

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: H3/11/99*

## A Bill

HOUSE BILL 2105

5 By: Representatives French, J. Jeffress, Broadway, Vess, Teague, Hathorn, Biggs, G. Jeffress, Hausam,  
6 Haak, Womack, Wood, M. Steele, *Milum, Milligan, Eason, Morris, Bond, Cook, Gullett, Elliott,*  
7 *Magnus, Files, Bledsoe, L. Thomas, Agee, Hickinbotham, T. Thomas, Prater, House, Hunt, Bevis,*  
8 *Bennett, Cleveland, Willis, Pappas, Bush, Duggar, Parks, Horn, Creekmore, Gillespie, Wilkinson,*  
9 *Minton, Green*  
10 By: Senator Mahony  
11  
12

### For An Act To Be Entitled

13 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE  
14 REGARDING AMUSEMENT DEVICES; AND FOR OTHER PURPOSES. "  
15  
16

### Subtitle

17 "TO AMEND VARIOUS SECTIONS OF THE  
18 ARKANSAS CODE REGARDING AMUSEMENT  
19 DEVICES. "  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24  
25 SECTION 1. Arkansas Code 26-57-402 is amended to read as follows:

26 "26-57-402. Definitions.

27 As used in this subchapter, unless the context otherwise requires:

28 (1) 'Amusement devices' means any machine, device, or apparatus which  
29 provides amusement, diversion, or entertainment which is coin-operated and  
30 includes, but is not limited to, such games as radio rifles, miniature  
31 football, golf, baseball, hockey, bumper pool, tennis, shooting galleries,  
32 pool tables, bowling, shuffleboard, pinball tables, marble tables, music  
33 vending phonographs, jukeboxes, cranes, video games, claw machines, bowling  
34 machines, ~~console~~ countertop machines, ~~pusher machines~~, novelty arcade  
35 machines, other similar musical devices for entertainment, and other miniature  
36 games, whether or not such machines show a score, and which is not otherwise

1 excluded in this subchapter;

2 (2)(A) 'Any money or property', or 'other articles', or 'other valuable  
3 things', or 'any representative of anything that is esteemed of value', as  
4 used in the antigambling statutes, § 5-66-101 et seq., shall not be expanded  
5 to include:

6 (i) A free amusement feature such as the privilege of  
7 playing additional free games if a certain score is made on a pinball table or  
8 on any other amusement game described in this section; or

9 (ii) To ~~noncash prizes~~, toys, novelties, or  
10 representations of value redeemable for those items which are won by the  
11 player of a bona fide amusement game or device which rewards players  
12 exclusively with merchandise limited to ~~such noncash prizes~~, toys, novelties,  
13 or representations of value redeemable for those items, which have a wholesale  
14 value of not more than ten (10) times the cost charged to play the game or  
15 device once, or five dollars (\$5.00), whichever is less.

16 (B) In the event of accumulation of redeemable  
17 representations of value by any player, no ~~noncash prize toy or novelty~~ having  
18 a wholesale value of more than ~~fifty twelve dollars and fifty cents (\$50.00)~~  
19 (\$12.50) may be given or awarded by any amusement machine operator or redeemed  
20 by any player; Said toys and novelties shall be displayed in a single area on  
21 each premises. Furthermore, each operator shall maintain records validating  
22 the wholesale value of said toys and novelties. Said toys and novelties shall  
23 be located solely on the premises where the game is played.

24 (3) 'Coin-operated' means any machine, device, or apparatus which  
25 is operated by placing through a slot, or any kind of opening or container,  
26 any coin, slug, token, or other object or article necessary to be inserted  
27 before the machine operates or functions, but does not include any machine or  
28 device which is classified by the United States government as requiring a  
29 federal gaming stamp under applicable provisions of the Internal Revenue Code;

30 (4) 'Novelty' means an article of trade whose value is chiefly  
31 decorative, comic, or the like, and whose appeal is often transitory.

32 ~~(4)(5)~~ (5) 'Person' means and includes any individual, firm,  
33 association, company, partnership, limited liability company, corporation,  
34 joint-stock company, club, agency, syndicate, the State of Arkansas, county,  
35 municipal corporation or other political subdivision of this state, receiver,  
36 trustee, fiduciary, or trade association.

1 (6) 'Toy' means a small article of little value but prized as a  
2 souvenir or some other special reason; trinket; knickknack, or bauble."

3  
4 SECTION 2. Arkansas Code 26-57-404 is amended to read as follows:

5 "26-57-404. Privilege tax on amusement games.

6 (a) On each amusement game there shall be imposed an annual privilege  
7 tax of five dollars (\$5.00).

8 (b) The Director of the Department of Finance and Administration shall  
9 collect for each machine the full annual license fee when paid during the  
10 first six (6) months of the fiscal year, but any license fee paid during the  
11 last six (6) months of the fiscal year shall be upon the basis of one-half  
12 (1/2) of the annual tax."

13  
14 SECTION 3. All provisions of this act of a general and permanent nature  
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
16 Revision Commission shall incorporate the same in the Code.

17  
18 SECTION 4. If any provision of this act or the application thereof to  
19 any person or circumstance is held invalid, such invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

23  
24 SECTION 5. All laws and parts of laws in conflict with this act are  
25 hereby repealed.

26 /s/ French, et al  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

1