



H.B. NO. 26-85

PUBLIC LAW NO. 26-27

THE TWENTY-SIXTH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

*Begun and held at Fagatogo, Tutuila American Samoa
on Monday, the tenth day of July
year two thousand*

**AN ACT DELETING THE LICENSING OF POKER MACHINES; AMENDING
SECTIONS 11.0601, 11.0602, 11.0603 AND 11.0604 A.S.C.A.**

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 11.0601 is amended to read:

"11.0601 Definitions.

As used in this chapter, unless the context clearly requires otherwise:

(a) "Coin operated device" means any mechanical, electrical or electro-mechanical machine or device operated by insertion of a coin, coins, or token or tokens, which is capable of any of the following:

(1) Returning to a person operating the device any merchandise, food item, cigarettes or other items of value intended for personal use, not including postage stamps;

(2) Providing to a person operating the device an opportunity to engage in any video amusement game including pinball machines;

(3) Use by children for rides or other amusement; or

(4) Providing to a person operating poker machines an opportunity to engage in a game of skill which involves the transfer or winning of money or something of value;

(5) (4) Providing to the person using the device a service such as photograph, phonograph, or other music-producing device.

(b) "Machine owner or operator" means a person, corporation, partnership or business entity which:

- (1) owns a coin operated machine or device, or
- (2) by agreement with the owners thereof operates the equipment in the Territory."

Sec 2. 11.0602 is amended to read:

"11.0602 Machine and device tax imposed.

An annual tax is imposed for the licensing of coin operated devices as follows:

(a) on each video amusement game, including pinball machines, fifteen dollars (\$15.00);

(b) on each coin-activated photograph, phonograph or other music producing machine, twenty-five dollars (\$25.00);

(c) on each coin-activated vending machine that dispenses merchandise, food items, cigarettes or other items intended for personal use, but not including postage stamps, ten dollars (\$10.00);

(d) on each coin-activated riding machine designed for use by children, fifteen dollars (\$15.00);

(e) on each poker machine, one thousand dollars (\$1,000.00) per year."

Sec 3. 11.0603 is amended to read:

"11.0603 Responsibilities of owners.

(a) Within thirty days after this law goes into effect, or within thirty days after purchasing or importing into the Territory any coin operated device, the owner of a coin operated device must obtain, from the tax office, a numbered license sticker indicating that the yearly tax has been paid in full for each device which he owns or operates. The license sticker is to be applied to each device in a visible location so that tax office employees making an inspection can readily see if the tax has been paid.

(b) After the effective date of this act it shall be illegal for any person to manufacture, import, attempt to import, or cause to import, whether operable or not, any poker machine, slot machine, or gambling device into or within the Territory of American Samoa. As used in this section "gambling device" shall mean any coin-operated device which when operated, may return winnings (either in money or redeemable for cash) of value to the user based completely on chance.

(c) (b) The tax for each year is due by the fifteenth day of January. If the tax on any machine becomes due during any month other than January, the owner or operator shall be liable for a proportional share of the full tax calculated for the months remaining in the year.

(d) (c) Machine owners and operators must maintain records indicating when each machine is purchased or sold, the full name of the seller or buyer, and the address of the seller or buyer.

(e) Owners and operators of poker machines shall comply with federal law, 44 U.S.C. 447d thru 447s, governing the registration, record keeping and transportation of poker machines.

Sec 4. 11.0604 is amended to read:

"11.0604 Penalties.

(a) Violation of any of the provisions of this chapter is a class D felony.

(b) In addition to any other penalties imposed by this section, the tax office may fine the owner or operator of coin operated machines or devices ten percent (10%) of the annual tax for each month that the tax on a machine has not been paid.

(c) Any machine or device possessed or imported in violation of this section shall be subject to seizure and forfeiture.

(d) All poker machines which have been imported prior to the effective date of this act, for which certificates have been issued, and are otherwise in compliance with this section shall not be subject to the seizure or forfeiture provisions of this section concerning importation.

(e) (d) If the tax is more than one month overdue, the tax office may confiscate the machine or device and retain possession until the tax and all fines are paid in full."



