

**Rule Petition to Amend**

WAC 230-13-080- Operating coin or token amusement games.



**May 2020 – Commission Review**  
**April 2020 – Rule-Making Petition Received**

<b>Tab 2a: MAY 2020 Commission Meeting Agenda.</b>	<b>Statutory Authority 9.46.070</b>
<b>Who Proposed the Rule Change?</b>	
Steve Manning, Tacoma, Washington	
<b>Background</b>	
<p>The petitioner is proposing to amend WAC 230-13-080, Operating coin or token amusement games, to change the meaning of “department or grocery store” to remove the requirement that the department or grocery store must have more than ten thousand square feet of retail and support space, not including the parking areas.</p> <p>The petitioner feels this change is needed because COVID-19 has had devastating effects on businesses deemed “non-essential”. By implementing this rule change, the petitioner feels this will allow amusement game operators the ability to expand the number of locations that amusement games can be placed to include smaller grocery and retail stores. The petitioner feels that the square footage stipulation is arbitrary, and the change should have no impact on regulation or enforcement.</p> <p>Attachments:</p> <ul style="list-style-type: none"> <li>• Petition</li> <li>• WAC 230-13-080</li> </ul>	
<b>Staff Recommendation</b>	
<p>Under the requirements of the Administrative Procedure Act, the Commission must take action on a petition within 60 days of receiving it. Your options are:</p> <ol style="list-style-type: none"> <li>1) Initiate rule-making proceedings by filing the rule as proposed for further discussion; or</li> <li>2) Deny the petition in writing, a) stating the reasons for denial and specifically address the concerns stated in the petition, or b) where appropriate, indicate alternative means by which the agency will address the concerns raised in the petition.</li> </ol>	

**From:** [dan.heisel@watech.wa.gov](mailto:dan.heisel@watech.wa.gov) on behalf of [WSGC Web Rules Coordinator \(GMB\)](#)  
**To:** [Rules Coordinator \(GMB\)](#)  
**Subject:** Request a Rule Change Submission from wsgc.wa.gov  
**Date:** Wednesday, April 22, 2020 2:18:18 PM

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Submitted on Wednesday, April 22, 2020 - 2:18pm  
Submitted by anonymous user: 24.16.220.95  
Submitted values are:

Petitioner's Name: Steve Manning  
Mailing Address: 4714 Fairwood Blvd. NE Unit 702  
City: Tacoma  
State: WA  
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Rule Petition Type: Amend Rule – I am requesting WSGC to change an existing rule.

==Amend Rule – I am requesting WSGC to change an existing rule.==

List rule number (WAC) if known: WAC 230-13-080 Operating coin or token amusement games

I am requesting the following change:

Current rule:

(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.

Proposed rule:

(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.

This change is needed because: The devastating effect on the Amusement Game operators business revenue due to Covid 19 related non essential business closures.

The effect of this rule change will be:

This will allow amusement operators the ability to expand the number of locations that amusement games can be placed in, to include smaller grocery and retail stores. Due to the impact of Covid 19 many of our amusement games are sitting idle in bars, restaurants, pizza places, FEC's, skating rinks, etc.

The square footage stipulation in the current rule is arbitrary and the change should have no impact on regulation or enforcement, while expanding opportunity for amusement operators and smaller businesses.

**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.

(4) The maximum number of group 12 amusement games a licensee may have in their licensed premises is limited to:

(a) Twenty games for charitable and nonprofit licensees;  
and

(b) Ten games for commercial licensees.

[Statutory Authority: RCW 9.46.070, 9.46.0201. WSR 16-09-045 (Order 719), § 230-13-080, filed 4/15/16, effective 5/16/16.  
Statutory Authority: RCW 9.46.070. WSR 09-15-067 (Order 650), § 230-13-080, filed 7/13/09, effective 8/13/09; WSR 08-11-036 (Order 625), § 230-13-080, filed 5/14/08, effective 7/1/08; WSR 07-21-116 (Order 617), § 230-13-080, filed 10/22/07, effective 1/1/08; WSR 07-15-064 (Order 612), § 230-13-080, filed 7/16/07, effective 1/1/08.]