

HOUSE BILL 253

C7, L2
HB 461/12 – W&M

3lr1903
CF SB 535

By: **Washington County Delegation**

Introduced and read first time: January 23, 2013

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 21, 2013

CHAPTER _____

1 AN ACT concerning

2 **Washington County – Amusement Devices – Tip Jars**

3 FOR the purpose of altering the definition of “amusement device” as it relates to the
4 operation and regulation of amusement devices in Washington County to
5 include a game activated by an object or another consideration of value; altering
6 the definition of “gross profits” as it relates to the operation of tip jars in
7 Washington County to require the deduction of the cost of a gaming sticker; and
8 generally relating to the operation and regulation of amusement devices and tip
9 jars in Washington County.

10 ~~BY repealing and reenacting, with amendments,~~

11 ~~Article 24 – Political Subdivisions – Miscellaneous Provisions~~

12 ~~Section 11-202~~

13 ~~Annotated Code of Maryland~~

14 ~~(2011 Replacement Volume 2012 Supplement)~~

15 BY repealing and reenacting, without amendments,

16 Article – Business Regulation

17 Section 17-441(a) and 17-442

18 Annotated Code of Maryland

19 (2010 Replacement Volume and 2012 Supplement)

20 (As enacted by Chapter (H.B. 472) of the Acts of the General Assembly of
21 2013)

22 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Business Regulation
 2 Section 17-441(b)
 3 Annotated Code of Maryland
 4 (2010 Replacement Volume and 2012 Supplement)
 5 (As enacted by Chapter (H.B. 472) of the Acts of the General Assembly of
 6 2013)

7 BY repealing and reenacting, with amendments,
 8 Article – Criminal Law
 9 Section 13-2435
 10 Annotated Code of Maryland
 11 (2012 Replacement Volume and 2012 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 13 MARYLAND, That the Laws of Maryland read as follows:

14 ~~Article 24 – Political Subdivisions – Miscellaneous Provisions~~

15 ~~11-202.~~

16 (a) (1) ~~In this section, “amusement device” means [billiard];~~

17 (1) ~~BILLIARD tables [and coin-operated games in Washington~~
 18 ~~County.~~

19 (2) ~~“Coin-operated game” means a]; OR~~

20 (H) ~~A game activated by coins [or], tokens [including:], OR~~
 21 ~~OTHER OBJECTS OR CONSIDERATION OF VALUE.~~

22 (2) ~~“AMUSEMENT DEVICE” INCLUDES:~~

23 (i) ~~A video game;~~

24 (ii) ~~An electronic game;~~

25 (iii) ~~A claw machine;~~

26 (iv) ~~A bowling game;~~

27 (v) ~~A shuffleboard game;~~

28 (vi) ~~A pool table;~~

29 (vii) ~~A pinball machine;~~

1 ~~(viii) A target machine;~~

2 ~~(ix) A baseball machine; and~~

3 ~~(x) Any other similar device.~~

4 ~~(3) "Amusement device" does not include a bona fide vending machine~~
5 ~~in which amusement features are not incorporated.~~

6 ~~(b) (1) A person, company, partnership, or any other incorporated or~~
7 ~~unincorporated organization shall be licensed under this section before the person,~~
8 ~~company, partnership, or any other incorporated or unincorporated organization may~~
9 ~~operate an amusement device in Washington County.~~

10 ~~(2) An applicant for an amusement device operator license shall~~
11 ~~annually:~~

12 ~~(i) Submit an application to the County Commissioners of~~
13 ~~Washington County on the form that the County Commissioners require; and~~

14 ~~(ii) Pay a fee of \$25 annually.~~

15 ~~(3) The application for an amusement device operator license shall~~
16 ~~contain:~~

17 ~~(i) The name of the applicant;~~

18 ~~(ii) The address of the applicant;~~

19 ~~(iii) The names and addresses of all locations where amusement~~
20 ~~machines are to be operated by the applicant; and~~

21 ~~(iv) Any other information that the County Commissioners~~
22 ~~require.~~

23 ~~(4) (i) Each amusement device operator license expires on June 30~~
24 ~~each year and may be renewed each year on or before July 1.~~

25 ~~(ii) Before the license expires, the licensee periodically may~~
26 ~~renew it for an additional 1 year term.~~

27 ~~(c) (1) Before a person who keeps, owns, or maintains an amusement~~
28 ~~device allows the operation of the machine by the public in Washington County, the~~
29 ~~person shall obtain a permit.~~

30 ~~(2) An applicant for an amusement device permit shall:~~

~~(i) Submit an application for each location where the machines are to be operated to the County Commissioners of Washington County on the form that the County Commissioners require; and~~

~~(ii) Pay a fee of \$100 per machine for each permit.~~

~~(3) Each amusement device operator permit expires on June 30 each year and may be renewed each year on or before July 1.~~

~~(d) If an amusement device is on display for sale, the County Commissioners may waive any fee otherwise required under this section.~~

~~(e) (1) A person who violates subsection (b) of this section is guilty of a misdemeanor, and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 6 months, or both.~~

~~(2) A person who violates subsection (c) of this section is guilty of a misdemeanor, and on conviction is subject to a fine not exceeding \$500, or imprisonment not exceeding 6 months, or both.~~

~~(3) Upon conviction, the county may institute proceedings to forfeit any amusement device which was operated in derogation of this section. The Circuit Court of Washington County shall have jurisdiction to hear and determine any such forfeiture proceeding.~~

Article – Business Regulation

17-441.

