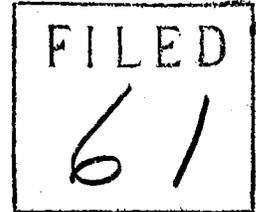


POOL HALLS: Club operating pool hall and charging members for use of cues must procure license.



March 29, 1946

H-2

Honorable L. E. Merrill
Prosecuting Attorney
Chariton County
Keytesville, Missouri

Dear Sir:

We have received your request for an official opinion, which reads as follows:

"I desire your opinion as to the interpretation of Section 15405 EXCEPTIONS TO 15397 LAWS OF MISSOURI 1941. Parties operating a pool hall without license in a city, organized a club selling membership cards for a small fee. Proprietor charges a small fee for the use of a cue.

"QUESTION: Is the charge for the use of the cue a charge for playing within the meaning of this section and therefore a violation?"

Section 15397, R. S. Mo. 1939, empowers the County Court to license keepers of pool and billiard tables, and in part provides as follows:

"The county court shall have power to license the keepers of billiard tables, pigeonhole tables, jenny lind tables, and all other tables kept and used for gaming, upon which balls and cues are used. * * *"

(Emphasis ours.)

Section 15405, R. S. A., provides as follows:

"This chapter shall not apply to any person having set up in his own private residence any one of such tables mentioned in Section 15397, when used for his own private use, and for the use of his family, nor to clubs where pool, billiard and other tables are used exclusively for club members and upon which no charge for playing is made."

This section enumerates certain exceptions to Section 15397, supra, under which no license is required to keep and operate pool and billiard tables.

For a club, such as you describe in your letter, to be excepted from procuring a license to keep and operate pool and billiard tables, two requirements must exist, as provided by Section 15405, supra. The tables must be used exclusively for club members and there must be no charge for playing.

We assume that the only persons using the pool tables, in the case at bar, are those holding membership cards. Consequently, the first requirement is fulfilled, in that the tables are exclusively used for club members.

According to the facts, the proprietor, who apparently is also connected with the club, charges the players a small fee for the use of the cues. It is our notion that to play or participate in the various games played on pool or billiard tables, the use of a cue is necessary and without a cue the playing of such games cannot be accomplished.

Conclusion.

It is the opinion of this department that a club keeping and operating pool and billiard tables exclusively for members, but charging a fee for the use of a cue, is making a charge for playing within the meaning of Section 15405, R. S. A., and therefore is not excepted from procuring a license.

Respectfully submitted,

APPROVED:

J. E. TAYLOR
Attorney General

RICHARD F. THOMPSON
Assistant Attorney General

RFT:ml