
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2154

Session of
1984

INTRODUCED BY VAN HORNE, SEVENTY, DUFFY, PRESTON, LESCOVITZ AND
RICHARDSON, MAY 14, 1984

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE, MAY 14, 1984

AN ACT

1 Providing for licensing and operation of video poker machines.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Video Poker
6 Machine Law.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Video poker machine." A video screen that, by insertion of
12 a coin, is available to display images or symbols on a monitor,
13 by which a player, whether by skill or chance, may receive free
14 games or credits which can be redeemed for cash or anything of
15 value. However, no machine shall directly dispense any coins,
16 cash, tokens or anything of value. This machine presently is
17 known more commonly as a poker machine.

1 Section 3. Administration.

2 This act shall be administered by the Department of Revenue,
3 Cigarette Tax Division, which shall have the power to adopt
4 rules and regulations to carry out its purpose.

5 Section 4. License.

6 Upon compliance with the following, an individual shall be
7 permitted to place video poker machines into operation in the
8 Commonwealth:

9 (1) The individual must obtain an operator's license and
10 pay an annual fee of \$25,000.

11 (2) The individual must purchase a tax stamp for each
12 video poker machine at a rate of \$1,000 per machine per year.
13 The stamp must be affixed to each machine placed in operation
14 in the Commonwealth.

15 (3) The individual must annually provide the Department
16 of Revenue with a list of all video poker machines which the
17 individual has in operation in the Commonwealth.

18 (4) No more than six video poker machines may be placed
19 in operation on one premises.

20 Section 5. Violations.

21 Any video poker machine found without a tax stamp affixed to
22 it shall be confiscated. The licensed operator and/or the owner
23 of the premises shall each be subject to a fine of \$10,000 and
24 the operator's license shall be suspended.

25 Section 6. Revenues.

26 One half of all money collected under this act shall accrue
27 to the Commonwealth. One fourth of all money collected under
28 this act shall be returned to the municipality in which it was
29 collected and one fourth shall be returned to the school
30 district in which it was collected.

1 Section 7. Use by minors.

2 (a) Minors.--No person less than 21 years of age shall use
3 or play video poker machines in any manner or form or through
4 any agency. Any minor using or playing the machine or attempting
5 to use or play the machine shall, upon conviction, be liable for
6 a fine not in excess of \$1,000.

7 (b) Persons permitting use by minors.--Any person who
8 permits a person less than 21 years of age to play or use a
9 video poker machine in any fashion, whether that person is
10 actually aware of the minor's age or not, shall, upon
11 conviction, be liable for a fine not in excess of \$1,000, except
12 that the establishment of all the following facts by a person
13 allowing the minor to operate the machine shall constitute a
14 defense to any prosecution under this subsection:

15 (1) That the minor falsely represented in writing that
16 the minor was 21 years of age or over.

17 (2) That the appearance of the minor was such that a
18 reasonable person would believe the minor to be 21 years of
19 age or over.

20 (3) That the permission to operate the video poker
21 machine was made in good faith, relying upon written
22 representation, and in the reasonable belief that the minor
23 was actually 21 years of age or older.

24 Section 8. Repeals.

25 (a) Specific repeal.--The provisions of 18 Pa.C.S. § 5513
26 (relating to gambling devices, gambling, etc.) are repealed to
27 the extent that they are inconsistent with this act.

28 (b) General repeal.--All other acts and parts of acts are
29 repealed insofar as they are inconsistent with this act.

30 Section 9. Exemption from Federal regulations.

1 The General Assembly declares that it is exempt from the
2 provisions of section 2 of the Gambling Devices Transportation
3 Act of January 2, 1951 (64 Stat. 1134, 15 U.S.C. § 1172). All
4 shipments of video poker machines into this Commonwealth in
5 compliance with sections 3 and 4 of that act shall be deemed
6 legal shipments into this Commonwealth.
7 Section 10. Effective date.
8 This act shall take effect immediately.