalia of the recall, effective dates thereof, the products involved, and of any special instructions if applicable. The commission shall then notify, in writing, each licensed operator as to the items recalled, effective date and special instructions, if applicable. Operators shall not utilize any defective punchboards, pull tabs or pull tab dispensing devices after receiving written notification from the commission.

(4) Prior to any reintroduction in the state of any recalled or similar item, the manufacturer must first submit the revised or reworked item to the commission for review, evaluation and approval. The manufacturer will be notified in writing, of the approval or disapproval and a copy of the approving letter will be sent by the manufacturer to the distributor with the next five shipments of the reworked item.

(5) Manufacturers shall reimburse distributors the actual cost paid by the distributor for each punchboard, pull tab series or pull tab dispensing device recalled by order of the director. Manufacturers of recalled punchboards, pull tab series or pull tab dispensing devices shall compensate distributors for time and expenses incurred during a recall. Such compensation shall not exceed fifty cents per punchboard or pull tab series actually returned by the

distributor to the manufacturer or, twenty-five dollars per pull tab dispensing device.

[Statutory Authority: RCW 9.46.070(8), 9.46.0325 and 9.46.070. 93-10-005 (Order 238), § 230-30-300, filed 4/21/93, effective 7/1/93. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-07-059 (Order 175), § 230-30-300, filed 3/15/88.]

WAC 230-30-998 Punchboard and pull tab retention requirements—Test. The commission will conduct a test of an alternative retention period for punchboards and pull tabs beginning January 1, 1994, and lasting through December 31, 1994. The following guidelines and restrictions shall apply during the test:

(1) The test is limited to businesses licensed to operate punchboards and pull tabs as commercial stimulants in jurisdictions which do not require retention of punchboards and pull tabs for a period greater than two months;

(2) Each licensee must notify the commission in writing of its intent to participate in the test prior to participation. The director may refuse participation to any licensee currently facing administrative charges or facing a probation period for past rule violations;

(3) The alternative retention period for punchboards and pull tab series and for winning punches and pull tabs shall be a minimum of two months after the end of the month from which punchboard or pull tab series is removed from play;

(4) Monthly punchboard and pull tab records shall be completed no later than fifteen days following the end of each month and records shall be available for inspection or audit on the next day;

(5) All test participants shall use the alternative inventory record, authorized under WAC 230-30-072 (1)(c). Entries to record purchases and placing punchboards and pull tabs in play shall be made to this record no later than the day following receipt or placing out for play;

(6) For purposes of determining gross gambling receipts for compliance with this title, any difference between recorded and audited gross gambling receipts noted by commission staff, will be applied to an entire year (twelve months) by multiplying the recorded amount by a ratio that is computed by dividing the audited amount by the recorded amount. Prior to applying this ratio, the recorded amount shall be increased for punchboard or pull tab series that are not recorded in the monthly record. The gross gambling receipts for unrecorded boards or series shall be the maximum possible, computed by multiplying the total number of chances available times the price per chance;

(7) In addition to administrative actions that may be pursued, any test participant that fails to comply with the conditions and limitations set forth above or misstates gross gambling receipts by more than one-half percent may be immediately removed from the test by the director and at the director's discretion, after a brief adjudicated proceeding, may be required to retain used punchboard and pull tab series for six months. The six-month alternative may be required for a period of up to one year.

[Statutory Authority: RCW 9.46.070. 94-01-032, § 230-30-998, filed 12/6/93, effective 1/6/94.]

**Chapter 230-40 WAC
CARD GAMES**

WAC

230-40-055	Card tournaments for fee and prizes—Reporting requirements.
230-40-125	Washington blackjack—Rules of play—Wagering limits.

WAC 230-40-055 Card tournaments for fee and prizes—Reporting requirements. (1) A card tournament wherein a fee is charged to the participants and prizes are awarded to the winning players shall be licensed by the commission. Card room licensees with a Class A, B, or E license may conduct a card tournament for a fee without obtaining a card tournament license: *Provided*, That Class B licensees are limited to only those card games authorized under their licensing class. Card room licensees with a Class D or R license must first obtain a card tournament license before they can conduct a card tournament in which the players are charged a fee to enter. The licensee shall notify the commission ten days in advance of any card tournament where the single or multiple buy-in exceeds fifty dollars. A card tournament shall not exceed ten consecutive calendar days.

(2) The fee for a player to enter a card tournament for prizes shall not exceed fifty dollars, including all separate fees which might be paid by a player for various phases, events of the tournament, food and drink offerings, and promotional material. The fee to enter a tournament and a description of all goods and services to be provided as a part of the tournament must be fully disclosed to each entrant prior to their paying such fee. Such disclosure must be posted conspicuously on the premises at the time payment is received and remain posted until the tournament is complete. This same information must be included in all advertisements for said tournament. Operators may offer "free roll" or customer appreciation tournaments provided that the pretournament play requirements do not exceed the fifty-dollar entry fee limitation. Entrants in such tournaments must initially be provided with the same number of chips or points and the same opportunity for re-buys. All prizes awarded for free roll or customer appreciation tournaments may be deducted as prizes for determining adjusted net gambling receipts for compliance with WAC 230-12-075.

(3) All fees paid to enter a tournament shall be reported as gross gambling receipts: *Provided*, That if an operator prepares and provides food and drink items to all tournament entrants on the licensed premises as a part of their entry fee, the fair market value of the food and drink provided, not to exceed twenty-five dollars or fifty percent of the entry fee, whichever is greater, shall be treated as sales of food and drink for on premise consumption and not included as gross gambling receipts. Such sales, must be properly supported by records: *Provided further*, That if an operator provides items promoting the tournament or licensed business, such as hats, t-shirts, etc., to all participants as a part of their entry fee, the actual cost of such items, supported by invoices and other such records, shall be deducted as prizes in determining adjusted net gambling receipts for compliance with WAC 230-12-075.

