

# SENATE BILL 622

L2, C7

2lr2440  
CF HB 461

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By: **Senators Shank, Edwards, and Young**

Introduced and read first time: February 3, 2012

Assigned to: Budget and Taxation

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## A BILL ENTITLED

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 other consideration of value; altering  
6 the definition of “gross profits” as it relates to the operation of a tip jar 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)

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]:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(I)**    **BILLIARD** tables [and coin-operated games in Washington  
2 County.

3                   (2)    “Coin-operated game” means a]; **OR**

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

6                   **(2)**    **“AMUSEMENT DEVICE” INCLUDES:**

7                   (i)    A video game;

8                   (ii)   An electronic game;

9                   (iii)  A claw machine;

10                  (iv)   A bowling game;

11                  (v)    A shuffleboard game;

12                  (vi)   A pool table;

13                  (vii)  A pinball machine;

14                  (viii) A target machine;

15                  (ix)   A baseball machine; and

16                  (x)    Any other similar device.

17                  (3)    “Amusement device” does not include a bona fide vending machine  
18 in which amusement features are not incorporated.

19                  (b)    (1)    A person, company, partnership, or any other incorporated or  
20 unincorporated organization shall be licensed under this section before the person,  
21 company, partnership, or any other incorporated or unincorporated organization may  
22 operate an amusement device in Washington County.

23                  (2)    An applicant for an amusement device operator license shall  
24 annually:

25                  (i)    Submit an application to the County Commissioners of  
26 Washington County on the form that the County Commissioners require; and

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

1                   (3)    The application for an amusement device operator license shall  
2 contain:

3                   (i)    The name of the applicant;

4                   (ii)   The address of the applicant;

5                   (iii)   The names and addresses of all locations where amusement  
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  
10 each year and may be renewed each year on or before July 1.

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

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

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

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

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

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

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

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

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

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

## 5                                   Article – Criminal Law

6 13–2435.

7           (a) In this section, “gross profits” means the total proceeds from the  
8 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

14                   (ii) other procedures necessary to carry out subsections (d) and  
15 (e) of this section.

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

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

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

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

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

30                   (2) A person subject to this subsection shall deposit with a financial  
31 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 effect  
14 July 1, 2012.