(a) In this part the following words have the meanings indicated.

(b) (1) “Amusement device” means:

(I) a billiard table; or

(II) A game activated by coins [or], tokens, OR OTHER OBJECTS OR CONSIDERATION OF VALUE.

(2) “Amusement device” includes:

(i) a video game;

(ii) an electronic game;

(iii) a claw machine;

(iv) a bowling game;

1 (v) a shuffleboard game;

2 (vi) a pool table;

3 (vii) a pinball machine;

4 (viii) a target machine;

5 (ix) a baseball machine; and

6 (x) any other similar device.

7 (3) “Amusement device” does not include a vending machine in which
8 amusement features are not incorporated.

9 17-442.

10 Part V of this subtitle applies only in Washington County.

11 Article – Criminal Law

12 13-2435.

13 (a) In this section, “gross profits” means the total proceeds from the
14 operation of a tip jar less:

15 (1) the amount of money winnings or value of prizes distributed; AND

16 (2) THE COST OF A GAMING STICKER.

17 (b) There is a Washington County Gaming Fund.

18 (c) (1) The county commissioners shall establish:

19 (i) the method and time of deposits to the fund; and

20 (ii) other procedures necessary to carry out subsections (d), (e),
21 and (f) of this section.

22 (2) In accordance with a written agreement between the county
23 commissioners and the gaming commission, the gaming commission may use money
24 from the fund to reimburse the county commissioners for the costs to the county for
25 administering Part III of this subtitle.

1 (3) (i) The county commissioners may require the Washington
2 County Volunteer Fire and Rescue Association to submit financial reports of the
3 Association.

4 (ii) The county commissioners may adopt regulations specifying
5 the time frames for submission of the reports, but the regulations shall be limited in
6 scope to the timing of submission of the reports only.

7 (iii) The financial reports of the Washington County Volunteer
8 Fire and Rescue Association may include an annual budget as approved under
9 paragraph (4) of this subsection, budget reports, and related documentation that
10 shows how money has been spent by the Washington County Volunteer Fire and
11 Rescue Association during the previous fiscal year.

12 (iv) If the financial reports are not submitted within the time
13 required under the regulations, the county commissioners may withhold funds that
14 would otherwise be distributed under subsection (f)(1) of this section until the reports
15 are submitted.

16 (4) (i) Each year the Washington County Volunteer Fire and
17 Rescue Association shall submit its budget to the county commissioners.

18 (ii) The county commissioners shall accept or reject the budget
19 by a majority vote.

20 (iii) The acceptance or rejection of the budget may not be
21 delegated to any designee.

22 (iv) The county commissioners may withhold funds that would
23 otherwise be distributed under subsection (f)(1) of this section until the budget of the
24 Washington County Volunteer Fire and Rescue Association is accepted by the county
25 commissioners.

26 (d) (1) This subsection applies only to a person who holds a tip jar license
27 under § 13-2420(b)(7), (8), or (9) of this subtitle.

28 (2) Subject to paragraph (3) of this subsection, a person subject to this
29 subsection shall deposit with a financial institution designated by the gaming
30 commission, to the credit of the fund, the gross profits from each tip jar that the
31 person operates.

32 (3) To offset the costs of operating a tip jar, a person with a tip jar
33 license may retain the lesser of \$45 or 50% of the gross profits from each tip jar game.

34 (e) (1) This subsection applies only to a person who holds a tip jar license
35 under § 13-2420(b)(1) through (6) of this subtitle.

1 (2) A person subject to this subsection shall deposit with a financial
2 institution designated by the gaming commission, to the credit of the fund, 15% of the
3 gross profits earned through the operation of tip jars during the 12-month period
4 ending June 30.

5 (3) If a person fails to contribute the full amount required under
6 paragraph (2) of this subsection, the person shall deposit the balance required during
7 the next year.

8 (f) After the reimbursement under subsection (c)(2) of this section, each year
9 the gaming commission shall distribute:

10 (1) 50% of the money deposited in the fund to the Washington County
11 Volunteer Fire and Rescue Association; and

12 (2) subject to any restriction that the county commissioners adopt by
13 regulation, 50% of the money deposited in the fund to bona fide charitable
14 organizations in the county.

15 (g) The county commissioners may not require that funds distributed under
16 (f)(1) of this section be used for fire and rescue services for which funds previously
17 have been appropriated in the county operating budget.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 ~~July~~ October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.