



AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799
LEGISLATURE OF AMERICAN SAMOA

In reply refer to:

C E R T I F I C A T I O N

Senate Chamber
August 26, 1988

I certify that Senate Bill No. 136 passed third reading on this date in the Senate during its Fourth Regular Session of the Twentieth Legislature of American Samoa.

Fialupe Aumoeualogo
MRS. FIALUPE AUMOEUALOGO

Asst. Secretary of the Senate

House Chamber
September 22, 1988

I certify that Senate Bill No. 136 passed third reading on this date in the House of Representatives during its Fourth Regular Session of the Twentieth Legislature of American Samoa.

Wally F. Utu

WALLY F. UTU
Chief Clerk
House of Representatives

THE TWENTIETH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the eleventh day of July
one thousand nine hundred and eighty eight

AN ACT SETTING ANNUAL FEES ON COIN ACTIVATED DEVICES OR
MACHINES IN THE TERRITORY; CREATING A NEW CHAPTER 06 UNDER
TITLE 11 ASCA.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a new chapter 06 under Title 11
ASCA which reads:

"Chapter 06

MISCELLANEOUS TAXES

Sections:

- 11.0601 Definitions.
- 11.0602 Machine and device tax imposed.
- 11.0603 Responsibilities of owners.
- 11.0604 Penalties.
- 11.0605 Funds for student financial aid.

11.0601 Definitions.

As used in this chapter:

(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;
- (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; or
- (5) 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.

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, two hundred dollars (\$200.00).

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 unlawful 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 (other than free games not redeemable for cash) of value to the user based completely on chance.

(c) 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) 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 15 USC 1171 thru 1178, governing the registration, record keeping and transportation of poker machines."

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 all taxes have been paid, and are otherwise in compliance with this section shall not be subject to the seizure or forfeiture provisions of this section concerning importation.

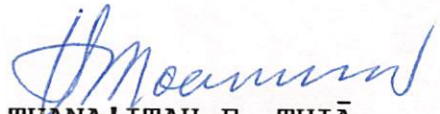
(e) If the tax is more than one month overdue, the tax office may confiscate the machine or device and retain possession until the tax and all fines are paid in full.

11.0605 Funds for student financial aid.

The proceeds of taxes and fees collected under authority of this chapter shall be deposited in the general fund earmarked for student financial aid."


LETULI TOLOA

President of the Senate


TUANA'ITAU F. TUIĀ
Speaker of the House

Hereby Approved this 19th day of October, 19 88


Governor of American Samoa

NOFOAIGA LUASEFULU FONOFAITULAFONO O AMERIKA SAMOA

Fono Tele Lona Fa

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulutasi o Iulai
tasi le afe iva selau valusefulu valu

O SE TULAFONO E FA'ATULAGA TUPE TOTOGI TAUSAGA TA'ITASI O
LAAU TAALO PO'O MASINI TAALO TUPE I LE TERITORI; FA'AVAEINA
SE MAGA FOU MATAUPU 06 I LALO O LE VAEGA 11 TFAS.

IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. Ua fa'avaeina se mataupu fou 06 i lalo o le Vaega 11
TFAS e faitauina:

"Mataupu 06

LAFOGA O MEA ESEESE

Maga:

- 11.0601 Fa'amatalaga.
- 11.0602 Lafoga fa'ae'e i masini ma laau.
- 11.0603 Fatuaiga o tagata e ona.
- 11.0604 Fa'asalaga.
- 11.0605 Tupe fesoasoani mo tamaiti a'oga.

11.0601 Fa'amatalaga.

E pei ona fa'aaogaina i lenei mataupu:

(a) "Laau e fa'agaoiои i tupe" o lona uiga so'o se
masini, e ola i le eletise pe fa'aaoga gaoioiga ma le ele-
tise po'o laau e fa'agaoiои i le lafoina iai o tupe siliva,
ni tupe siliva, fa'afoliga o tupe po'o mea fa'apena, e
mafai ona faia mea ua fa'aalia i lalo:

(1) Fo'i i se tagata o taalo le masini so'o se oloa,
mea ai, sikaleti po'o isi mea e fa'atau i tupe e aoga mo
tagata, e le aofia ai fa'aailoga e lafo ai tusi;

(2) Saunia i se tagata o taalo i masini se avanoa e
auai i so'o se ta'aloga tifaga e aofia masini e fana ai
polo;

(3) Fa'aaoga e tamaiti mo ti'eti'ega po'o isi mea
fa'afiafia;

(4) Saunia mo se tagata o taalo i masini poka se ava-
noa e taalo ai i ta'aloga e maua ai se tupe pe a manumalo
po'o se mea taua; pe

(5) Saunia i se tagata o lo'o fa'aaogaina le masini
e pei o le pu'eina o ata, taalo

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e pei o le pu'eina o ata, taina o pese po'o isi tulaga e fai ai pese.

(e) "Tagata e ona masini" o lona uiga o se tagata, pisinisi pulea tele, pa'aga po'o pisinisi e:

(1) ona masini e fa'aaoga ai tupe siliva, pe

(2) i se feagaiga ma le tagata e ona masini fa'agaoioia masini i le Teritori.