Lutu Tenari S. Fuimaono
PRESIDENT OF THE SENATE



Aina Saoluaga T. Nua
SPEAKER OF THE HOUSE

Hereby Approved this 27th day of October, 2000


T. F. Gurrira

Governor of American Samoa

NOFOAIGA LUASEFULU-ONÓ FONOFAITULAFONO O AMERIKA SAMOA***Fono Tele Lona Fa***

*Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
 Aso Gafua, aso sefulu o Iulai
 tausaga lua afe*

**O SE TULAFONO E FA'ALEAOGAINA AI LE LAISENEINA O MASINI
 POKA; SUIA AI LE MAGA 11.0601, 11.0602, 11.0603 MA LE 11.0604 T.T.A.S.**

IA FA'ATULAFONOINA ELE FONO FAITULAFONO A AMERIKA SAMOA:

Maga 1. 11.0601 ua suia e fai tauina;

"11.0601 Fa'auigaga,

*E pei ona fa'aaogaīna i lenei mata'upu-yagana ua ta'ua ma'oti i le
 fa'auupuga e 'ese mai ai;*

(a) "Masini e fa'agaoioi i tūpe" o lona uiga o so'o se masini e
 fa'agaoioi i lē eletise po'o le maneta po'o se masini e ōla pe a tu'u'i ai i totomu se-
 tūpe, ni tūpe, po'o se fa'ailogā po'o fa'ailogā, ma e agava'a-i so'o se tulaga-uā
 fa'aalia i lalo:

(1) ~ Toe fa'afō'i atu i se tagata o lo'o ta'alo i le masini so'o se oloa, mea
 taumafa, sikareti po'o isi mea tāua ua fuafuaina mo le fa'aaogaīna e le tagata, e
 le aofia ai fa'ailogā o tūsi meli;

(2) E maua ai le avanoa e sē tagata o lo'o fa'aaogaīna le masini e
 ta'alo ai i so'o se ta'alogā viti fa'afiafia e aofia ai masini pinipolo;

(3) E fa'aaoga e tamaiti e ti'eti'e ai po'o isi ta'alogā fa'afiafia; po'o
 (4) ~~E maneta ai e se tagatra o lo'o fa'agaoioia se masini pola e ta'alo ai
 i se talataloga le tomai e aofia ai le tu'uina atu po'o le manumalo i tūpe po'o se
 mea tāua; po'o~~

(5)(4) E maua ai e le tagata o lo'o fa'aaogaīna le masini se tautua e pei o
 se āta, la'au pese, po'o isi masini e ta ai musika.

(e) "Lē e ōna pe fa'agaoioia masini" o lona viga o se tagata, koporesi, pismisi paaga po'o se fa'ulapotopologa:

(1) e ōna se masini po'o se meafaigahuega e oia pe a tu'u i ai tupe, pe

(2) e ala i se malilienga ma lē ōna ia masini ōna fa'agaoioi lea meafaigaluega i le Teritori."

Maga 2. 11.0602 ua suia e faitauina:

"11.0602 Masini ma meafaigaluega e fa'ae'eina atu i ai lafoga.

Ua fa'ae'eina au le lafoga fa'aleausaga mo le laiseneina o masini e fa'agaoioi i tupe e pei ona ta'ua i lalo:

(a) o ta'aloga vitio fa'afifia ta'itasi, e aofia ai masini pinipolo, e sefulu-lima talā (\$15.00);

(e) o masini pu'eata ta'itasi e fa'agaoioi i tupe, la'aupese po'o isi la'au o musika, e luasefulu-lima talā (\$25.00);

(i) o masini fa'atui ai oloa ta'itasi e fa'agaoioi i tupe e fa'atui atu oi oloa, meaai, sikareti po'o isi mea ua fuafraina mo le fa'aaogaina e tagata, ue le aofia ai fa'ailoga o tusi meli, e sefululima talā (\$15).¹⁵

(o) mo masini pokatuitasi, e efe telā (\$1,000 i le taisaga).¹⁶

Maga 3. 11.0603 ua suia e faitauina:

"11.0603 Avega tau'ave a lē e ōna.

