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SENATE BILL 6597

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State of Washington

60th Legislature

2008 Regular Session

By Senators Hargrove, Stevens, Regala, and Kohl-Welles

Read first time 01/18/08. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to increasing the minimum age for gambling;  
2 amending RCW 9.46.0305, 9.46.110, 67.70.120, and 67.16.060; adding a  
3 new section to chapter 67.70 RCW; adding a new section to chapter 9.46  
4 RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 67.70 RCW  
7 to read as follows:

8 In any advertising, including broadcast, print media, or written  
9 advertising, on behalf of the state lottery, the state lottery or its  
10 lottery sales agents may not actively target advertisement to persons  
11 under the age of twenty-one years.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.46 RCW  
13 to read as follows:

14 (1) Except as otherwise provided in this chapter, no person may  
15 assist, participate with, or knowingly allow a person under the age of  
16 twenty-one years to engage in any wagering activity allowed by this  
17 chapter.

1 (2) A person who violates this section is guilty of a gross  
2 misdemeanor subject to the penalty set forth in RCW 9A.20.021.

3 **Sec. 3.** RCW 9.46.0305 and 1987 c 4 s 25 are each amended to read  
4 as follows:

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

17 **Sec. 4.** RCW 9.46.110 and 1999 c 221 s 1 are each amended to read  
18 as follows:

19 (1) The legislative authority of any county, city-county, city, or  
20 town, by local law and ordinance, and in accordance with the provisions  
21 of this chapter and rules adopted under this chapter, may provide for  
22 the taxing of any gambling activity authorized by this chapter within  
23 its jurisdiction, the tax receipts to go to the county, city-county,  
24 city, or town so taxing the activity. Any such tax imposed by a county  
25 alone shall not apply to any gambling activity within a city or town  
26 located in the county but the tax rate established by a county, if any,  
27 shall constitute the tax rate throughout the unincorporated areas of  
28 such county.

29 (2) The operation of punch boards and pull-tabs are subject to the  
30 following conditions:

31 (a) Chances may (~~only~~) not be sold to (~~adults~~) persons under  
32 the age of twenty-one years;

33 (b) The price of a single chance may not exceed one dollar;

34 (c) No punch board or pull-tab license may award as a prize upon a  
35 winning number or symbol being drawn the opportunity of taking a chance  
36 upon any other punch board or pull-tab;

1 (d) All prizes available to be won must be described on an  
2 information flare. All merchandise prizes must be on display within  
3 the immediate area of the premises in which any such punch board or  
4 pull-tab is located. Upon a winning number or symbol being drawn, a  
5 merchandise prize must be immediately removed from the display and  
6 awarded to the winner. All references to cash or merchandise prizes,  
7 with a value over twenty dollars, must be removed immediately from the  
8 information flare when won, or such omission shall be deemed a fraud  
9 for the purposes of this chapter; and

10 (e) When any person wins money or merchandise from any punch board  
11 or pull-tab over an amount determined by the commission, every licensee  
12 shall keep a public record of the award for at least ninety days  
13 containing such information as the commission shall deem necessary.

14 (3)(a) Taxation of bingo and raffles shall never be in an amount  
15 greater than five percent of the gross receipts from a bingo game or  
16 raffle less the amount awarded as cash or merchandise prizes.

17 (b) Taxation of amusement games shall only be in an amount  
18 sufficient to pay the actual costs of enforcement of the provisions of  
19 this chapter by the county, city or town law enforcement agency and in  
20 no event shall such taxation exceed two percent of the gross receipts  
21 from the amusement game less the amount awarded as prizes.

22 (c) No tax shall be imposed under the authority of this chapter on  
23 bingo or amusement games when such activities or any combination  
24 thereof are conducted by any bona fide charitable or nonprofit  
25 organization as defined in this chapter, which organization has no paid  
26 operating or management personnel and has gross receipts from bingo or  
27 amusement games, or a combination thereof, not exceeding five thousand  
28 dollars per year, less the amount awarded as cash or merchandise  
29 prizes.

