

CONDENSED LICENSING RULES

COMMERCIAL AMUSEMENT GAMES

WAC 230-03-035 Applying for a license. (1)

You must fully complete the license application form we provide in order to be considered for a license. You must return it, along with the appropriate fees, to our headquarters office.

(2) If your application is incomplete, you must provide us with the required items within thirty days of notification or we may administratively close the application.

WAC 230-03-040 Signing the application.

The applicant signs the application under oath and under penalty of perjury under the laws of the state of Washington. This oath affirms that the information on the application and any accompanying materials is accurate and complete.

(1) The person signing the application must be:

(a) The highest ranking officer of a charitable, nonprofit, or profit-seeking corporation, or limited liability company seeking licensure; or

(b) The owner of a sole proprietorship seeking licensure; or

(c) All partners of a partnership or general partner of a limited partnership seeking licensure.

(2) The person seeking an individual license and a designated officer of the organization for which the person will work must both sign the application.

WAC 230-03-050 Additional information required from applicants for licensing. (1)

Applicants must give us details or copies of the following information on or attached to their application:

(a) The name of the resident agent as required by state law, and the agent's business and home address; and

(b) Internal Revenue Service tax exemption letter, if one is necessary; and

(c) All lease or rental agreements, whether oral or written, between the applicant and the owner of the site where the applicant will conduct gambling activity; and

(d) Any franchise agreements or other agreements, whether written or oral, between the applicant and distributors or manufacturers of equipment or between the applicant and any other person whose agreements relate to gambling activities or gambling equipment; and

(e) All proposed financing, consulting, and management agreements or contracts between applicant and any gambling service supplier; and

(f) Enough personal information to ensure each substantial interest holder is qualified to hold a license or participate in an authorized gambling activity; and

(g) For commercial applicants: Articles of incorporation, limited liability corporation formation, partnership agreement, and other documents which set out the applicant's business structure; and

(h) For charitable and nonprofit organization applicants: Articles of incorporation and bylaws; or, if not a corporation, a copy of any bylaws and other documents which set out the organizational structure and purposes of the organization.

(2) Applicants must also give us any other information we request within thirty days of the request or within any other time frame we provide.

WAC 230-03-052 Resident agent to be appointed by out-of-state applicants and licensees. (1)

All applicants and licensees that do not have a business office or licensed premises within Washington state must appoint a resident agent for receiving and accepting service of process and other communications from us.

(2) The resident agent must be:

(a) A natural person who is a resident living in Washington state; and

(b) At least eighteen years old.

(3) The resident agent's name, business address, and home address must be filed with us.

WAC 230-03-055 Reporting changes to application.

You must notify us if any information required on the application changes or becomes inaccurate in any way within ten days of the change.

WAC 230-03-060 Fingerprinting of applicants.

Applicants or persons holding a substantial interest may undergo a national criminal history background check, using fingerprints for the following licenses:

(1) Amusement games for commercial use: Class E and above; and

(2) Card games: Class E, Class F and house-banked card rooms; and

(3) Punch boards/pull-tabs for commercial stimulant: Class F and above; and

(4) Manufacturers: Class B and above; and

(5) Distributors: Class B and above; and

(6) Gambling service suppliers; and

(7) Representatives for distributors, manufacturers, gambling service suppliers, and linked bingo prize providers; and

(8) Managers of commercial gambling operations; and

(9) Public card room employees; and

(10) Linked bingo prize providers.

CONDENSED LICENSING RULES

COMMERCIAL AMUSEMENT GAMES

WAC 230-03-070 Training required for licensing. (1) You must complete a training course we establish if you:

- (a) Signed the licensing application; or
 - (b) Are a manager; or
 - (c) Are responsible for conducting gambling activities or completing records.
- (2) You must complete training within thirty days of the effective date of your license.
- (3) We do not require manufacturers or manufacturers' representatives to complete training.

WAC 230-03-075 Withdrawing your application. (1) You may withdraw your license application for any reason by sending written notice to us. We must receive your written request at our headquarters office before we issue or deny the license.

(2) Withdrawing an application will not affect any future application for a license.

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit. We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075; or
- (2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person; or
- (3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level; or
- (4) Has failed to pay gambling taxes to local taxing authorities and the local taxing authority has petitioned us to take action; or
- (5) Is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4); or
- (6) Is the subject of an outstanding gross misdemeanor or felony arrest warrant; or
- (7) Fails to provide us with any information required under commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us; or

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by:

- (a) Prior activities; or
- (b) Criminal record; or
- (c) Reputation; or
- (d) Habits; or
- (e) Associations; or

(9) Knowingly provides or provided goods or services to an entity that illegally operates gambling activities.

WAC 230-03-165 Information required with license application for commercial amusement games. You must provide in writing all information necessary to comply with RCW 9.46.0331 if you are applying for a commercial amusement game license. Additionally, you must provide the following information:

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| (1) All locations: | <ul style="list-style-type: none"> (a) A list of times and dates when the applicant will operate the activity; and (b) A copy of any rental/lease agreement which allows operation of commercial amusement games at any location the applicant does not own or otherwise control. The applicant must disclose full details of the rental/lease agreement, including any revenue sharing provisions, all costs the applicant will share, and any restrictions on the number of amusement games the applicant operates; and (c) Copies of any rental or lease contracts related to the amusement game equipment. |
| (2) Permanent locations: | <ul style="list-style-type: none"> (a) Amusement parks: The number of mechanical or aquatic rides, theatrical productions, motion pictures, and slide show presentations available for the public. (b) Regional shopping centers: Size of the shopping center, in gross square feet, not including parking areas. |