(a) I totoru o aso e tolusefulu pe a pasia lenei tulafono po'o i totoru o aso e tolusefulu pe a mavae ona fa'atauina pe aumaiā fo'i i totoru o le Teritori so'o se masini e fa'agaoioi i tupe, o lē e ōna lea masini e fa'agaoioi i tupe e tatau ona mava, mai le ofisa o lafoga, se sitika fa'amumeraina o le laisene e fa'ailoa ei ua totogi atoa le lafoga fa'ale tausaga o masini ta'itasi e ōna e ia pe fia fa'agaoioia. O le siuka o le laisene ia fu'apipi'i i masini ta'itasi i se vaega o le masini e mafai ona faigojje e se tagata faigaluega o le ofisa o lafoga ona iloa au pe a faia se asiasiga pe ua totogi le lafoga.

(e) ...mo se o se tagata ona fa'agaoioia, amai, amafai e amai, pe fa'agaoioi e amai, pe o ola pe leai, se o se masini pokatuitasi, fa'atui ai oloa, po'o masini o te'aloga tupe i le teritorio o le Teritori o Amerikai Samoa. E pei ona fa'aaogaina i lenei maga o "masini fa'aloga-tupe" o le aferaaogaina o masini e olo i tupe pe

*efai e fa'agaoioi e mafai ona fa'efo i se matamale (e ese marite ta'ato fua e te
tenuia i nipa) o se mae teli'e na te fa'aaoogaimer e fa'iavie i patipetiga.*

*(f)(e) O le lafoga mo tansaga ta'itasi e tatau ona totogi i le aso sefulu
lima o Januari. Ae qfai o le lafoga o so'o se masini e ionogi i se aso o so'o se
masina nai lo Januari. o le a fa'ae'eina atu se voega o le lafoga atoa e fuafue i
masina o lena tansaga.*

*(f)(j) O tagata e òna pe o tagata e fa'agaoioia masini e tatau ona tansia
ni fa'amaumauga e fa'ailoa ai o ana fea na fa'atau mai ai pe fa'atauina atu ia
masini ta'itasi, le igoa atoa o le tagata na fa'atau maia po'o le tagata na
fa'atauina, fa'apea ma tuatusi o le tagata na fa'atauina mai ma le tagata na
fa'atauina atu i ai.*

Maga 4. 11.0604 ua suia e faitauina:

"11.0604 Fa'osalaga.

*(a) O le solialina o so'o se aiaiga o lenei mata'upu o se vasega O o
soligatulafono mamafa.*

*(e) E fa'uopoopo i so'o se isi fa'asalaga ua fa'ae'eina atu i lenei maga,
e mafai e le ofisa o le lafoga ona fa'asala tupe lē e òna po'o se tagata o
fa'agaoioia masini po'o meafaigaluega e fa'agaoioi i tupe i le sefulu pa'sene
(10%) o le lafoga ja'aletausaga mo masina ta'itasi o le lafoga o se masini e le'i
totogia.*

*(i) So'o se masini po'o se meafaigaluega e òna pe na amuaia ua solia
ai lenei maga o le a o'asia i le ave'esea fa'amalosi ma fa'amutuina lona aiā i ai.*

*(j) G-masini-pidet-uma-na-amuelei-i-ma-ati o le aso-tenetela-o-lenei
telefonu se-totogi-irrigi-leffoga-ma-na-nita-i-i-siengia-o-lenei-mage-e-lata-le-i-effi-
erisiger-e-lu-ave-i-avili-fe'lumelosi-pe'o-le-fa'auhuitu-o-le-avili-e-fa'auhuitu-i-le
emmeria.*

*(k)(l) Afai ua nai ona totogi le lafoga i le masina e tasi, e mafai e le ofisa
o le lafoga ona ave'esea le masini po'o le meafaigaluega ma taofia se'i vagana ua
totogi atoa le lafoga ma sala umu."*

*Lata Tenuia S. Fa'uandofo
PERESETENE, MAOTA MAUALUGA*

*Aina Siooluaga T. Nuu
FOFOGA FETALAI, MAOTA O SUT*

Hereby Approved this 27th day of October, 1980

[Signature]
Governor of American Samoa