

1975 S.C. Op. Atty. Gen. 115 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4041, 1975 WL 22338

Office of the Attorney General

State of South Carolina

Opinion No. 4041

June 24, 1975

\*1 Honorable T. Travis Medlock  
Senator  
1340 Pickens Street  
Columbia, South Carolina 29201

Dear Mr. Medlock:

You have requested that you be advised as to whether coin-operated nonpayout pin tables with free play feature are unlawful within this State and subject to confiscation and destruction.

It is generally accepted that a pin table is synonymous with a pinball machine, 89 ABR 2d 816, 817.

In this State a pinball machine has been described as,

'[o]ne 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).

Prior to 1949, what now constitutes Section 5–621 was held to prohibit pinball machines. [Alexander, et al. v. Martin, et al.](#), 192 S.C. 176, 6 S.E.2d 20 (1939); [Alexander v. Hunnicutt, et al.](#), 196 S.C. 364, 13 S.E.2d 630 (1941); [Ingram v. Bearden](#), 212 S.C. 399, 47 S.E.2d 833 (1948); [Ringstaff v. Evans](#), 212 S.C. 411, 47 S.E.2d 838 (1948). However, in that year, this statute (Section 5–621) was amended to remove from its prohibitions any coin-operated nonpayment pin table which had a free play feature. 46 STAT. 268 (1949). As a result, pinball machines were exempted from the provisions of Section 5–621, 1950–51 Op. Atty. Gen. 206, and became lawful devices. 1952–53 Op. Atty. Gen. 169. Because pinball machines can no longer be considered as unlawful it would necessarily follow that such devices are not subject to destruction under Section 5–622. See 1964–65 Op. Atty. Gen. 24.

This issue was before our State Supreme Court in the case of [Alexander Amusement Company v. State](#), 246 S.C. 530, 144 S.E.2d 718 (1965), wherein it was held,

'... [t]hat the devices here involved 'are coin-operated nonpayment pin tables, with free play feature.' They are therefore specifically exempted from the provisions of Section 5–621 and thereby from the confiscation provisions of Section 5–662, unless they are in violation of 'any other law of this State.' We have found no other law, nor has any other been cited, that would make such coin-operated pin tables unlawful devices.' at 534.

Based upon the foregoing authorities, it is the opinion of this Office that coin-operated nonpayout pin tables with free play feature are not unlawful within this State, and being therefore legal devices, they are not subject to confiscation and destruction.

While coin-operated nonpayout pinball machines with free play features have never been construed as being within this State's gambling laws, [Alexander Amusement Company v. State](#), (Supra), the legislature nevertheless in 1975 removed any doubt in its enactment of Code Section 16–505.1. This statute states,

‘Nothing in Section 16–504 or 16–505 shall extend to coin-operated nonpayout machines with a free play feature; provided that nothing herein shall authorize the licensing, possession or operation of any machine which disburses money or property to the player.’

\*2 It is therefore clear that Section 16.505.1 specifically exempts coin-operated nonpayout machines, which include the pinball machines referred to herein, from Code Section 16–501, et seq., so long as such machines do not disburse money or property to the player.

Sincerely,

A. Camden Lewis  
Assistant Attorney General

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