
HOUSE BILL 1040

State of Washington

61st Legislature

2009 Regular Session

By Representatives Wood, Alexander, Simpson, Green, Hudgins, Conway, and Kenney; by request of Gambling Commission

Prefiled 12/15/08. Read first time 01/12/09. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to clarifying and prescribing penalties for
2 gambling under the age of eighteen; amending RCW 9.46.0305; adding a
3 new section to chapter 9.46 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 9.46.0305 and 1987 c 4 s 25 are each amended to read
6 as follows:

7 The legislature hereby authorizes the wagering on the outcome of
8 the roll of dice or the flipping of or matching of coins on the
9 premises of an establishment engaged in the business of selling food or
10 beverages for consumption on the premises to determine which of the
11 participants will pay for coin-operated music on the premises or
12 certain items of food or beverages served or sold by such establishment
13 and therein consumed. Such establishments are hereby authorized to
14 possess dice and dice cups on their premises, but only for use in such
15 limited wagering. Persons engaged in such limited form of wagering
16 shall not be subject to the criminal or civil penalties otherwise
17 provided for in this chapter(~~(: PROVIDED, That minors shall be barred~~
18 ~~from engaging in the wagering activities allowed by this chapter)).~~

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.46 RCW
2 to read as follows:

3 (1) It is unlawful for any person under the age of eighteen to play
4 in authorized gambling activities including, but not limited to,
5 punchboards, pull-tabs, or card games, or to participate in
6 fund-raising events. Persons under the age of eighteen may play bingo,
7 raffles, and amusement game activities only as provided in commission
8 rules.

9 (2) A person under the age of eighteen who violates subsection (1)
10 of this section by engaging in, or attempting to engage in, prohibited
11 gambling activities commits a class 2 civil infraction under chapter
12 7.80 RCW and is subject to a fine set out in chapter 7.80 RCW, up to
13 four hours of community restitution, and any court imposed costs.

14 (3) Municipal and district courts within the state have
15 jurisdiction for enforcement of this section, subject to the provisions
16 of RCW 13.04.030.

17 (4)(a) An employer may conduct an in-house controlled purchase
18 program authorized for the purposes of employee training and employer
19 self-compliance checks.

20 (b) The civil infraction provisions of this section do not apply to
21 a person under the age of eighteen who is participating in an in-house
22 controlled purchase program authorized by the commission under rules
23 adopted by the commission. Violations occurring under an in-house
24 controlled purchase program authorized by the commission may not be
25 used for criminal or administrative prosecution.

26 (c) An employer who conducts an in-house controlled purchase
27 program authorized under this section shall provide his or her
28 employees a written description of the employer's in-house controlled
29 purchase program. The written description must include notice of
30 actions an employer may take as a consequence of an employee's failure
31 to comply with company policies regarding unauthorized persons engaging
32 in gambling activities during a controlled purchase program authorized
33 under this section.

34 (5) A person under the age of eighteen who violates subsection (1)
35 of this section shall not collect any winnings or recover any losses
36 arising as a result of unlawfully participating in any gambling
37 activity. Additionally, any money or anything of value which has been
38 obtained by, or is owed to, any person under the age of eighteen shall

1 be forfeited to the department of social and health services division
2 of alcohol and substance abuse or its successor and used for a program
3 related to youth problem gambling awareness, prevention, and/or
4 education. Any person claiming any money or things of value subject to
5 forfeiture under this subsection will receive notice and an opportunity
6 for a hearing under RCW 9.46.231.

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