An Act

ENROLLED HOUSE
BILL NO. 2932

By: McCullough of the House

and

Silk of the Senate

An Act relating to revenue and taxation; amending 68 O.S. 2011, Sections 1504, 1506 and 1507, which relate to coin-operated music and amusement devices; authorizing certain decal issuance refusals; requiring certain notices; adjusting certain fine amounts; placing certain limitation on authority to seize devices; repealing 68 O.S. 2011, Section 1508, which relates to a criminal misdemeanor for unlawful operation of coin-operated devices; and providing an effective date.

SUBJECT: Coin-operated devices

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

SECTION 1. AMENDATORY 68 O.S. 2011, Section 1504, is amended to read as follows:

Section 1504. Any person owning a coin-operated device or operating the premises where the same is to be operated or exposed to the public, shall apply to the Oklahoma Tax Commission for a decal for such device and shall, at the same time, pay to the Oklahoma Tax Commission the annual fee herein levied. The Oklahoma Tax Commission shall, upon receipt of such payment and approval of such application, issue a decal for the type of coin-operated device covered by such application and payment. The decal and application provided for herein shall be prescribed by the Oklahoma Tax Commission, and shall contain such information and description as shall be required by rule of said Commission. Any number of coin-operated devices may be included in one application. Before any coin-operated device is put in operation or placed where the same may be operated by any of the public, and at all times when the same is being operated or available to any of the public for operation, a decal shall be firmly affixed to the coin-operated device covered

thereby, and plainly visible to and readable by the public. The Tax Commission may refuse to issue a decal to any person delinquent in the payment of the fees provided in Section 1503 of this title or the penalties levied in Section 1506 of this title. Provided, the Tax Commission shall provide notice of its intent to refuse as required in Section 1506 of this title.

SECTION 2. AMENDATORY 68 O.S. 2011, Section 1506, is amended to read as follows:

Section 1506. A. Any owner of a coin-operated device who places such device in operation or in a place available to the public for operation, and any person who permits a coin-operated device to be in operation or accessible to the public for operation in his place of business, without a decal affixed as required by Section 1504 of this title, shall be liable for the fee on such device at the full annual rate as herein levied and shall be liable to a penalty, in addition to the amount of the fee, in the ~~amount of One Hundred Dollars ($100.00)~~ following amounts:

1. For any coin-operated music device, coin-operated amusement device, or coin-operated vending device requiring a coin or thing of value of twenty-five cents ($0.25) or more, One Hundred Dollars ($100.00); and

2. For any other coin-operated device, Ten Dollars ($10.00).

B. The Tax Commission shall notify any owner or person of the assessment of penalty and provide the owner or person thirty (30) days to remit the penalty. The Tax Commission shall not refuse to issue a decal under Section 1504 of this title until after the expiration of the thirty (30) days provided in this subsection.

SECTION 3. AMENDATORY 68 O.S. 2011, Section 1507, is amended to read as follows:

Section 1507. Where any coin-operated device as hereinbefore defined is placed on location, or~~,~~ after having been placed on location is there left without the decal affixed thereon as herein provided, the device, including all cash in the receptacle thereof, shall be considered forfeited to the State of Oklahoma~~,~~ and may be sealed until released by the Tax Commission or seized by any authorized agent of the Oklahoma Tax Commission, or any sheriff, constable, or other peace officer of this state, and upon so being seized shall, together with the cash, if any, contained in the

receptacle of such device, forthwith~~,~~ be delivered to the Oklahoma Tax Commission. Provided, no device shall be seized less than fifteen (15) days after the sealing of the device and notice being placed on the device informing the owner that the device is subject to seizure if the applicable fees are not paid and decal affixed. The Oklahoma Tax Commission shall then proceed to hear and determine the matter of whether or not the device and cash, if any, should, in fact, be forfeited to the State of Oklahoma. The owner of the device shall be given at least ten (10) days' notice of the date of the hearing. In the event said Commission finds that the device including the cash contents, if any, should be forfeited to the State of Oklahoma, it shall make an order forfeiting the same to the State of Oklahoma, and directing the sale of such device. The device shall be sold in the county where seized or in Oklahoma County, at the discretion of the Commission, after ten (10) days' notice, which notice shall be by posting five notices in conspicuous places in the county where the sale is to be made, one of which notices shall be posted on the bulletin board at the county courthouse of said county. The sale shall be for cash, and the proceeds thereof shall be applied as follows: ~~(1)~~

1. To the payment of the costs incident to the seizure and sale; ~~(2)~~

2. To the payment of any taxes, including penalties, that may have accrued against the device; and ~~(3)~~

3. The balance, if any, shall be remitted to the owner.

The cash contained in any device and forfeited under the provisions of this section shall be forfeited as an additional tax penalty and shall be in addition to all other penalties provided for in Sections 1501 through 1512 of this title. The order of the Tax Commission, declaring a forfeiture of the device including the cash contents thereof, if any, and directing the sale of such device shall be a final order and may be appealed from as provided for in the Uniform Tax Procedure Act. It shall be the duty of all sheriffs, constables and other peace officers to cooperate with the Oklahoma Tax Commission in the enforcement of the seizure and forfeiture provisions of this section.

SECTION 4. REPEALER 68 O.S. 2011, Section 1508, is hereby repealed.

SECTION 5. This act shall become effective November 1, 2016.

Passed the House of Representatives the 9th day of March, 2016.

Scott C. Martin

Presiding Officer of the House
of Representatives

Passed the Senate the 18th day of April, 2016.

AJ Griffin

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 19th

day of April, 20 16, at 4:46 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 25th

day of April, 20 16, at 1:34 o'clock P M.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 25

day of April, 20 16, at 2:45 o'clock P. M.

By: Chris Benge