CONDENSED LICENSING RULES COMMERCIAL AMUSEMENT GAMES

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| | <p>(c) Taverns and restaurants with cocktail lounges: Washington state liquor control board license number and expiration date, and a statement of whether the business prohibits minors from all portions of the premises.</p> <p>(d) Movie theaters, bowling alleys, miniature golf course facilities, skating facilities, and amusement centers: Complete description of the business activities conducted. For an amusement center, the number of amusement devices, income derived from those devices, and all other business activities conducted during the last twelve months.</p> <p>(e) Any business whose primary activity is to provide food service for on-premises consumption: Amount of gross income the entire business generates; and the portion of gross income the food service for on-premises consumption generates.</p> <p>(f) Department or grocery stores: Type of retail products sold; size of the store premises, in gross square feet, not including parking areas.</p> |
| (3) Limited time locations: | The applicant must receive written permission from the sponsor of any activity and provide planned operating dates for all locations at which the applicant plans to operate during the year. This operating plan must be updated any time the dates of operation change. |

(2) You must demonstrate your ability to comply with all manufacturing, quality control, and operations restrictions imposed on authorized gambling equipment that you want to manufacture or market for use in Washington state.

(3) The licensing process may include an on-site review of your manufacturing equipment and process for each separate type of authorized gambling equipment to ensure compliance capability.

WAC 230-03-190 Applying for a distributor license. You must apply for a distributor license if you:

(1) Buy or otherwise obtain a finished piece of gambling equipment for use in authorized gambling activities from another person and sell or provide that gambling equipment to a third person for resale, display, or use; or

(2) Are a manufacturer who sells or provides gambling equipment you do not make to any other person for resale, display, or use; or

(3) Service and repair authorized gambling equipment. However, distributors must not add, modify, or alter the gambling equipment; or

(4) Modify gambling equipment using materials provided by manufacturers to upgrade equipment to current technology.

WAC 230-03-195 Additional information required from manufacturer and distributor license applicants. If you are applying for a manufacturer or distributor license, you must attach the following to your application form:

(1) A list of all businesses or corporations which you, or officers, directors, or substantial interest holders of your business, either directly or indirectly, own or control as a substantial interest holder; and

(2) A list of all businesses or corporations licensed to conduct gambling activities or to supply gambling-related equipment, supplies, or services in which you, officers, directors, or substantial interest holders of your business have any interest; and

(3) A list of all jurisdictions in which you or any of the officers, directors, or substantial interest holders of your business have had a gambling-related license at any level during the previous ten years; and

(4) A statement about whether you, or officers, directors, or substantial interest holders have ever been part of a business that had a gambling-related license denied, revoked, or suspended by any jurisdiction for a period longer than thirty days.

WAC 230-03-185 Applying for a manufacturer license. (1) You must apply for a manufacturer license if you:

(a) Make or assemble a completed piece or pieces of gambling equipment for use in authorized gambling activities; or

(b) Convert, modify, combine, add to, or remove parts or components of any gambling equipment for use in authorized gambling activities.

CONDENSED LICENSING RULES

COMMERCIAL AMUSEMENT GAMES

WAC 230-03-200 Defining "gambling equipment." "Gambling equipment" means any device, gambling-related software, expendable supply, or any other paraphernalia used as a part of gambling or to make gambling possible. "Gambling equipment" includes, but is not limited to:

- (1) Amusement games;
- (2) Punch boards and pull-tabs;
- (3) Devices for dispensing pull-tabs;
- (4) Electronic devices for conducting, facilitating, or accounting for the results of gambling activities, including, but not limited to:
 - (a) Components of a tribal lottery system;
 - (b) Electronic devices for reading and displaying outcomes of gambling activities; and
 - (c) Accounting systems that are a part of, or directly connected to, a gambling system including, but not limited to:
 - (i) Bet totalizers; or
 - (ii) Progressive jackpot meters; or
 - (iii) Keno systems;
- (5) Bingo equipment;
- (6) Devices and supplies used to conduct card games, fund-raising events, recreational gaming activities, or Class III gaming activities, as defined in the Indian Gaming Regulatory Act at U.S.C. 25 chapter 29 § 2703 and in tribal-state compacts including, but not limited to:
 - (a) Gambling chips;
 - (b) Cards;
 - (c) Dice;
 - (d) Card shuffling devices;
 - (e) Graphical game layouts for table games;
 - (f) Ace finders or no-peek devices;
 - (g) Roulette wheels;
 - (h) Keno equipment; and
 - (i) Tables manufactured exclusively for gambling purposes.

WAC 230-05-001 Prorating or refunding of fees. (1) We may prorate organization license fees when we adjust expiration dates to schedule our workload.

(2) We may adjust expiration dates to end on the same day for organizations licensed for more than one activity. Whenever we adjust license expiration dates under this provision, we may prorate the required fees.

(3) We will not prorate or refund fees when:

- (a) You discontinue your gambling activities; or
 - (b) You voluntarily surrender your license or permit; or
 - (c) We suspend or revoke your license.
- (4) We keep a portion of your application fees whether we deny or administratively close your application or you withdraw it.
- (5) If you are a commercial stimulant or a charitable or nonprofit licensee, you have one year

from your license expiration to apply for a partial refund of your license fee if your annual gross gambling receipts are less than the minimum for your license class. After our approval, we refund you the difference between the fees you paid and the fees for the license class level you actually met.

