

1976 S.C. Op. Atty. Gen. 192 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4360, 1976 WL 22979

Office of the Attorney General

State of South Carolina

Opinion No. 4360

May 31, 1976

**\*1 (1) A coin-operated, less than regulation-size pool or billiard table is subject to the same regulations as a regulation-size pool or billiard table.**

**(2) A coin-operated amusement game with levers or flippers may be a pinball machine.**

**(3) An amusement place with less than regulation-size pool or billiard tables may be subject to the provisions of Sections 5-501 and 5-513, if it is a pool or billiard room.**

**(4) Persons under the age of eighteen are not permitted to play pinball machines; however, with parental permission, they may play upon a pool or billiard table in a pool or billiard room.**

Chief of Police

Anderson Police Department

You have presented the following questions:

1. Are coin operated, less than regulation size, pool or billiard tables under the same control as regulation tables?
2. Are coin operated amusement games with levers or “flippers” operated by the player, with or without free play features, under the same control and classification as machines with the spring activated balls, commonly known as pinball machines?
3. Are amusement places with less than regulation size pool or billiard tables subject to Sections 5-501 and 5-513 of the State Code?
4. Can minors play the above type games without parental permission?

Question 1. The term “pocket billiard table” is defined in subsection (2) of Section 5-501 to mean the general character of table which has heretofore been called a pool table. This definition, in our opinion, adopts the meaning usually and customarily given to pool tables and does not exclude a table that is coin operated or which is less than a regulation size pool table. Therefore, the provisions of Section 5-513 of the Code of Laws, as amended, regulate the use of such tables by persons under the age of eighteen years. This section makes it unlawful for a person to play upon any pool table that is within a billiard room unless accompanied by a parent or unless parental consent is granted. A billiard room is defined in Section 5-501 of the Code and in [Melody Music Co. v. McLeod](#), 248 S.C. 545, 151 S.E.2d 749. In Melody it was stated that the operation of a billiard or pocket billiard table in a place where the principal business is something other than the operation of billiard or pocket billiard tables is not subject to the regulations contained in Section 5-501 and Section 5-513 of the Code. A minor may therefore play a billiard or pool table without violating Section 5-513 if it is not within a billiard or pool room. This office stated (Opinion No. 2218, 1967 OAG) that if the chief, leading, main, most considerable and important activity of the business is the operation of billiard or pocket billiard tables, then it is a billiard room. It was also stated in an opinion (Opinion No. 2313, 1967 OAG) that a pool table which is operated in an establishment whose principal business is something other than operating pool tables—for example, filling stations and grocery stores—those pool tables are not subject to closing-hour laws and other restrictions applicable to regular pool rooms.

\*2 Question 2. A pinball machine has been defined in the case of *State v. Langley* as follows:

“A pinball machine has been described as one in use of which the player, after depositing a coin in the slot, puts balls in play by pulling a spring actuated plunger on a tilted table upon which there are bumpers which deflect balls in various directions through various lanes, producing a score registered from contact with different bumpers.” *State v. Langley*, 236 S.C. 583, 115 S.E.2d 308 (1960).

If the type of machine which you refer to falls within the definition of a pinball machine, which includes certain flipper machines, the provisions of Sections 5–622.1 and 5–622.2 make it unlawful for a minor to play the machine and also make it unlawful for an operator to allow a minor under the age of eighteen years to play or operate a pinball machine.

Without a further description of the machine, it would be impossible for this office to conclude or render an opinion, however, on the question whether or not a minor is permitted to play such machine.

Question 3. As was stated in the discussion to Question 1, Section 5–501 does not limit the operation of Section 5–513 of the Code to a regulation size pool or billiard table, therefore, an amusement place with less than regulation size tables is within Section 5–513.

Question 4. In regard to the operation of a pinball machine, a minor is not permitted to play or operate such machines. There is no exception for parental consent. There is, however, a provision in Section 5–513 which allows a minor to play pool or billiards in a billiard room with parental consent.

C. Lewis Argoe, Jr.  
Assistant Attorney General.

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