30 (d) No tax shall be imposed on the first ten thousand dollars of  
31 gross receipts less the amount awarded as cash or merchandise prizes  
32 from raffles conducted by any bona fide charitable or nonprofit  
33 organization as defined in this chapter.

34 (e) Taxation of punch boards and pull-tabs for bona fide charitable  
35 or nonprofit organizations is based on gross receipts from the  
36 operation of the games less the amount awarded as cash or merchandise  
37 prizes, and shall not exceed a rate of ten percent. At the option of  
38 the county, city-county, city, or town, the taxation of punch boards

1 and pull-tabs for commercial stimulant operators may be based on gross  
2 receipts from the operation of the games, and may not exceed a rate of  
3 five percent, or may be based on gross receipts from the operation of  
4 the games less the amount awarded as cash or merchandise prizes, and  
5 may not exceed a rate of ten percent.

6 (f) Taxation of social card games may not exceed twenty percent of  
7 the gross revenue from such games.

8 (4) Taxes imposed under this chapter become a lien upon personal  
9 and real property used in the gambling activity in the same manner as  
10 provided for under RCW 84.60.010. The lien shall attach on the date  
11 the tax becomes due and shall relate back and have priority against  
12 real and personal property to the same extent as ad valorem taxes.

13 **Sec. 5.** RCW 67.70.120 and 2003 c 53 s 303 are each amended to read  
14 as follows:

15 (1) A ticket or share shall not be sold to any person under the age  
16 of (~~eighteen~~) twenty-one years, but this shall not be deemed to  
17 prohibit the purchase of a ticket or share for the purpose of making a  
18 gift by a person (~~eighteen~~) twenty-one years of age or older to a  
19 person less than that age.

20 (2) Any licensee who knowingly sells or offers to sell a lottery  
21 ticket or share to any person under the age of (~~eighteen~~) twenty-one  
22 years is guilty of a misdemeanor.

23 (3) In the event that a person under the age of (~~eighteen~~)  
24 twenty-one years directly purchases a ticket in violation of this  
25 section, that person is guilty of a misdemeanor. No prize will be paid  
26 to such person and the prize money otherwise payable on the ticket will  
27 be treated as unclaimed pursuant to RCW 67.70.190.

28 **Sec. 6.** RCW 67.16.060 and 1991 c 270 s 3 are each amended to read  
29 as follows:

30 (1) It shall be unlawful:

31 (a) To conduct pool selling, bookmaking, or to circulate hand  
32 books; (~~or~~)

33 (b) To bet or wager on any horse race other than by the parimutuel  
34 method; (~~or~~)

35 (c) For any licensee to take more than the percentage provided in  
36 RCW 67.16.170 and 67.16.175; (~~or~~)

1 (d) For any licensee to compute breaks in the parimutuel system  
2 otherwise than at ten cents;

3 (e) For any person under the age of twenty-one years to engage in  
4 the wagering activities allowed by this chapter; or

5 (f) For any person to assist, participate with, or knowingly allow  
6 a person under the age of twenty-one years to engage in any wagering  
7 activity allowed by this chapter.

8 (2) Any willful violation of the terms of this chapter, or of any  
9 rule, regulation, or order of the commission shall constitute a gross  
10 misdemeanor and when such violation is by a person holding a license  
11 under this chapter, the commission may cancel the license held by the  
12 offender, and such cancellation shall operate as a forfeiture of all  
13 rights and privileges granted by the commission and of all sums of  
14 money paid to the commission by the offender; and the action of the  
15 commission in that respect shall be final.

16 (3) The commission shall have power to exclude from any and all  
17 race courses of the state of Washington any person whom the commission  
18 deems detrimental to the best interests of racing or any person who  
19 willfully violates any of the provisions of this chapter or of any  
20 rule, regulation, or order issued by the commission.

21 (4) Every race meet held in this state contrary to the provisions  
22 of this chapter is hereby declared to be a public nuisance.

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