WAC 230-05-010 Returned checks. (1) If your bank returns your check for license fees to us for any reason, you must:

- (a) Pay us in full, by certified check, money order, or cash, within five days of notification; and
 - (b) Pay an additional processing charge of thirty dollars.
- (2) If you fail to pay within five days of notification:
 - (a) We will administratively close your application; or
 - (b) Your license expires and all gambling activity must stop.
- (3) If we administratively close your application or your license expires, you must give us a new application with fees paid by certified check, money order, or cash in order to be considered for a license.

WAC 230-06-010 Age restrictions for players. No person must allow anyone under the age of eighteen to participate in gambling activities except:

- (1) To play in licensed bingo games when accompanied by an adult member of his or her immediate family or a guardian, who is at least eighteen years old:
 - (a) "Immediate family" means only the spouse, parents, or grandparents of an individual; and
 - (b) "Guardian" means only a court-appointed, legal guardian of an individual; or
- (2) To play bingo at agricultural fairs or school carnivals; or
- (3) To play amusement games; or
- (4) To sell raffle tickets for a charitable or nonprofit organization that:
 - (a) Has development of youth as a primary purpose; and
 - (b) Has at least three members or advisors who are at least eighteen years old and who supervise the operation of the raffle; and
 - (c) Has an adult member or advisor designated as the manager for the raffle.

CONDENSED LICENSING RULES

COMMERCIAL AMUSEMENT GAMES

WAC 230-06-065 Displaying of licenses.

(1) Licensees must prominently display originals or copies of all gambling activity licenses or permits we have issued in the gambling area of their business premises.

(2) Licensees must have the licenses and permits ready for inspection by us, other law enforcement personnel, and the public at all times.

(3) Card room employers may choose not to display employee licenses, but must maintain all card room employees' licenses, proof of licensing, or applications if we have not issued a license, on the licensed premises at all times.

WAC 230-06-080 Report changes to application information and submit updated documents and information.

(1) Licensees must notify us in writing if any information filed with the application changes in any way within thirty days of the change.

(2) Licensees must submit to us any new or updated documents and information, including the following:

(a) Articles of incorporation or bylaws, or any other documents which set out the organizational structure and purposes; and

(b) All oral or written contracts and agreements which relate to gambling activities or alter the organizational structure of the licensee's organization or business activities in Washington; and

(c) All cash or asset contributions, draws from lines of credit, and loans (except those from recognized financial institutions) during any calendar year which by themselves or totaled together are more than ten thousand dollars. Cash or asset contributions do not include donations to licensed charitable or nonprofit organizations; and

(d) Internal Revenue Service tax deductible status of contributions for charitable and nonprofit organizations.

WAC 230-06-085 Report criminal actions filed.

(1) Licensees must report to us in writing within thirty days all criminal actions filed against the licensee, any manager of the licensed gambling activity, the business organization, or any person holding a substantial interest in the business organization.

(2) We must receive a copy of the final written decision or settlement within thirty days after the case is resolved.

WAC 230-06-090 Report administrative and civil actions filed. (1) All licensees must report to us in writing within thirty days all administrative actions filed against them by other gambling regulatory agencies, including those from other countries and Indian tribes.

(2) Licensed organizations must report to us in writing within thirty days all civil and administrative actions that are filed by or against any manager of the licensed gambling activity, the business organization, or any person holding a substantial interest in the business organization. Actions include, but are not limited to:

- (a) Divorces; and
- (b) Bankruptcy; and
- (c) Tax liens; and
- (d) Business dissolutions.

(3) The report must consist of a complete copy of the original documents filed. Licensees must notify the commission of the final disposition of the case and include a copy of the final documents filed including, but not limited to, settlement agreements.

(4) For cases involving patent infringement on gambling equipment, licensees must send only the final written decision or settlement.

(5) We must receive a copy of the final written decision or settlement within thirty days after the case is resolved.

WAC 230-06-125 Renew your license in a timely manner.

(1) Licensees must ensure a properly completed renewal application and all applicable fees are received at our administrative office in Lacey at least fifteen days before the expiration date on their license.

(2) If licensees do not submit a properly completed application and all fees and their license expires, they must immediately stop the gambling activity covered by their license.

(3) If your license expires, you must submit an application and you must not operate any gambling activity until a new license is issued.

WAC 230-06-130 Exceeding license class.

(1) Licensees must not exceed the gross gambling receipts limits for their license class during any annual license period.

(2) Licensees must apply a projection of year-to-date receipts to the remaining period of their license and, if it indicates that it is reasonably likely that they may exceed their license, they must immediately:

(a) Apply for a license that authorizes the anticipated level of gross gambling receipts; and

(b) Submit the fee required for the new license, minus the amount originally submitted for the previous license, plus a change of classification fee.

CONDENSED LICENSING RULES

COMMERCIAL AMUSEMENT GAMES

(3) If we issue a license upgrade, it is valid only for the remainder of the original term of the license.

(4) Licensees may exceed license class limits once, by the amount shown in the fees table, without having to upgrade or pay the penalties as long as they upgrade to the higher license class the next time they renew their license.

WAC 230-10-370 Adjusted cash flow limits for bingo. For the purpose of this subsection, "gross receipts" means the combined gross gambling receipts from bingo, pull-tab, and punch board activities. Bingo licensees must ensure that the adjusted cash flow from the bingo operation available for its charitable or nonprofit programs during each license year is, at least:

| Gross Receipts* | Adjusted Cash Flow |
|---|---|
| (1) Above \$1,500,000 up to \$2,500,000 | Three percent of gross receipts over \$1,500,000 |
| (2) Above \$2,500,000 up to \$3,500,000 | \$30,000 plus four percent of gross receipts over \$2,500,000 |
| (3) Above \$3,500,000 up to \$4,500,000 | \$70,000 plus five percent of gross receipts over \$3,500,000 |
| (4) Above \$4,500,000 | \$120,000 plus six percent of gross receipts over \$4,500,000 |

*If the licensee does not operate for a full license year, we may pro rate the requirements based on full quarters operated.

