
SENATE BILL 6613

State of Washington 59th Legislature 2006 Regular Session

By Senators Prentice, Keiser, Kline, Rasmussen and Shin

Read first time 01/17/2006. Referred to Committee on Labor,
Commerce, Research & Development.

1 AN ACT Relating to reaffirming and clarifying the prohibition
2 against internet and certain other interactive electronic or mechanical
3 devices to engage in gambling; amending RCW 9.46.240, 9.46.0269, and
4 67.70.040; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** It is the policy of this state to prohibit
7 all forms and means of gambling, except where carefully and
8 specifically authorized and regulated. With the advent of the internet
9 and other technologies and means of communication that were not
10 contemplated when either the gambling act was enacted in 1973, or the
11 lottery commission was created in 1982, it is appropriate for this
12 legislature to reaffirm the policy prohibiting gambling that exploits
13 such new technologies.

14 **Sec. 2.** RCW 9.46.240 and 1991 c 261 s 9 are each amended to read
15 as follows:

16 Whoever knowingly transmits or receives gambling information by
17 telephone, telegraph, radio, semaphore, the internet, a
18 telecommunications transmission system, or similar means, or knowingly

1 installs or maintains equipment for the transmission or receipt of
2 gambling information shall be guilty of (~~(a gross misdemeanor)~~) the
3 crime of professional gambling subject to the penalty set forth in
4 (~~(RCW 9A.20.021: PROVIDED, HOWEVER, That)~~) this chapter. However,
5 this section shall not apply to such information transmitted or
6 received or equipment installed or maintained relating to activities
7 authorized by this chapter or to any act or acts in furtherance thereof
8 when conducted in compliance with the provisions of this chapter and in
9 accordance with the rules (~~(and regulations)~~) adopted (~~(pursuant~~
10 ~~thereto)~~) under this chapter.

11 **Sec. 3.** RCW 9.46.0269 and 1997 c 78 s 1 are each amended to read
12 as follows:

13 (1) A person is engaged in "professional gambling" for the purposes
14 of this chapter when:

15 (a) Acting other than as a player or in the manner authorized by
16 this chapter, the person knowingly engages in conduct which materially
17 aids any form of gambling activity; or

18 (b) Acting other than in a manner authorized by this chapter, the
19 person pays a fee to participate in a card game, contest of chance,
20 lottery, or other gambling activity; or

21 (c) Acting other than as a player or in the manner authorized by
22 this chapter, the person knowingly accepts or receives money or other
23 property pursuant to an agreement or understanding with any other
24 person whereby he or she participates or is to participate in the
25 proceeds of gambling activity; or

26 (d) The person engages in bookmaking; or

27 (e) The person conducts a lottery; or

28 (f) The person violates RCW 9.46.039; or

29 (g) The person knowingly transmits or receives gambling information
30 by telephone, telegraph, radio, semaphore, the internet, a
31 telecommunications system, or similar means, in violation of RCW
32 9.46.240.

33 (2) Conduct under subsection (1)(a) of this section, except as
34 exempted under this chapter, includes but is not limited to conduct
35 directed toward the creation or establishment of the particular game,
36 contest, scheme, device, or activity involved, toward the acquisition
37 or maintenance of premises, paraphernalia, equipment, or apparatus

1 therefor, toward the solicitation or inducement of persons to
2 participate therein, toward the actual conduct of the playing phases
3 thereof, toward the arrangement of any of its financial or recording
4 phases, or toward any other phase of its operation. If a person having
5 substantial proprietary or other authoritative control over any
6 premises shall permit the premises to be used with the person's
7 knowledge for the purpose of conducting gambling activity other than
8 gambling activities authorized by this chapter, and acting other than
9 as a player, and the person permits such to occur or continue or makes
10 no effort to prevent its occurrence or continuation, the person shall
11 be considered as being engaged in professional gambling(~~(:—PROVIDED,~~
12 ~~That)~~). However, the proprietor of a bowling establishment who awards
13 prizes obtained from player contributions, to players successfully
14 knocking down pins upon the contingency of identifiable pins being
15 placed in a specified position or combination of positions, as
16 designated by the posted rules of the bowling establishment, where the
17 proprietor does not participate in the proceeds of the "prize fund"
18 shall not be construed to be engaging in "professional gambling" within
19 the meaning of this chapter(~~(:—PROVIDED FURTHER, That the)~~). Books
20 and records of the games shall be open to public inspection.

