
HOUSE BILL 1273

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

2009 Regular Session

By Representatives Condotta and Armstrong

Read first time 01/16/09. Referred to Committee on Commerce & Labor.

Effective Date: July 26, 2009

1 AN ACT Relating to allowing counties, cities, and towns to conduct
2 raffles under certain terms and conditions; and amending RCW 9.46.0209.

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

4 **Sec. 1.** RCW 9.46.0209 and 2007 c 452 s 1 are each amended to read
5 as follows:

6 (1)(a) "Bona fide charitable or nonprofit organization," as used in
7 this chapter, means:

8 (i) Any organization duly existing under the provisions of chapter
9 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the
10 provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation
11 duly existing under the provisions of chapter 24.03 RCW for charitable,
12 benevolent, eleemosynary, educational, civic, patriotic, political,
13 social, fraternal, athletic or agricultural purposes only, or any
14 nonprofit organization, whether incorporated or otherwise, when found
15 by the commission to be organized and operating for one or more of the
16 aforesaid purposes only, all of which in the opinion of the commission
17 have been organized and are operated primarily for purposes other than
18 the operation of gambling activities authorized under this chapter; or

1 (ii) Any corporation which has been incorporated under Title 36
2 U.S.C. and whose principal purposes are to furnish volunteer aid to
3 members of the armed forces of the United States and also to carry on
4 a system of national and international relief and to apply the same in
5 mitigating the sufferings caused by pestilence, famine, fire, floods,
6 and other national calamities and to devise and carry on measures for
7 preventing the same.

8 (b) An organization defined under (a) of this subsection must:

9 (i) Have been organized and continuously operating for at least
10 twelve calendar months immediately preceding making application for any
11 license to operate a gambling activity, or the operation of any
12 gambling activity authorized by this chapter for which no license is
13 required;

14 (ii) Have not less than fifteen bona fide active members each with
15 the right to an equal vote in the election of the officers, or board
16 members, if any, who determine the policies of the organization in
17 order to receive a gambling license; and

18 (iii) Demonstrate to the commission that it has made significant
19 progress toward the accomplishment of the purposes of the organization
20 during the twelve consecutive month period preceding the date of
21 application for a license or license renewal. The fact that
22 contributions to an organization do not qualify for charitable
23 contribution deduction purposes or that the organization is not
24 otherwise exempt from payment of federal income taxes pursuant to the
25 internal revenue code of 1954, as amended, shall constitute prima facie
26 evidence that the organization is not a bona fide charitable or
27 nonprofit organization for the purposes of this section.

28 (c) Any person, association or organization which pays its
29 employees, including members, compensation other than is reasonable
30 therefor under the local prevailing wage scale shall be deemed paying
31 compensation based in part or whole upon receipts relating to gambling
32 activities authorized under this chapter and shall not be a bona fide
33 charitable or nonprofit organization for the purposes of this chapter.

34 (2) For the purposes of RCW 9.46.0315 and 9.46.110, a bona fide
35 nonprofit organization also includes:

36 (a) A credit union organized and operating under state or federal
37 law. All revenue less prizes and expenses received from raffles

1 conducted by credit unions must be devoted to purposes authorized under
2 this section for charitable and nonprofit organizations; and

3 (b) A group of executive branch state employees that:

4 (i) Has requested and received revocable approval from the agency's
5 chief executive official, or such official's designee, to conduct one
6 or more raffles in compliance with this section;

7 (ii) Conducts a raffle solely to raise funds for either the state
8 combined fund drive, created under RCW 41.04.033; an entity approved to
9 receive funds from the state combined fund drive; or a charitable or
10 benevolent entity, including but not limited to a person or family in
11 need, as determined by a majority vote of the approved group of
12 employees. No person or other entity may receive compensation in any
13 form from the group for services rendered in support of this purpose;

14 (iii) Promptly provides such information about the group's
15 receipts, expenditures, and other activities as the agency's chief
16 executive official or designee may periodically require, and otherwise
17 complies with this section and RCW 9.46.0315; and

18 (iv) Limits the participation in the raffle such that raffle
19 tickets are sold only to, and winners are determined only from, the
20 employees of the agency.

21 (3) For the purposes of RCW 9.46.0277, a bona fide nonprofit
22 organization also includes a county, city, or town, provided that all
23 revenue less prizes and expenses from raffles conducted by the county,
24 city, or town must be used for community activities or tourism
25 promotion activities.

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ENGROSSED HOUSE BILL 1053

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

2009 Regular Session

By Representatives Moeller, Williams, Conway, Wood, Chase, and Hunt

Prefiled 12/30/08. Read first time 01/12/09. Referred to Committee on
Commerce & Labor.