WAC 230-13-001 Defining "operator." In this chapter, "operator" means the licensee or unlicensed charitable or nonprofit organization operating the amusement game.

WAC 230-13-005 Amusement games authorized. (1) We authorize the eleven groups of amusement games set forth in this chapter. Operators must only operate amusement games that meet the standards of at least one of the authorized groups.

(2) Commercial businesses or nonprofit or charitable organizations may apply for licenses for amusement games.

(3) Charitable or nonprofit organizations also may conduct amusement games without a license when authorized to do so under RCW 9.46.0321 and 9.46.0331.

(4) Operators must operate amusement games as either:

- (a) An attended amusement game.

(i) An "attended amusement game" means an amusement game that requires the presence or assistance of a person (attendant) in the regular operation of the game; and

(ii) These games must award a merchandise prize to players if players achieve the objective with one cost of play; or

(b) A coin or token activated amusement game.

(i) A "coin or token activated amusement game" means an amusement game that uses a mechanical, electronic, or electro-mechanical machine to allow the player to activate the game by inserting coins or tokens; and

(ii) These games may dispense merchandise prizes, or coupons, tickets, or tokens redeemable for merchandise prizes.

(5) Amusement games must not award additional plays as prizes.

WAC 230-13-010 Approval of new amusement games. (1) Operators may introduce new games that meet the standards of an authorized group without approval of the director as long as they provide the director or his or her designee with a description, the rules of play, and the group number of the game with an explanation of why that group was chosen at least sixty days before introducing the game.

(2) If the director notifies the operator that the proposed game does not meet the standards or otherwise violates the gambling laws or rules, the operator:

(a) May not introduce the game; and

(b) If already introduced, must remove it from play until the operator brings it into compliance with the authorized group.

WAC 230-13-015 Group 1 – Ball toss or kick amusement game standards. In Group 1 games, players throw or kick balls to win prizes.

(1) In ball toss or kick amusement games:

(a) All balls for each game must be uniform in size and weight; and

(b) All targets for each game must be the same size and weight or the operator must color code the target and advise the players of the difference in targets if the difference is not visible to players; and

(c) Target weight must not exceed seven and one-half pounds; and

(d) A target must not have a loose or floating weight.

(2) If the goal of the game requires estimating the speed of the ball thrown or kicked, operators must offer the player at least three balls to practice estimating the speed and one ball for the actual throw or kick.

CONDENSED LICENSING RULES COMMERCIAL AMUSEMENT GAMES

(3) If operators use a ping pong or similar light weight ball in games requiring players to toss the ball into a dish, saucer, cup, or similar container, they must place water in the bottom of each container.

WAC 230-13-020 Group 2 – Dart amusement game standards. In Group 2 games, players throw darts into a target area to win prizes. If players achieve the predetermined score or pattern, pierce or break a target, or just stick the dart in the target, the player wins a prize.

(1) In dart amusement games:

(a) All darts must be uniform in size and unaltered with the point sharp, or functional if suction-cup darts, and all feathers or tail sections intact; and

(b) The target area for all dart games must be of a material capable of being penetrated and retaining a metal tip dart, or holding a suction-cup dart; and

(c) The target area must be in the rear of the stand and must be at least three feet but not more than fifteen feet from a foul line.

(2) In "add 'em up games," where players must achieve a predetermined score, all darts stuck on the lines of the target must result in another throw by the player. Players have the right to add up the score of the darts thrown.

WAC 230-13-025 Group 3 – Hoop or ring toss amusement game standards. In Group 3 games, players toss one or more hoops or rings over one or more targets which may consist of bottles, pegs, blocks, prizes, or any item capable of having a ring or hoop tossed over it to win prizes. In hoop or ring toss amusement games:

(1) The operator must advise the player as to the degree that the hoop(s) or ring(s) must go over the target; and

(2) Hoops or rings for each game must be uniform in size and shape and must be capable of going over the target; and

(3) Targets used at an individual stand must be the same size. If not, the operator must post signs or use color codes to point out the different sizes.

WAC 230-13-030 Group 4 – Coin or token toss amusement game standards. In Group 4 games, players toss one or more coins or tokens onto a surface or into a target area to win a prize. In coin or token toss amusement games:

(1) The game must have a clear and unobstructed thirty-six inch vertical airspace above the target area or surface; and

(2) The target or surface must be level and not altered to give an advantage to the operator; and

(3) Any game which has a target area of four square inches or less must award a prize if any part of the coin or token is within the target area. "Four square inches" means a two-inch by two-inch square; and

(4) If the target does not include a more than two-inch by two-inch square area, such as a rainbow or star, a prize must be awarded if any part of the coin or token lands on any portion of the target area.

WAC 230-13-035 Group 5 – Hand / eye coordination amusement game standards. In Group 5 games, players perform task(s) using hand and eye coordination to win a prize.