11.0602 Lafoga fa'ae'e i masini ma laau taalo.

O se lafoga i tausaga ta'itasi mo le laiseneina o masini e fa'agaoioi i tupe siliva ua fa'aalia i lalo:

(a) i ta'alogā ata tifaga, e aofia ai masini e fana ai polo e sefululima talā (\$15.00);

(e) o masini pu'eata fa'agaoioi i tupe siliva, laau pese po'o isi masini pese, e luasefululima talā (\$25.00);

(i) i masini e fa'agaoioi i tupe siliva e to'ulu mai ai oloa, mea ai, sikaleti ma isi mea, e fa'aaoga e tagata, ae le aofia ai fa'aailoga e meli ai tusi, sefulu talā (\$10.00);

(o) i masini ta'itasi ti'eti'e mo tamaiti e lafo i ai tupe, sefululima talā (\$15.00);

(u) i masini poka ta'itasi, lua selau talā (\$200.00).

11.10603 Fatuaiga o tagata e ona masini.

(a) I le tolusefulu aso pe a uma ona taualoa lenei tulafono, pe i le tolusefulu aso pe a uma ona fa'atau mai pe aumai i totonu o le Teritori so'o se masini e fa'agaoioi i tupe, o le tagata e ona masini e tatau ona aumai, le ofisa o lafoga, se numera laiseneina e fa'aailoa ai ua uma ona totogi atoa le lafoga o le tausaga mo masini ta'itasi e pule ai pe umia e ia. O le pepa fa'apipi'i o le laisene e tu'u i se tulaga iloagofie i le masini ina ia faigofie i tagata o le ofisa o lafoga ona siaki pe ua uma ona totogi o lafoga.

(e) Pe a mavae le aso taualoa o lenei tulafono, ua le tusa ma le tulafono mo so'o se tagata e gaosia, aumai i totonu, pe gaoioi pe leai, so'o se masini poka, masini e lafo iai tupe, po'o se masini pelē tupe i totonu po'o totonu o le Teritori o Amerika Samoa. E pei ona fa'aaogaina i lenei maga "o masini pelē tupe" o lona uiga so'o se tulaga e fa'aaoga ai tupe siliva afai e fa'agaoioi, e mafai ona maua ai tupe pe a manumalo (e ese i lo ta'alogā e le totogia e le maua ai ni tupe) e iai se tau i tagata e fa'aaogaina e fa'alagolago i le malo;

(i) O le lafoga mo tausaga ta'itasi e totogi i le aso sefululima o Ianuari. Afai o le lafoga i so'o se masini e tatau ona totogia i so'o se masina e ese mai ia Ianuari, o le tagata e ona masini po'o le tagata e fa'agaoioia e fa'ae'e iai se tupe fa'ae'e e tusa ma le lafoga atoa ua fuafuaina mo masina o totoe o le tausaga.

(o) O tagata e ona masini pe pule ai e tatau ona tausia fa'amaauga po'o anafea sa fa'atau ai masini ta'itasi pe sa fa'atau atu, igoa atoa o le tagata sa fa'atau atu pe fa'atau mai, ma le tuatusi o le tagata sa fa'atau atu pe sa fa'atau mai ai.

(u) O tagata e ona ma tagata e fa'agaoioia masini poka ia usita'i i tulafono o le malo tele 15 USC 1171 e o'o i le 1178, e pulea ai le fa'amauina, fa'amaauga i pepa ma le fela'uaiga o masini poka."

11.0604 Fa'asalaga.

(a) O soligatulafono o so'o se aiaiga o lenei mataupu o se solitulafono mamafa vasega 'O'.

(e) E fa'aopoopo i so'o se isi lava fa'asalaga ua fa'ae'e e lenei maga, o le ofisa lafoga e mafai ona fa'asala le tagata e ona pe fa'agaoioia masini fa'agaoioi i tupe siliva po'o laau taalo e sefulu pasene (10%) o le lafoga o le tausaga mo masina ta'itasi, ua le totogia ai le lafoga o le masini.

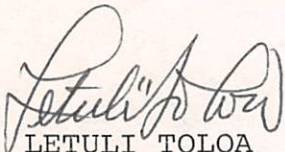
(i) So'o se masini po'o laau e umia pe aumai i totonu e solia ai lenei maga o le a aveesea ma taofia.

(o) O masini poka uma sa aumai i totonu a'o le'i o'o i le aso taualoa o lenei tulafono, ua uma ona totogia lafoga, ma ua usita'i i lenei maga e le aofia i le aveesea pe taofia e tusa ma aiaiga o lenei maga e uiga i le auina mai i totonu.

(u) Afai o le lafoga ua sili i le masina sa tatau ai ona totogi, o le ofisa o lafoga e mafai ona fa'atama'i masini po'o laau ma taofia sei'a totogia atoa uma lafoga."

11.0605 Tupe fesoasoani mo tamaiti A'oga.

O le fa'asoluga o lafoga ma tupe totogi e aofia i lalo o lenei mataupu e tatau ona tu'uina i le teugatupe lautele e fa'alagolago mo tamaiti a'oga.



LETULI TOLOA

Peresetene, Maota Maualuga


TUANA'ITAU F. TUIĀ

Fofoga Fetalai, Maota o Sui

Hereby Approved this 19th day of October, 1988


Governor of American Samoa