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HOUSE BILL 2673

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Zeiger, Wylie, and Vick

Read first time 01/24/14. Referred to Committee on Government  
Accountability & Oversight.

1 AN ACT Relating to the use and possession of electronic or  
2 eletromechanical amusement machines; and amending RCW 9.46.0237 and  
3 9.46.0241.

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

5 **Sec. 1.** RCW 9.46.0237 and 2005 c 351 s 1 are each amended to read  
6 as follows:

7 "Gambling," as used in this chapter, means staking or risking  
8 something of value upon the outcome of a contest of chance or a future  
9 contingent event not under the person's control or influence, upon an  
10 agreement or understanding that the person or someone else will receive  
11 something of value in the event of a certain outcome. Gambling does  
12 not include the use or operation of electronic or electromechanical  
13 amusement machines under RCW 9.46.0241(2), fishing derbies as defined  
14 by this chapter, parimutuel betting and handicapping contests as  
15 authorized by chapter 67.16 RCW, bona fide business transactions valid  
16 under the law of contracts, including, but not limited to, contracts  
17 for the purchase or sale at a future date of securities or commodities,  
18 and agreements to compensate for loss caused by the happening of  
19 chance, including, but not limited to, contracts of indemnity or

1 guarantee and life, health, or accident insurance. In addition, a  
2 contest of chance which is specifically excluded from the definition of  
3 lottery under this chapter shall not constitute gambling.

4 **Sec. 2.** RCW 9.46.0241 and 1994 c 218 s 8 are each amended to read  
5 as follows:

6 (1) Except as provided in subsection (2) of this section, "gambling  
7 device," as used in this chapter, means: ((+1))

8 (a) Any device or mechanism the operation of which a right to  
9 money, credits, deposits, or other things of value may be created, in  
10 return for a consideration, as the result of the operation of an  
11 element of chance((7)) including, but not limited to slot machines,  
12 video pull-tabs, video poker, and other electronic games of chance;  
13 ((+2))

14 (b) Any device or mechanism which, when operated for a  
15 consideration, does not return the same value or thing of value for the  
16 same consideration upon each operation thereof; ((+3))

17 (c) Any device, mechanism, furniture, fixture, construction, or  
18 installation designed primarily for use in connection with professional  
19 gambling; and ((+4))

20 (d) Any subassembly or essential part designed or intended for use  
21 in connection with any such device, mechanism, furniture, fixture,  
22 construction, or installation. ((In the application of this  
23 definition,))

24 (2) For the purposes of this chapter, "gambling device" does not  
25 include:

26 (a) A pinball machine or similar mechanical amusement device which  
27 confers only an immediate and unrecorded right of replay on players  
28 thereof, which does not contain any mechanism which varies the chance  
29 of winning free games or the number of free games which may be won or  
30 a mechanism or a chute for dispensing coins or a facsimile thereof, and  
31 which prohibits multiple winnings depending upon the number of coins  
32 inserted and requires the playing of five balls individually upon the  
33 insertion of a nickel or dime, as the case may be, to complete any one  
34 operation thereof((, shall not be deemed a gambling device)):  
35 PROVIDED, That owning, possessing, buying, selling, renting, leasing,  
36 financing, holding a security interest in, storing, repairing, and  
37 transporting such pinball machines or similar mechanical amusement

1 devices shall not be deemed engaging in professional gambling for the  
2 purposes of this chapter and shall not be a violation of this chapter:  
3 PROVIDED FURTHER, That any fee for the purchase or rental of any such  
4 pinball machines or similar amusement devices shall have no relation to  
5 the use to which such machines are put but be based only upon the  
6 market value of any such machine, regardless of the location of or type  
7 of premises where used, and any fee for the storing, repairing, and  
8 transporting thereof shall have no relation to the use to which such  
9 machines are put, but be commensurate with the cost of labor and other  
10 expenses incurred in any such storing, repairing, and transporting;

11 (b) An electronic or electromechanical amusement machine that meets  
12 the following criteria:

13 (i) Allows the player to participate in a contest or game that  
14 includes elements of both skill and chance;

15 (ii) The contest or game is activated by the player through the  
16 insertion of coins or tokens into the machine; and

17 (iii) Awards prizes, but the prizes are limited to merchandise or  
18 coupons, tickets or tokens redeemable for merchandise, but not monetary  
19 prizes.

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