(1) Hand and eye coordination amusement games must include one or more of the following:

(1) Hand and eye coordination amusement games must include one or more of the following:

(a) Striking a moving or fixed object or target including a sequence of moving or fixed objects or targets; or

(b) Launching object(s) at target(s) from a mechanism. Players must aim object(s) so they may land in, on, or go through a target(s), including catching the target(s) or having the object(s) caught in the target(s). In games where players launch, toss, or catapult objects at target(s), the launching machine must respond in an identical manner on repetitive uses when the player applies or selects an equal amount of force; or

(c) Dropping object(s) onto target area(s) or surface(s), including covering the area(s), or surface(s) with the object(s). If a player must cover a spot or specific target area, then the target area must be a circular spot and:

(i) The player must receive at least five circular discs to drop on the target or target area; and

(ii) The diameter of the circular discs used to cover the target or target area must be at least sixty-four percent of the diameter of the target spot or area; and

(iii) The target spot or area must be permanently affixed to a solid surface; or

(d) Capturing, lassoing, hooking, or getting a hold of an object(s) and causing them to move or change position; or

(e) Guiding object(s) or images through a pattern, maze, or task; or

(f) Climbing on, over, through, or around object(s); or

(g) Similar tasks.

(2) For any game requiring a player to perform a task normally associated with playing billiards or pool, operators must allow players to use a regulation billiard table, balls, and cue.

CONDENSED LICENSING RULES

COMMERCIAL AMUSEMENT GAMES

WAC 230-13-040 Group 6 – Strength test amusement game standards. In Group 6 games, players test their strength by performing task(s) for a predetermined number of times or length of time to win a prize. The tasks must do one or more of the following:

- (1) Test hand, arm, or whole body strength; or
- (2) Require the player to use a tool to strike an object or target, and cause the object to travel a specific distance; or
- (3) Require the object(s) to strike another object(s) to achieve the goal of the game.

WAC 230-13-045 Group 7 – Crane amusement game standards. In Group 7 games, players maneuver a crane or claw mechanism to attempt to retrieve a prize. All crane amusement games must:

- (1) Allow at least twenty seconds playing time per operation; and
- (2) Have a crane or claw capable of reaching, picking up, and dispensing all prizes in the machine; and
- (3) Have the machine controls clearly labeled as to their function; and
- (4) Have prizes loose and not packed, arranged, lodged, or intertwined in the machine in any way that would prevent the crane or claw from picking up and dispensing the prize.

WAC 230-13-050 Group 8 – Penny fall amusement game standards. In Group 8 games, players insert coins or tokens (coins) into a chute and aim the chute to win a prize. The coins land on a flat surface(s) which has sweeper and/or pusher arm(s) moving across the surface(s). Carefully aimed coins may cause coins on the flat surface(s) to be pushed or swept into holes or chutes which dispense tokens or tickets to the player.

- (1) Coin fall games must:
 - (a) Have level surfaces and contain similar coins; and
 - (b) Have the outcome of the game determined by player's skill.
- (2) Coin fall games may contain obstacles which if properly passed or struck by a coin, award additional tickets.
- (3) If coin fall games have obstacles, operators must:
 - (a) Turn on the obstacles before the player inserts the coin; and
 - (b) Keep them on long enough to allow the player to attempt to strike or pass the obstacles.
- (4) Operators may set merchandise prizes on the coins, tokens, or other surfaces in the game and if the prize is pushed into a hole or chute, then it is awarded to the player. All prizes must fit down the hole or chute.

WAC 230-13-055 Group 9 – Ball roll amusement game standards. In Group 9 games, players roll balls to a target area to win a prize. Ball roll amusement games may be either:

- (1) One player:
 - (a) Attempting to score a predetermined number of points by landing in a target area; or
 - (b) Striking and/or knocking down target(s); or
- (2) More than one player:
 - (a) Attempting to score a predetermined number of points; or
 - (b) Striking and/or knocking down target(s); or
 - (c) Landing in a target area. The first player to achieve the goal wins a prize.

WAC 230-13-060 Group 10 – Shooting amusement game standards. In Group 10 games, players use a mechanism to fire projectile(s) to hit target(s) to win prizes. In shooting amusement games:

- (1) The game may require a player to:
 - (a) Destroy or obliterate all or part of the target; or
 - (b) Hit the target or specific portion of it; or
 - (c) Hold an electronic beam, light beam, or water stream on the target or portion of it to achieve a specific result.
- (2) The projectiles may include pellets, BBs, corks, water, electronic beams, light beams, balls, or suction-cup darts.
- (3) The targets may be stationary or mobile.
- (4) Operators and players must comply with all safety requirements of the local city or county ordinances.
- (5) A short range shooting gallery must give players, at least:
 - (a) Four shots to shoot out a target which has a diameter of one-quarter inch or less; or
 - (b) One shot at each target which they must strike. Targets must be at least one-half inch square and may include a bulls-eye section which players must shoot out without touching the outside of the target.
- (6) "Shoot-out-the-star" games must give players at least one hundred projectiles in an automatic mechanism to shoot out a star which is no more than one and one-quarter inch from point to point.
- (7) Operators may determine a winner and award a prize based on the number of players participating.
- (8) If suction-cup darts are used in the game, players must receive another turn if the dart does not stick to the target area.
- (9) If targets must be knocked over or off of a shelf, then the bases of the targets must be uniformly shaped front and rear.

CONDENSED LICENSING RULES

COMMERCIAL AMUSEMENT GAMES

(10) If players must destroy or obliterate all or part of a target to win, then the players must have the right to have the target brought to them and to visually inspect it at any time during the game or at the conclusion of the game.

