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## By: **Washington County Delegation** Introduced and read first time: February 2, 2012 Assigned to: Ways and Means

## A BILL ENTITLED

1 AN ACT concerning

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## Washington County – Amusement Devices – Tip Jars

- FOR the purpose of altering the definition of "amusement device" as it relates to the operation and regulation of amusement devices in Washington County to include a game activated by an object or other consideration of value; altering the definition of "gross profits" as it relates to the operation of a tip jar in Washington County to require the deduction of the cost of a gaming sticker; and generally relating to the operation and regulation of amusement devices and tip 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)
- 15 BY repealing and reenacting, with amendments,
- 16 Article Criminal Law
- 17 Section 13–2435
- 18 Annotated Code of Maryland
- 19 (2009 Replacement Volume and 2011 Supplement)
- 20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 21 MARYLAND, That the Laws of Maryland read as follows:

# 22 Article 24 – Political Subdivisions – Miscellaneous Provisions

- 23 11–202.
- 24 (a) (1) In this section, "amusement device" means [billiard]:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



**(I)** 1 **BILLIARD** tables [and coin-operated games in Washington]  $\mathbf{2}$ County. "Coin-operated game" means al; OR 3 (2)A game activated by coins [or], tokens [including:], OR 4 **(II)** OTHER OBJECTS OR CONSIDERATION OF VALUE.  $\mathbf{5}$ 6 "AMUSEMENT DEVICE" INCLUDES: (2) 7 (i) A video game; 8 An electronic game; (ii) 9 (iii) A claw machine; 10 (iv) A bowling game; 11 (v) A shuffleboard game; A pool table; 12(vi) 13(vii) A pinball machine; 14(viii) A target machine: A baseball machine; and 15(ix) 16 Any other similar device. (x) 17"Amusement device" does not include a bona fide vending machine (3)18 in which amusement features are not incorporated. 19A person, company, partnership, or any other incorporated or (b)(1)20unincorporated organization shall be licensed under this section before the person, company, partnership, or any other incorporated or unincorporated organization may 2122operate an amusement device in Washington County. 23An applicant for an amusement device operator license shall (2)24annually: 25(i) Submit an application to the County Commissioners of 26Washington County on the form that the County Commissioners require; and 27(ii) Pay a fee of \$25 annually.

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(3)1 The application for an amusement device operator license shall  $\mathbf{2}$ contain: 3 The name of the applicant; (i) 4 (ii) The address of the applicant; The names and addresses of all locations where amusement  $\mathbf{5}$ (iiii) 6 machines are to be operated by the applicant; and 7 (iv) Any other information that the County Commissioners 8 require. 9 (4)(i) Each amusement device operator license expires on June 30 each year and may be renewed each year on or before July 1. 10 11 (ii) Before the license expires, the licensee periodically may 12renew it for an additional 1 year term. 13Before a person who keeps, owns, or maintains an amusement (c)(1)device allows the operation of the machine by the public in Washington County, the 14person shall obtain a permit. 1516An applicant for an amusement device permit shall: (2)17(i) Submit an application for each location where the machines are to be operated to the County Commissioners of Washington County on the form 18 that the County Commissioners require; and 1920(ii) Pay a fee of \$100 per machine for each permit. 21Each amusement device operator permit expires on June 30 each (3)22year and may be renewed each year on or before July 1. 23If an amusement device is on display for sale, the County Commissioners (d) 24may waive any fee otherwise required under this section. 25(e)A person who violates subsection (b) of this section is guilty of a (1)26misdemeanor, and on conviction is subject to a fine not exceeding \$5,000 or 27imprisonment not exceeding 6 months, or both. 28(2)A person who violates subsection (c) of this section is guilty of a 29misdemeanor, and on conviction is subject to a fine not exceeding \$500, or 30 imprisonment not exceeding 6 months, or both.

$\begin{array}{c}1\\2\\3\\4\end{array}$	(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.
5	Article – Criminal Law
6	13–2435.
7 8	(a) In this section, "gross profits" means the total proceeds from the operation of a tip jar less:
9	(1) the amount of money winnings or value of prizes distributed; AND
10	(2) THE COST OF A GAMING STICKER.
11	(b) There is a Washington County Gaming Fund.
12	(c) (1) The county commissioners shall establish:
13	(i) the method and time of deposits to the fund; and
$\begin{array}{c} 14 \\ 15 \end{array}$	(ii) other procedures necessary to carry out subsections (d) and (e) of this section.
16 17 18 19	(2) In accordance with a written agreement between the county commissioners and the gaming commission, the gaming commission may use money from the fund to reimburse the county commissioners for the costs to the county for administering Part III of this subtitle.
$\begin{array}{c} 20\\ 21 \end{array}$	(d) (1) This subsection applies only to a person who holds a tip jar license under $ 13-2420(b)(7)$ , (8), or (9) of this subtitle.
$22 \\ 23 \\ 24 \\ 25$	(2) Subject to paragraph (3) of this subsection, a person subject to this subsection shall deposit with a financial institution designated by the gaming commission, to the credit of the fund, the gross profits from each tip jar that the person operates.
$\begin{array}{c} 26 \\ 27 \end{array}$	(3) To offset the costs of operating a tip jar, a person with a tip jar license may retain the lesser of \$45 or 50% of the gross profits from each tip jar game.
28 29	(e) (1) This subsection applies only to a person who holds a tip jar license under $13-2420(b)(1)$ through (6) of this subtitle.
30 31	(2) A person subject to this subsection shall deposit with a financial institution designated by the gaming commission, to the credit of the fund, 15% of the

1 gross profits earned through the operation of tip jars during the 12-month period 2 ending June 30.

3 (3) If a person fails to contribute the full amount required under 4 paragraph (2) of this subsection, the person shall deposit the balance required during 5 the next year.

6 (f) After the reimbursement under subsection (c)(2) of this section, each year 7 the gaming commission shall distribute:

8 (1) 50% of the money deposited in the fund to the Washington County
9 Volunteer Fire and Rescue Association; and

10 (2) subject to any restriction that the county commissioners adopt by 11 regulation, 50% of the money deposited in the fund to bona fide charitable 12 organizations in the county.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect14 July 1, 2012.