Effective Date: July 26, 2009

1 AN ACT Relating to raffle ticket prices; and amending RCW
2 9.46.0277.

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

4 Sec. 1. RCW 9.46.0277 and 1995 2nd sp.s. c 4 s 1 are each amended
5 to read as follows:

6 "Raffle," as used in this chapter, means a game in which tickets
7 bearing an individual number are sold for not more than (~~twenty-five~~)
8 one hundred dollars each and in which a prize or prizes are awarded on
9 the basis of a drawing from the tickets by the person or persons
10 conducting the game, when the game is conducted by a bona fide
11 charitable or nonprofit organization, no person other than a bona fide
12 member of the organization takes any part in the management or
13 operation of the game, and no part of the proceeds thereof inure to the
14 benefit of any person other than the organization conducting the game.

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AMENDATORY SECTION

RCW 9.46.0305

Dice or coin contests for music, food, or beverage payment.

The legislature hereby authorizes the wagering on the outcome of the roll of dice or the flipping of or matching of coins on the premises of an establishment engaged in the business of selling food or beverages for consumption on the premises to determine which of the participants will pay for coin-operated music on the premises or certain items of food or beverages served or sold by such establishment and therein consumed. Such establishments are hereby authorized to possess dice and dice cups on their premises, but only for use in such limited wagering. Persons engaged in such limited form of wagering shall not be subject to the criminal or civil penalties otherwise provided for in this chapter: ~~PROVIDED, That minors shall be barred from engaging in the wagering activities allowed by this chapter.~~

HOUSE BILL 1217

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

2009 Regular Session

By Representatives Simpson, Alexander, Conway, and Wood; by request of Gambling Commission

Read first time 01/15/09. Referred to Committee on Commerce & Labor.

Effective Date: July 26, 2009

1 AN ACT Relating to providing the gambling commission with authority
2 to determine locations where amusement games may be conducted; and
3 amending RCW 9.46.0331.

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

5 **Sec. 1.** RCW 9.46.0331 and 1991 c 287 s 1 are each amended to read
6 as follows:

7 The legislature hereby authorizes any person to conduct or operate
8 amusement games when licensed and operated pursuant to the provisions
9 of this chapter and rules and regulations adopted by the commission at
10 such locations as the commission may authorize. The rules shall
11 provide for at least the following:

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

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

17 (a) Any agricultural fair as authorized under chapter 15.76 or
18 36.37 RCW; or

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

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

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

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

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

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

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

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

36 (j) Any business whose primary activity is to provide food service
37 for on premises consumption and who offers family entertainment which

1 includes at least three of the following activities: Amusement
2 devices; theatrical productions; mechanical rides; motion pictures; and
3 slide show presentations; or

4 (k) Other locations as the commission may authorize.

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

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

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

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NEW SECTION

RCW 9.46. XXXX (A RCW number will be assigned in September 2009) Penalties for underage gambling

- (1) It is unlawful for any person under the age of eighteen to play in authorized gambling activities including, but not limited to, punchboards, pull-tabs, or card games, or to participate in fundraising events. Persons under the age of eighteen may play bingo, raffles, and amusement game activities only as provided in commission rules.
- (2) A person under the age of eighteen who violates subsection of this section by engaging in, or attempting to engage in, prohibited gambling activities commits a class 2 civil infraction under chapter 7.80 RCW and is subject to a fine set out in chapter 7.80 RCW, up to four hours of community restitution, and any court imposed costs.
- (3) The juvenile court divisions in superior courts within the state have jurisdiction for enforcement of this section.
- (4) (a) An employer may conduct an in-house controlled purchase program authorized for the purposes of employee training and employer self-compliance checks.
(b) The civil infraction provisions of this section do not apply to person under the age of eighteen who is participating in an in-house controlled purchase program authorized by the commission under rules adopted by the commission. Violations occurring under an in-house controlled purchase program authorized by the commission may not be used for criminal or administrative prosecution.
- (c) An employer who conducts an in-house controlled purchase program authorized under this section shall provide his or her employees a written description of the employer's in-house controlled purchase program. The written description must include notice of actions an employer may take as a consequence of an employee's failure to comply with company policies regarding unauthorized persons engaging in gambling activities during a controlled purchase program authorized under this section.
- (5) A person under the age of eighteen who violates subsection (1) of this section shall not collect any winnings or recover any losses arising as a result of unlawfully participating in any gambling activity. Additionally, any money or anything of value which has been obtained by, or is owed to, any person under the age of eighteen as a result of such anticipation shall be forfeited to the department of social and health services division of alcohol and substance abuse or 2 its successor and used for a program related to youth problem gambling 3 awareness, prevention, and/or education. Any person claiming any money 4 or things of value subject to forfeiture under this subsection will 5 receive notice and an opportunity for a hearing under RCW 9.46.231.