WAC 230-13-065 Group 11 – Cake walk and fish pond amusement game standards. Group 11 games are:

(1) Cake walk amusement games where players walk on a numbered or color-coded circle while music is played. When the music stops, a player wins a prize depending on the number or color of the portion of the circle the player is standing on; and

(2) Fish pond amusement games where players receive a prize each time they play by:

(a) Either hooking or capturing a fake fish floating in water or similar object with a number or symbol on the bottom. The number or symbol of the fish or object corresponds to a prize; or

(b) Having the operator place a prize directly onto the "line" or catching device of the player from behind a curtain or similar obstruction.

WAC 230-13-070 Notifying local law enforcement of amusement game operation. (1) Amusement game operators must notify the local law enforcement agency in writing at least ten days before operating amusement games at any location. The chief officer of the local law enforcement agency may reduce this time limit. The notice must include, at least:

(a) The name and address of the operator; and

(b) The name and address of the person managing the games at the location; and

(c) The date(s) and the location where the operator will conduct the amusement games.

(2) Operators must have all amusement game equipment available for inspection by local law enforcement or us at least the two hours before operating.

(3) Operators may place individual amusement games at locations where amusement games already exist without renotifying local law enforcement.

WAC 230-13-075 Assigning and reporting group numbers of authorized amusement games. Amusement game licensees must determine the authorized group number of each game and prepare a list of all games they plan to operate during each license year. They must submit this list to us with their activity report. The list must contain, at least, the name and group number of each game.

WAC 230-13-080 Operating coin or token activated amusement games. (1) Coin or token activated amusement games must have nonresetting coin-in meters, certified as accurate to within plus or minus one coin or token in one thousand plays, which stop play of the machine if the meter is removed or disconnected when operating at:

(a) Amusement parks; or

(b) Regional shopping malls; or

(c) Movie theaters; or

(d) Bowling alleys; or

(e) Miniature golf course facilities; or

(f) Skating facilities; or

(g) Family sports complexes.

(i) A "family sports complex" is a facility, at a permanent location, to which people go to play sports. A family sports complex must offer multiple sports activities, such as indoor soccer, outdoor soccer, lacrosse, baseball, Frisbee, and lawn bowling and the gross receipts must be primarily from these sports activities.

(ii) A family sports complex does not include a facility owned or operated by a school or school district; or

(h) Amusement centers; or

(i) Restaurants; or

(j) Grocery or department stores. A

"department or grocery store" means a business that offers the retail sale of a full line of clothing, accessories, and household goods, or a full line of dry grocery, canned goods, or nonfood items plus some perishable items, or a combination of these. A department or grocery store must have more than ten thousand square feet of retail and support space, not including the parking areas.

(2) All coin or token activated amusement games must have a coin acceptor capable of taking money for one play and may have an additional acceptor to include paper money.

(3) Operators using amusement games that do not return change must have a change-making bill acceptor or the ability to get change in the immediate vicinity of such games. All amusement games using paper money acceptors must either:

(a) Return change; or

(b) Clearly disclose to players before play that change is not returned and disclose to them where at the location they may get change.

WAC 230-13-085 Control and maintenance of amusement games. Amusement game operators must:

(1) Closely monitor and control all games to ensure they are operated according to all provisions of Title 230 WAC and chapter 9.46 RCW; and

(2) Protect players from fraud and game manipulation; and

CONDENSED LICENSING RULES

COMMERCIAL AMUSEMENT GAMES

(3) Maintain all games or machines in proper condition to ensure they comply with their authorized amusement game group.

WAC 230-13-090 Adult supervision of unattended amusement games. (1) Operators must provide adult supervision at all locations where school-aged minors are allowed to play amusement games during all hours of operation.

(a) "School aged minors" means anyone at least six, but not yet eighteen years old.

(b) An "unattended amusement game" means a game that does not require the player to interact with an attendant, for example, a coin activated game.

(2) An adult supervisor must ensure that school-age minors:

(a) Do not enter or play amusement games during school hours at regional shopping centers; and

(b) Do not enter or play amusement games during school hours at and after 10:00 p.m. on any day at any location mentioned in RCW 9.46.0331.

WAC 230-13-100 Material degree of skill required in amusement games. Amusement game operators must conduct games in which the outcome depends to a material degree on the skill of the player. We consider a "material degree of skill" to be present when both of these requirements are met:

(1) The player's physical or mental abilities play an important and integral role in determining the outcome of the game; and

(2) The success rate of the average player would improve with repeated play or practice.

WAC 230-13-105 Attended amusement game requirements. (1) Attendants of amusement games must, at least:

(a) Collect payment from the player(s); and

(b) Give equipment or components to the player(s) to participate in the game; and

(c) Award merchandise prize(s) to any winners.

(2) Attendants must not:

(a) Materially assist players; or

(b) Participate in the game.

WAC 230-13-115 "Limited location" license requirements. Amusement game licensees operating under a "limited location" license must assign each game a number and keep a list of all games and their booth numbers available in the operator's on-site office.

WAC 230-13-120 Posting amusement game rules. (1) Amusement game operators must fully inform players of game rules. They must prominently post a sign made of permanent material printed in lettering at least one and one-half inches in height that includes, at least:

(a) Fees charged for play; and

(b) Rules of play; and

(c) Prizes or number of tickets to be won; and

(d) Any variation in the size or weight of objects used in the game which is not readily visible to the player; and

(e) Name of the operator; and

(f) Booth number, if applicable; and

(g) Amusement game group number.

(2) For coin or token activated games, if all aspects of the activity are within four feet of the player, operators may use lettering smaller than one and one-half inches in height as long as they prominently post the sign and make it legible to players. The operator must ensure that the manufacturer either:

(a) Preprints the sign and information on the machine; or

(b) Attaches it to the machine.

