

Sec.	
1176.	Penalties.
1177.	Confiscation of gambling devices and means of transportation; laws governing.
1178.	Nonapplicability of chapter to certain machines and devices.

### § 1171. Definitions

As used in this chapter—

(a) The term “gambling device” means—

(1) any so-called “slot machine” or any other machine or mechanical device an essential part of which is a drum or reel with insignia thereon, and (A) which when operated may deliver, as the result of the application of an element of chance, any money or property, or (B) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property; or

(2) any other machine or mechanical device (including, but not limited to, roulette wheels and similar devices) designed and manufactured primarily for use in connection with gambling, and (A) which when operated may deliver, as the result of the application of an element of chance, any money or property, or (B) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property; or

(3) any subassembly or essential part intended to be used in connection with any such machine or mechanical device, but which is not attached to any such machine or mechanical device as a constituent part.

(b) The term “State” includes the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(c) The term “possession of the United States” means any possession of the United States which is not named in paragraph<sup>1</sup> (b) of this section.

(d) The term “interstate or foreign commerce” means commerce (1) between any State or possession of the United States and any place outside of such State or possession, or (2) between points in the same State or possession of the United States but through any place outside thereof.

(e) The term “intrastate commerce” means commerce wholly within one State or possession of the United States.

(f) The term “boundaries” has the same meaning given that term in section 1301 of title 43.

(Jan. 2, 1951, ch. 1194, §1, 64 Stat. 1134; Pub. L. 87-840, §§2, 3, Oct. 18, 1962, 76 Stat. 1075; Pub. L. 102-251, title II, §202(c), Mar. 9, 1992, 106 Stat. 62.)

#### AMENDMENTS

1992—Subsec. (f). Pub. L. 102-251 added subsec. (f).  
 1962—Subsec. (a)(2), (3). Pub. L. 87-840, §2, substituted provisions including machines and mechanical devices designed and manufactured primarily for gambling by the operation of which a person may become entitled to receive, as the result of chance, any money or property, for provisions which included machines or mechanical devices designed and manufactured to operate by inserting a coin, token, or similar object, in par. (2), and

inserted “, but which is not attached to any such machine or mechanical device as a constituent part”, in par. (3).

Subsec. (b). Pub. L. 87-840, §3, substituted “the District of Columbia” for “Alaska, Hawaii”.

Subsecs. (d) and (e). Pub. L. 87-840, §3, added subsecs. (d) and (e).

#### EFFECTIVE DATE OF 1962 AMENDMENT

Pub. L. 87-840, §7, Oct. 18, 1962, 76 Stat. 1077, provided that: “The amendments made by this Act [enacting section 1178 of this title and amending this section and sections 1172 and 1173 of this title] shall take effect on the sixtieth day after the date of its enactment [Oct. 18, 1962].”

#### SHORT TITLE OF 1962 AMENDMENT

Pub. L. 87-840, §1, Oct. 18, 1962, 76 Stat. 1075, provided: “That this Act [enacting section 1178 of this title and amending this section and sections 1172 and 1173 of this title] may be cited as the ‘Gambling Devices Act of 1962.’”

#### SHORT TITLE

Act Jan. 2, 1951, which enacted this chapter and a note set out under this section, is popularly known as the “Gambling Devices Transportation Act”.

#### SEPARABILITY

Act Jan. 2, 1951, ch. 1194, §8, 64 Stat. 1136, provided that: “If any provision of this Act [this chapter] or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act [this chapter] which can be given effect without the invalid provision or application, and to this end the provisions of this Act [this chapter] are declared to be severable.”

### § 1172. Transportation of gambling devices as unlawful; exceptions; authority of Federal Trade Commission

#### (a) General rule

It shall be unlawful knowingly to transport any gambling device to any place in a State or a possession of the United States from any place outside of such State or possession: *Provided*, That this section shall not apply to transportation of any gambling device to a place in any State which has enacted a law providing for the exemption of such State from the provisions of this section, or to a place in any subdivision of a State if the State in which such subdivision is located has enacted a law providing for the exemption of such subdivision from the provisions of this section, nor shall this section apply to any gambling device used or designed for use at and transported to licensed gambling establishments where betting is legal under applicable State laws: *Provided, further*, That it shall not be unlawful to transport in interstate or foreign commerce any gambling device into any State in which the transported gambling device is specifically enumerated as lawful in a statute of that State.

#### (b) Authority of Federal Trade Commission

Nothing in this chapter shall be construed to interfere with or reduce the authority, or the existing interpretation of the authority, of the Federal Trade Commission under the Federal Trade Commission Act [15 U.S.C. 41 et. seq.].

#### (c) Exception

This section does not prohibit the transport of a gambling device to a place in a State or a pos-

<sup>1</sup> So in original. Probably should be “subsection”.