(4) In addition to the entry fee, a minimum buy-in of chips may be required. The total buy-in per player shall not exceed two hundred dollars per tournament and may be either a single or multiple buy-in during the course of the tournament. A record of the buy-ins for each participant will be maintained by the licensee in a format provided by the commission. All buy-ins of chips are not gross gambling receipts and shall be returned to the participants in the form of prizes. Prizes from buy-ins are not deductible for commercial stimulant purposes.

(5) The chips used in card tournaments shall have no monetary value and may be redeemed only for prizes established by the licensee. The licensee may award prizes in excess of those entry fees collected as authorized in subsection (2) of this section. The licensee's actual cost for prizes awarded to the players may be deducted as prizes for determining adjusted net gambling receipts generated by the entry fees.

(6) The licensee shall adopt tournament rules to facilitate the operation of card tournaments: *Provided*, That all tournament rules for tournaments where the single or multiple buy-in exceeds fifty dollars must be submitted to the commission for approval. All tournament rules must be posted where all tournament participants can see and read the rules.

(7) The licensee shall maintain a record of all such fees collected and the number of participant for each tournament conducted. This information shall be entered in a format approved by the commission. The total gross gambling receipts for the tournament shall be entered on the card room daily control sheet for the time and date the tournament begins and the record of participants shall be attached and maintained with that daily control sheet.

(8) The licensee shall maintain a record of all prizes awarded to include the amount the licensed operator actually paid for each prize and the name and complete address of each winning participant: *Provided*, That the name and address of each participant receiving promotional items as set forth in subsection (3) of this section shall not be required on the prize record. The record shall be attached to the daily control sheet used on the date the majority of the prizes are awarded.

[Statutory Authority: RCW 9.46.070 and 9.46.0325. 93-12-082, § 230-40-055, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 9.46.0281 and 9.46.070 (11), (12) and (14). 88-22-019 (Order 184), § 230-40-055, filed 10/24/88. Statutory Authority: Chapter 9.46 RCW. 86-17-057 (Order 160), § 230-40-055, filed 8/18/86. 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), § 230-40-055, filed 8/12/85. 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), § 230-40-055, filed 1/9/85.]

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 1.5 times 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 1.5 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 1.5 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. No player may deal more than one consecutive shoe before passing the deal: *Provided*, That when there are less than five players at a table a player may deal more than one consecutive shoe only when the remaining players have passed the deal.

(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) The conditions for doubling down shall be set by house rule, provided that the wager may be doubled and the player received only 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: RCW 9.46.070. 93-13-062 (Order 240), § 230-40-125, filed 6/17/93, effective 7/18/93. 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.]

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

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

232-12-074	Retention of game. [Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-074, filed 6/1/81.] Repealed by 93-04-075 (Order 592), filed 1/29/93, effective 3/1/93. Statutory Authority: RCW 77.12.040.
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WAC 232-12-001 Definition of terms. Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless the context clearly requires otherwise:

(1) Snagging, gaffing, or spearing means: An effort to impale game fish in a part of its body other than its mouth by use of hooks or other devices.

(2) A valid license, permit, tag, stamp or punchcard means: A license, permit, tag, stamp, or punchcard that was issued to the bearer for the current season by the commission and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

(3) Hook means: One single, double, or treble hook.

(4) Barbless hook means: A single, pointed hook from which all barbs have been filed off, pinched down, removed or deleted when manufactured.

(5) Falconry means: Possession, control, or use of a raptor for the purpose of hunting and free flight training.

(6) Anadromous game fish means:

(a) Steelhead trout, *Oncorhynchus mykiss*

(b) Searun cutthroat, *Oncorhynchus clarkii*

(c) Searun Dolly Varden, *Salvelinus malma*

(7) Handgun means: Any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.

(8) Lure or fly means: A manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent and/or flavoring to attract fish. A lure or fly may not have more than three hooks attached. When fishing with a lure or fly, fish may be released until the catch limit is retained.

(9) Bait means: Any substance which attracts fish or wildlife by scent and/or flavor. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which uses scent and/or flavoring to attract fish or wildlife.

(10) Steelhead means: A searun rainbow trout over twenty inches in length.

(11) Possession limit means: A two-day catch limit of game fish allowed to be retained in the field or in transit.

(12) Selective fishery regulations: Only artificial flies or lures with a barbless hook are allowed; bait is prohibited; fish may be released until the catch limit is retained. No one may fish from any floating device equipped with a motor, except where specifically allowed under special regulations for individual waters. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

(13) Fly fishing means: In waters designated as "fly fishing only" an angler may use: A dry fly, bucktail fly, wet fly, nymph or streamer with not more than one, single-pointed barbless hook; a conventional fly line at least twenty-five feet in length, with a back-up line of any kind behind the fly line. In waters designated as "fly fishing only" an angler may not fish from any floating device equipped with a motor, except where specifically allowed under special regulations for individual waters. When fishing with a lure or fly, fish may be released until the catch limit is retained.

(14) Boat fishing: Fishing while in or on a boat, raft, or any other floating device.

(15) Catch-and-release: A type of angling where none of the fish caught are retained by the angler.

(16) Daily catch limit: The maximum number of fish of a given species and size which a person may legally retain in a single day. When you are fishing with bait, all legal trout are counted as part of the daily catch limit, whether kept or released. Steelhead may be caught and