21 **Sec. 4.** RCW 67.70.040 and 1994 c 218 s 4 are each amended to read
22 as follows:

23 The commission shall have the power, and it shall be its duty:

24 (1) To (~~promulgate such~~) adopt rules governing the establishment
25 and operation of a state lottery as it deems necessary and desirable in
26 order that such a lottery be initiated at the earliest feasible and
27 practicable time, and in order that such lottery produce the maximum
28 amount of net revenues for the state consonant with the dignity of the
29 state and the general welfare of the people. Such rules shall include,
30 but shall not be limited to, the following:

31 (a) The type of lottery to be conducted which may include the
32 selling of tickets or shares. The use of electronic or mechanical
33 devices or video terminals which allow for individual play against such
34 devices or terminals shall be prohibited. An affirmative vote of sixty
35 percent of both houses of the legislature is required before offering
36 any game allowing or requiring a player to become eligible for a prize
37 or to otherwise play any portion of the game by either: (i) Using the

1 internet; or (ii) interacting with any device or terminal involving
2 electronic, digital, video, or other representations of any game of
3 chance, including pull-tabs, bingo, poker or other cards, dice,
4 roulette, keno, or slot machines. Approval of the legislature shall be
5 required before entering any agreement with other state lotteries to
6 conduct shared games;

7 (b) The price, or prices, of tickets or shares in the lottery;

8 (c) The numbers and sizes of the prizes on the winning tickets or
9 shares;

10 (d) The manner of selecting the winning tickets or shares, except
11 as limited by (a) of this subsection;

12 (e) The manner and time of payment of prizes to the holder of
13 winning tickets or shares which, at the director's option, may be paid
14 in lump sum amounts or installments over a period of years;

15 (f) The frequency of the drawings or selections of winning tickets
16 or shares. Approval of the legislature is required before conducting
17 any on-line game in which the drawing or selection of winning tickets
18 occurs more frequently than once every twenty-four hours;

19 (g) Without limit as to number, the type or types of locations at
20 which tickets or shares may be sold;

21 (h) The method to be used in selling tickets or shares, except as
22 limited by (a) of this subsection;

23 (i) The licensing of agents to sell or distribute tickets or
24 shares, except that a person under the age of eighteen shall not be
25 licensed as an agent;

26 (j) The manner and amount of compensation, if any, to be paid
27 licensed sales agents necessary to provide for the adequate
28 availability of tickets or shares to prospective buyers and for the
29 convenience of the public;

30 (k) The apportionment of the total revenues accruing from the sale
31 of lottery tickets or shares and from all other sources among: (i) The
32 payment of prizes to the holders of winning tickets or shares, which
33 shall not be less than forty-five percent of the gross annual revenue
34 from such lottery, (ii) transfers to the lottery administrative account
35 created by RCW 67.70.260, and (iii) transfer to the state's general
36 fund. Transfers to the state general fund shall be made in compliance
37 with RCW 43.01.050;

1 (1) Such other matters necessary or desirable for the efficient and
2 economical operation and administration of the lottery and for the
3 convenience of the purchasers of tickets or shares and the holders of
4 winning tickets or shares.

5 (2) To ensure that in each place authorized to sell lottery tickets
6 or shares, on the back of the ticket or share, and in any advertising
7 or promotion there shall be conspicuously displayed an estimate of the
8 probability of purchasing a winning ticket.

9 (3) To amend, repeal, or supplement any such rules from time to
10 time as it deems necessary or desirable.

11 (4) To advise and make recommendations to the director for the
12 operation and administration of the lottery.

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