An Act

ENROLLED HOUSE
BILL NO. 1634

By: Ortega, Reynolds, Ritze, Moore, Wright, Bennett, Cox, Johnson, Derby, Peterson, Walker, Kern and Ownbey of the House

and

Schulz, Jolley, Treat, Simpson, Russell, Brecheen and Sparks of the Senate

An Act relating to revenue and taxation; amending 68 O.S. 2001, Section 1503, as last amended by Section 17, Chapter 412, O.S.L. 2010 (68 O.S. Supp. 2010, Section 1503), which relates to coin-operated devices; reducing amount of certain fees; providing an effective date; and declaring an emergency.

SUBJECT: Coin-operated devices

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 68 O.S. 2001, Section 1503, as last amended by Section 17, Chapter 412, O.S.L. 2010 (68 O.S. Supp. 2010, Section 1503), is amended to read as follows:

Section 1503. A. Every person who owns and has available to any of the public for operation, or who permits to be operated in or on his place of business, coin-operated devices shall pay for such privilege an annual fee. A fee shall be required for each machine, regardless of the number of coin slots, if the machine, upon insertion of a coin, token or similar object, provides music, amusement or entertainment or dispenses one or more products separate and apart from any other provider of music, amusement or entertainment or dispenser of one or more products. The test to determine whether the machine can operate separate and apart from any other shall be whether the provider or dispenser can still

function if separated from the others to which it is attached. When multiple machines are placed on a single stand, a decal shall be required for each machine as provided in Section 1501 et seq. of this title. The annual fee required shall be as follows:

1. For each coin-operated music device or coin-operated amusement device, ~~One Hundred Fifty Dollars ($150.00)~~ Seventy-five Dollars ($75.00);

2. For each coin-operated vending device requiring a coin or thing of value of twenty-five cents ($0.25) or more, ~~One Hundred Fifty Dollars ($150.00)~~ Seventy-five Dollars ($75.00);

3. For each coin-operated vending device requiring a coin or thing of value of less than twenty-five cents ($0.25), Ten Dollars ($10.00);

4. For each coin-operated bulk vending device which vends one or more products through a single distribution mechanism requiring a coin or thing of value of twenty-five cents ($0.25) or more, Five Dollars ($5.00);

5. For each coin-operated bulk vending device which vends one or more products through more than one but not more than five distribution mechanisms, requiring a coin or thing of value of twenty-five cents ($0.25) or more, Fifteen Dollars ($15.00). For each coin-operated bulk vending device which vends one or more products through six or more distribution mechanisms, the appropriate number of fifteen-dollar decals will be required. The number of decals required shall be determined by dividing the number of distribution mechanisms by five and rounding to the next highest whole number; and

6. For each coin-operated bulk vending device requiring a coin or thing of value less than twenty-five cents ($0.25), Two Dollars ($2.00).

B. The annual fee required by this section shall be in lieu of sales tax levied pursuant to Sections 1350 through 1372 of this title.

C. In those instances where it is shown to the satisfaction of the Tax Commission that a coin-operated device, upon which an annual fee is imposed, will be placed available for use by the public for a definite but limited period of time less than one (1) year, such as

where displayed in connection with fairs, carnivals, and places of amusement that operate only during certain seasons of the year, the Commission may issue a special decal therefor. Such special decal may be issued for any number of calendar months less than a full year, and shall indicate that it is a special decal; and shall be for one or more calendar months and shall state the precise months for which issued and shall not be transferred from one machine to another. The fee shall be computed and paid on the basis of one-tenth (1/10) of the annual rate for the type of device operated, for each calendar month for which such special decal is issued. In the event the mechanical device is made available to the public for a period beyond that for which the special decal is issued, then a full year's fee and penalty, as set out in Section 1506 of this title, shall be due.

SECTION 2. This act shall become effective July 1, 2011.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 15th day of March, 2011.

Presiding Officer of the House of Representatives

Passed the Senate the 11th day of April, 2011.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 12th

day of April, **20** 11,

at 12:01 **o'clock** P **M.**

By: Jessica R. Byers

Approved by the Governor of the State of Oklahoma the 18th **day of** April, **20** 11, **at** 2:19 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 18th **day of** April, **20** 11,

at 3:21 **o'clock** P. **M.**

By: Michelle R. Day