WAC 230-13-125 Factors affecting skill readily visible for amusement games. If there are physical limitations which affect the degree of skill needed to win a prize, the amusement game operator must make these factors readily visible to the player. For example, if a target, basket, or hoop used in the amusement game has a limiting feature, such as shape or size, the operator must prominently post a duplicate of the target, basket, or hoop which shows the limitation.

WAC 230-13-130 Display and exchange of amusement game prizes. (1) Amusement game operators must prominently display a sample of each type of prize available.

(2) Operators must only award prizes that are posted. However, after a player has won two or more prizes, operators may offer that player the opportunity to exchange those prizes for one or more other prizes, but only if that prize was on display during the play of the game.

(3) Operators must not allow winners to forfeit previously won prize(s) in exchange for another play.

(4) Operators may give winners tickets which winners may combine with other tickets won and redeem for a merchandise prize.

CONDENSED LICENSING RULES

COMMERCIAL AMUSEMENT GAMES

WAC 230-13-135 Maximum wagers and prize limitations at certain amusement game locations.

The maximum wager is fifty cents and the maximum cost for a prize is two hundred fifty dollars if school-aged minors are allowed to play amusement games at the following locations:

- (1) Regional shopping centers; and
- (2) Movie theaters; and
- (3) Bowling alleys; and
- (4) Miniature golf course facilities; and
- (5) Skating facilities; and
- (6) Family sports complexes.

(i) A "family sports complex" is a facility, at a permanent location, to which people go to play sports. A family sports complex must offer multiple sports activities, such as indoor soccer, outdoor soccer, lacrosse, baseball, Frisbee, and lawn bowling and the gross receipts must be primarily from these sports activities.

(ii) A family sports complex does not include a facility owned or operated by a school or school district; and

(7) Amusement centers; and

(8) Grocery or department stores. A "department or grocery store" means a business that offers the retail sale of a full line of clothing, accessories, and household goods, or a full line of dry grocery, canned goods, or nonfood items plus some perishable items, or a combination of these. A department or grocery store must have more than ten thousand square feet of retail and support space, not including the parking areas; and

(9) Any business whose primary activity is to provide food service for on premises consumption.

WAC 230-13-140 Price to play amusement games must be paid in cash or check. (1) Amusement game operators must charge cash or check for playing.

(2) Operators may accept tokens, scrip, or tickets, but only if:

(a) The equivalent value in cash for each token, scrip, or ticket is printed on the token, ticket, or scrip; and

(b) Tokens, tickets or scrip are not redeemable for cash; and

(c) Tickets or scrip show the name of the operator or sponsor.

WAC 230-13-145 Marking the difference between objects thrown in multiple amusement games on the same premises.

Amusement game operators must not operate more than one game of a similar type on the same premises using similar objects of a different size or weight unless the difference in each game's objects is readily apparent.

WAC 230-13-150 Amusement game locations.

(1) Amusement game operators must obtain written permission to operate at any location from the person or organization owning the premises or sponsoring the event where the operator will hold the activity.

(2) Operators may only conduct commercial amusement games at:

(a) Locations set out in RCW 9.46.0331; and

(b) Family sports complexes.

(i) A "family sports complex" is a facility, at a permanent location, to which people go to play sports. A family sports complex must offer multiple sports activities, such as indoor soccer, outdoor soccer, lacrosse, baseball, Frisbee, and lawn bowling and the gross receipts must be primarily from these sports activities.

(ii) A family sports complex does not include a facility owned or operated by a school or school district; and

(c) Skating facilities; and

(d) Grocery or department stores. A "department or grocery store" means a business that offers the retail sale of a full line of clothing, accessories, and household goods, or a full line of dry grocery, canned goods, or nonfood items plus some perishable items, or a combination of these. A department or grocery store must have more than ten thousand square feet of retail and support space, not including the parking areas.

(3) Operators must conduct amusement games in conformance with local zoning, fire, health, and similar regulations.

WAC 230-13-155 Contracts for commercial amusement games.

(1) Operators must ensure that all contracts are written and specific in terms, setting out the term of the contract, amount of rent or consideration, rent due dates, and all expenses each party must pay.

(2) All contracts become part of the operator's license file. If commercial amusement game operators violate any terms of a contract, it may be grounds for suspension or revocation of their license.

(3) Class B or above licensees may enter into contracts with business owners of any of the following locations to operate amusement games on their premises:

(a) Amusement parks; or

(b) Regional shopping centers; or

(c) Any location that possesses a valid license from the Washington state liquor control board and prohibits minors on their premises; or

(d) Movie theaters; or

(e) Bowling alleys; or

(f) Miniature golf course facilities; or

(g) Skating facilities; or

CONDENSED LICENSING RULES COMMERCIAL AMUSEMENT GAMES

- (h) Amusement centers; or
 - (i) Department or grocery stores having more than ten thousand square feet of retail and support space, not including the parking areas; or
 - (j) Charitable or nonprofit organizations with a premises licensed for Class A amusement games; or
 - (k) Any commercial business that provides food service for on premises consumption as its primary activity.
- (4) Operators must not place amusement games at a location which does not have a valid license.

WAC 230-13-160 Basing rent on a percentage of gross receipts. Class B or above amusement game operators:

- (1) May base the rent or consideration paid to a Class A commercial amusement game location on a percentage of revenue the activity generates if the method of distribution is specific.
- (2) May not base the rent or consideration paid to a charitable or nonprofit organization on a percentage of revenue the activity generates unless the amount returned to the organization is equal to or exceeds twenty-two percent of the gross gambling receipts. Operators must pay the organization at least once a month.
- (3) If located at regional shopping centers, may use a percentage of receipts to pay rental leases. They are also exempt from the profits restrictions of RCW 9.46.120(2).

