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ENGROSSED SUBSTITUTE HOUSE BILL 1317

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State of Washington

55th Legislature

1997 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Honeyford, Sheldon, Crouse and McMorris)

Read first time 03/03/97.

1 AN ACT Relating to amusement games; and amending RCW 9.46.0331.

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

3 **Sec. 1.** RCW 9.46.0331 and 1991 c 287 s 1 are each amended to read  
4 as follows:

5 The legislature hereby authorizes any person to conduct or operate  
6 amusement games when licensed and operated pursuant to the provisions  
7 of this chapter and rules and regulations adopted by the commission at  
8 such locations as the commission may authorize. The rules shall  
9 provide for at least the following:

10 (1) Persons other than bona fide charitable or bona fide nonprofit  
11 organizations shall conduct amusement games only after obtaining a  
12 special amusement game license from the commission.

13 (2) Amusement games may be conducted under such a license only as  
14 a part of, and upon the site of:

15 (a) Any agricultural fair as authorized under chapter 15.76 or  
16 36.37 RCW; or

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

18 (c) A world's fair or similar exposition that is approved by the  
19 bureau of international expositions at Paris, France; or

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

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

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

19 (g) Within a regional shopping center. A regional shopping center  
20 is a shopping center developed and operated for retail sales and  
21 service by retail sales and service operators and consisting of more  
22 than six hundred thousand gross square feet not including parking  
23 areas. Amusement games conducted as a part of, and upon the site of,  
24 a regional shopping center shall not be subject to the prohibition on  
25 revenue sharing set forth in RCW 9.46.120(2); or

26 (h) A location that possesses a valid license from the Washington  
27 state liquor (~~control~~) control board and prohibits minors on their  
28 premises; or

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

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

1 (3) No amusement games may be conducted in any location except in  
2 conformance with local zoning, fire, health, and similar regulations.  
3 In no event may the licensee conduct any amusement games at any of the  
4 locations set out in subsection (2) of this section without first  
5 having obtained the written permission to do so from the person or  
6 organization owning the premises or an authorized agent thereof, and  
7 from the persons sponsoring the fair, exhibition, commercial  
8 exhibition, or festival, or from the city or town operating the civic  
9 center, in connection with which the games are to be operated.

10 (4) In no event may a licensee conduct any amusement games at the  
11 location described in subsection (2)(g) of this section, without, at  
12 the location of such games, providing adult supervision during all  
13 hours the licensee is open for business at such location, prohibiting  
14 school-age minors from entry during school hours, maintaining full-time  
15 personnel whose responsibilities include maintaining security and daily  
16 machine maintenance, and providing for hours for the close of business  
17 at such location that are no later than 10:00 p.m. on Fridays and  
18 Saturdays and on all other days that are the same as those of the  
19 regional shopping center in which the licensee is located.

20 (5) In no event may a licensee conduct any amusement game at a  
21 location described in subsection (2)(i) or (j) of this section,  
22 without, at the location of such games, providing adult supervision  
23 during all hours the licensee is open for business at such location,  
24 prohibiting school-age minors from playing licensed amusement games  
25 during school hours, maintaining full-time personnel whose  
26 responsibilities include maintaining security and daily machine  
27 maintenance, and prohibiting minors from playing the amusement games  
28 after 10:00 p.m. on any day.

29 (6) A person conducting amusement games under a license and upon  
30 sites designated in subsection (2)(g), (i), or (j) of this section or  
31 within a department or grocery store whose primary business is the  
32 retail sale of a full line of clothing, accessories, and household  
33 goods, or a full line of any grocery, canned goods, or nonfood items  
34 plus some perishable items, or a combination of both, and consists of  
35 more than ten thousand gross square feet of retail and support space,  
36 not including parking areas, may not offer a prize exceeding a cost to  
37 the operator of two hundred dollars or allow a wager for play exceeding

- 1 one dollar if at any of these designated sites, school-aged children
- 2 are allowed to play.

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