

Notice to Mechanical Amusement Device Distributors and Operators

November 2008

Enclosed is a Nebraska Tax Application and Return for Mechanical Amusement Device Decals, Form 54. This completed application must be returned to the Department with the applicable fees as soon as possible to ensure your receipt of your 2009 license and occupation tax decals prior to December 31. Every device in operation as of January 1, 2009, without a 2009 decal must be removed from operation until a new decal is obtained and affixed to the device.

A mechanical amusement device is any machine which, upon insertion of a coin, currency, credit card, or substitute into the machine, operates or may be operated or used for a game, contest, or amusement of any description. Mechanical amusement devices do not include vending machines which dispense tangible personal property, devices located in private homes for private use, pickle card dispensing devices which are required to be registered with the Department of Revenue pursuant to Neb. Rev. Stat. § 9-345.03, or devices which are mechanically constructed in a manner that would render their operation illegal under the laws of the State of Nebraska.

An operator who places a mechanical amusement device into operation in 2009 without affixing the current occupation tax decal(s) is in violation of the Nebraska Mechanical Amusement Device Tax Act. Each device is subject to being sealed by the Department of Revenue and a penalty of \$75 may be assessed against the operator for each device that is in violation. A decal must be properly affixed and conspicuously displayed on each device. The backing on each decal must be removed to permanently affix the decal to the device. Decals that are taped or placed over prior years' decals are not properly or permanently affixed.

Mechanical Amusement Devices With Multiple Playing Stations

Enclosed is a copy of Revenue Ruling 54-08-01. This ruling updates the Department's position regarding the requirements for affixing multiple decals to devices with multiple playing stations. A decal is required for each playing station even when the playing stations are part of the same machine. The following examples should assist you in determining the proper number of decals for devices with multiple playing stations.

1. Device has two playing stations (guns, steering wheels, or dance pads) and can be played by more than one player simultaneously. This device requires two decals.
2. Device has three playing stations and can be played by one, two, or three players simultaneously. This device requires three decals.

3. Device has one screen and one player station. Multiple players can play but each player takes a turn independent of the other players. This device requires one decal. These devices include and are known as Golden T Golf and pool tables.
4. Devices such as table tennis, air hockey, shuffle board, or foosball require only one decal.
5. Merchandise dispensers that incorporate a game of skill to increase your prize require a decal.
6. Merchandise games that dispense a product and have no player interactions other than activating the game with a coin, currency, or token do not require a decal.

During the license year, additional mechanical amusement device decals can be obtained from any of the Department of Revenue Taxpayer Assistance offices listed below or the Charitable Gaming Division.

If you have any questions regarding the completion of the Form 54 or need another application, please contact the Nebraska Department of Revenue's Charitable Gaming Division at (402) 471-5937 or call toll free at (877) 564-1315. Form 54 is also available on the Department's Web site: www.revenue.ne.gov/gaming.

GRAND ISLAND

TierOne Bank Building, Suite 460
1811 West Second Street
Grand Island, Nebraska 68803
Telephone (308) 385-6067

LINCOLN

Charitable Gaming Division
1800 O Street
Suite 101
Lincoln, Nebraska 68509
Telephone (402) 471-5937

NORFOLK

304 North 5th Street, Suite "D"
Norfolk, Nebraska 68701
Telephone (402) 370-3333

NORTH PLATTE

Craft State Office Building
200 South Silber Street
North Platte, Nebraska 69101
Telephone (308) 535-8250

OMAHA

Nebraska State Office Building
1313 Farnam-on-the-Mall
Omaha, Nebraska 8102
Telephone (402) 595-2065

SCOTTSBLUFF

Panhandle State Office mplex
4500 Avenue I, Box 1500
Scottsbluff, Nebraska 69363
Telephone (308) 632-1200

Mail the application and appropriate fees to the
Nebraska Department of Revenue
P.O. Box 94855
Lincoln, NE 68509-4855