WAC 230-13-169 Annual activity reports for commercial amusement game licensees. Commercial amusement game licensees must submit an annual activity report to us in the format we require and must:

- (1) Cover the license year of one calendar year or less; and
- (2) Be received at our administrative office or postmarked no later than thirty days following the end of the reporting period; and
- (3) Be signed by the licensee's highest ranking executive officer or a designee. If someone other

than the commercial amusement game licensee or its employee prepares the report, then it must provide the preparer's name and business telephone number; and

- (4) Submit a report for any period of time their license was valid, even if they had no activity or did not renew their license; and
- (5) Complete the report according to the instructions furnished with the report.

WAC 230-13-170 Recordkeeping for commercial amusement games.

(1) Amusement game licensees must prepare a detailed record for each location where they operate games. They must retain the records for at least three years. The records must include details necessary to determine:

- (a) Gross gambling receipts received from players; and
 - (b) Value of prizes awarded to winners.
- (2) Records must include, at least:
- (a) The gross gambling receipts collected from amusement games at each location, with receipting records; and
 - (b) An entry for each withdrawal of receipts from the games. Coin or token activated amusement games only require an entry of the ending meter reading, the number of plays, and gross gambling receipts at the end of each month; and

(c) A summary of the operation of the activity. This includes, at least, coin-in meter readings and gross gambling receipts. Operators must provide these coin-in meter readings and gross gambling receipts to charitable or nonprofit organizations each time they service a game or disburse money.

(3) Licensees must report at least monthly the number and actual cost of merchandise prizes awarded for each location.

(4) For amusement games that issue tickets for the redemption of prizes, licensees must at least log the beginning and ending nonresettable ticket out meters or ticket numbers during each collection of funds from each game.

(5) Licensees must provide the full details for all amusement game operating expenses.

CONDENSED LICENSING RULES COMMERCIAL AMUSEMENT GAMES

RCW 9.46.0331 Amusement games authorized — Minimum rules. The legislature hereby authorizes any person to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted by the commission at such locations as the commission may authorize. The rules shall provide for at least the following:

(1) Persons other than bona fide charitable or bona fide nonprofit organizations shall conduct amusement games only after obtaining a special amusement game license from the commission.

(2) Amusement games may be conducted under such a license only as a part of, and upon the site of:

(a) Any agricultural fair as authorized under chapter 15.76 or 36.37 RCW; or

(b) A civic center of a county, city, or town; or

(c) A world's fair or similar exposition that is approved by the bureau of international expositions at Paris, France; or

(d) A community-wide civic festival held not more than once annually and sponsored or approved by the city, town, or county in which it is held; or

(e) A commercial exposition organized and sponsored by an organization or association representing the retail sales and service operators conducting business in a shopping center or other commercial area developed and operated for retail sales and service, but only upon a parking lot or similar area located in said shopping center or commercial area for a period of no more than seventeen consecutive days by any licensee during any calendar year; or

(f) An amusement park. An amusement park is a group of activities, at a permanent location, to which people go to be entertained through a combination of various mechanical or aquatic rides, theatrical productions, motion picture, and/or slide show presentations with food and drink service. The amusement park must include at least five different mechanical, or aquatic rides, three additional activities, and the gross receipts must be primarily from these amusement activities; or

(g) Within a regional shopping center. A regional shopping center is a shopping center developed and operated for retail sales and service by retail sales and service operators and consisting of more than six hundred thousand gross square feet not including parking areas. Amusement games conducted as a part of, and upon the site of, a regional shopping center shall not be subject to the prohibition on revenue sharing set forth in RCW 9.46.120(2); or

(h) A location that possesses a valid license from the Washington state liquor control board and prohibits minors on their premises; or

(i) Movie theaters, bowling alleys, miniature golf course facilities, and amusement centers. For the purposes of this section an amusement center shall be defined as a permanent location whose primary source of income is from the operation of ten or more amusement devices; or

(j) Any business whose primary activity is to provide food service for on premises consumption and who offers family entertainment which includes at least three of the following activities: Amusement devices; theatrical productions; mechanical rides; motion pictures; and slide show presentations; or

(k) Other locations as the commission may authorize.

(3) No amusement games may be conducted in any location except in conformance with local zoning, fire, health, and similar regulations. In no event may the licensee conduct any amusement games at any of the locations set out in subsection (2) of this section without first having obtained the written permission to do so from the person or organization owning the premises or an authorized agent thereof, and from the persons sponsoring the fair, exhibition, commercial exhibition, or festival, or from the city or town operating the civic center, in connection with which the games are to be operated.

(4) In no event may a licensee conduct any amusement games at the location described in subsection (2)(g) of this section, without, at the location of such games, providing adult supervision during all hours the licensee is open for business at such location, prohibiting school-age minors from entry during school hours, maintaining full-time personnel whose responsibilities include maintaining security and daily machine maintenance, and providing for hours for the close of business at such location that are no later than 10:00 p.m. on Fridays and Saturdays and on all other days that are the same as those of the regional shopping center in which the licensee is located.

(5) In no event may a licensee conduct any amusement game at a location described in subsection (2)(i) or (j) of this section, without, at the location of such games, providing adult supervision during all hours the licensee is open for business at such location, prohibiting school-age minors from playing licensed amusement games during school hours, maintaining full-time personnel whose responsibilities include maintaining security and daily machine maintenance, and prohibiting minors from playing the amusement games after 10:00 p.m. on any day.