

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

S

1

**SENATE BILL 1008**

Short Title: Ban Video Poker/Smaller Counties.

(Public)

---

Sponsors: Senators Albertson; Carpenter, Kinnaird, and Shaw of Guilford.

---

Referred to: Judiciary I.

---

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO BAN VIDEO GAMING MACHINES IN SMALLER COUNTIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-306.1 is amended by adding a new subsection to read:

"(r) This section does not apply in counties with a population less than 155,000, in accordance with the most recent decennial federal census."

**SECTION 2.** Part 1 of Article 37 of Chapter 160A of the General Statutes is amended by adding a new section to read:

**§ 14-306.1A. Types of machines and devices prohibited by law in smaller counties; penalties.**

(a) Ban on New Machines. – It shall be unlawful for any person to operate, allow to be operated, place into operation, or keep in that person's possession for the purpose of operation any video gaming machine as defined in subsection (b) of this section.

(b) Definitions. – As used in this section, a video gaming machine means a slot machine as defined in G.S. 14-306(a) and other forms of electrical, mechanical, or computer games such as by way of illustration:

(1) A video poker game or any other kind of video playing card game.

(2) A video bingo game.

(3) A video craps game.

(4) A video keno game.

(5) A video lotto game.

(6) Eight liner.

(7) Pot-of-gold.

(8) A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not dependent on the skill or dexterity of the player.

For the purpose of this section, a video gaming machine is a video machine which requires deposit of any coin, token, or use of any credit card, debit card, or any other

1 method that requires payment to activate play of any of the games listed in this  
2 subsection. The enumeration of games in the list in this subsection does not authorize  
3 the possession or operation of such game if it is otherwise prohibited by law.

4 For the purpose of this section, a video gaming machine includes those that are  
5 within the scope of the exclusion provided in G.S. 14-306(b)(2), but does not include  
6 those that are within the scope of the exclusion provided in G.S. 14-306(b)(1).

7 (c) Exemption for Certain Machines. – This section shall not apply to  
8 assemblers, manufacturers, and transporters of video gaming machines who assemble,  
9 manufacture, and transport them for sale in another state as long as the machines, while  
10 located in this State, cannot be used to play the prohibited games, and does not apply to  
11 those who assemble, manufacture, and sell such machines for the use only by a federally  
12 recognized Indian Tribe if such machines may be lawfully used on Indian Land under  
13 the Indian Gaming Regulatory Act.

14 (d) Ban on Warehousing. – It is unlawful to warehouse any video gaming  
15 machine except in conjunction with the permitted assembly, manufacture, and  
16 transportation of such machines under subsection (l) of this section.

17 (e) Exemption for Activities Under IGRA. – This section does not make any  
18 activities of a federally recognized Indian Tribe unlawful or against public policy,  
19 which are lawful for any federally recognized Indian Tribe under the Indian Gaming  
20 Regulatory Act, Public Law 100-497.

21 (f) This section applies only in counties with a population of less than 155,000,  
22 in accordance with the most recent decennial federal census."

23 **SECTION 3.** G.S. 14-306.2 reads as rewritten:

24 **"§ 14-306.2. Violation of G.S. 14-306.1 a violation of the ABC laws.**

25 A violation of G.S. 14-306.1 or G.S. 14-306.1A is a violation of the gambling  
26 statutes for the purposes of G.S. 18B-1005(a)(3)."

27 **SECTION 4.** This act becomes effective December 1, 2001, and applies to  
28 offenses committed on or after that date.