

HOUSE BILL NO. 191

INTRODUCED BY STRIZICH, YELLOWTAIL, D. BROWN,
MCCULLOCH, COCCHIARELLA
BY REQUEST OF THE GAMING ADVISORY COUNCIL

IN THE HOUSE

JANUARY 15, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT. FIRST READING.
JANUARY 27, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 28, 1993	PRINTING REPORT.
JANUARY 29, 1993	SECOND READING, DO PASS.
JANUARY 30, 1993	ENGROSSING REPORT.
FEBRUARY 1, 1993	THIRD READING, PASSED. AYES, 58; NOES, 41. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 3, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. FIRST READING.
MARCH 24, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 29, 1993	THIRD READING, CONCURRED IN. AYES, 38; NOES, 9. RETURNED TO HOUSE.

IN THE HOUSE

MARCH 30, 1993	RECEIVED FROM SENATE. SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED.
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1 *House* BILL NO. *191*
 2 INTRODUCED BY *Sen. Yellowtail Dan Brown*
 3 BY REQUEST OF THE GAMING ADVISORY COUNCIL
 4 *Sen. McCall*
 5 *Cochran*
 6 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE \$50
 7 WHOLESALE LIMIT ON THE VALUE OF MERCHANDISE THAT MAY BE
 8 OBTAINED THROUGH REDEMPTION OF TOKENS OR TICKETS AWARDED FOR
 9 PLAY OF AN AMUSEMENT GAME; LIMITING THE VALUE OF A TOKEN OR
 10 TICKET FOR REDEMPTION PURPOSES; LIMITING THE VALUE OF TOKENS
 11 OR TICKETS THAT MAY BE AWARDED AFTER A SINGLE PLAY OF AN
 12 AMUSEMENT GAME; PERMITTING COIN- OR TOKEN-OPERATED GAMES OF
 13 SKILL TO BE MADE AVAILABLE FOR PUBLIC PLAY; AMENDING
 14 SECTIONS 23-6-101, 23-6-102, AND 23-6-104, MCA; AND
 15 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 **Section 1.** Section 23-6-101, MCA, is amended to read:

18 "23-6-101. Definitions. Unless the context requires
 19 otherwise, the following definitions apply in this part:

20 (1) "Arcade" means a commercial establishment whose
 21 primary purpose is to make amusement games available for
 22 public play.

23 (2) "Concessionaire" means a person who owns one or
 24 more amusement games and who enters into an agreement with
 25 an operator, as defined in subsection (5)(a), to conduct

1 games. A concessionaire may also be an operator.

2 (3) "Crane game" means an amusement game activated by
 3 the insertion of a coin or token by which the player uses
 4 one or more buttons, control sticks, or similar means of
 5 control or a combination of those means of control to
 6 position a mechanical or electromechanical claw or other
 7 retrieval device over a prize and attempts to retrieve it.

8 (4) "Nonprofit organization" means a nonprofit
 9 corporation or a nonprofit charitable, religious,
 10 scholastic, educational, veterans', fraternal, beneficial,
 11 civic, or service organization, established for a purpose
 12 other than conducting amusement games.

13 (5) "Operator" means a person who:

14 (a) enters into an agreement with a county fair
 15 commission, board of directors of a fair district, joint
 16 fair and civic center commission, business, or an
 17 association of businesses, such as a shopping center or
 18 downtown area, to provide amusement games; or

19 (b) makes an amusement game available for public play
 20 on his premises owned by the operator or on premises owned
 21 by another person.

22 (6) "Prize" means only:

23 (a) tangible personal property with a ~~wholesale~~ value
 24 of ~~\$50 or less~~; or

25 (b) nontransferable tokens, or tickets, ~~or~~ coupons that

1 may be accumulated and redeemed for tangible personal
2 property ~~with-a-wholesale-value-of-\$50-or-less.~~"

3 **Section 2.** Section 23-6-102, MCA, is amended to read:

4 "23-6-102. Requirements for games. An operator,
5 concessionaire, nonprofit organization, or arcade may
6 provide amusement games to the public under the following
7 conditions:

8 (1) The sale of a right to participate, the
9 determination of winners, and the distribution of prizes all
10 occur in the presence of all players.

11 (2) The appropriate permit to operate the game has been
12 obtained as provided for in 23-6-103.

13 (3) The player pays cash for the right to play the
14 game.

15 (4) ~~A--cash-prize-is-not-awarded--and-only~~ Only a prize
16 ~~is may be~~ awarded, and a prize may not be repurchased from a
17 ~~player.~~ Prizes, as defined in 23-6-101(6)(a), and tangible
18 ~~personal property that may be obtained through redemption of~~
19 ~~tokens or tickets~~ must be displayed and--may--not--be
20 repurchased.

21 (5) (a) If tangible personal property, rather than
22 tokens or tickets, is awarded following play of the
23 amusement game, the wholesale value of the property may not
24 exceed \$50.

25 (b) If tokens or tickets are awarded following play of

1 the amusement game:

2 (i) the value of the tokens or tickets for redemption
3 purposes may not exceed 5 cents;

4 (ii) the maximum number of tokens or tickets awarded
5 after a single play of the amusement game may not exceed the
6 value of 10 times the total amount paid by all participants
7 to play the amusement game; and

8 (iii) any tangible personal property for which tokens or
9 tickets are redeemed may exceed a wholesale value of \$50.

10 {5}{6} The system for awarding prizes does not require
11 forfeiture of a previously won prize unless the prize is
12 traded for a prize of equal or greater value.

13 {6}{7} Concealed numbers or conversion charts are not
14 used in conducting the game.

15 {7}{8} The game is not designed or adapted with a
16 control device to permit manipulation of the game to control
17 the ability of a player to win or to predetermine who the
18 winner will be. A crane game may not contain a variable
19 resistor or any turn screw, knob, potentiometer, or similar
20 device that may be used to alter the closing strength of the
21 game's claws or retrieval device.

22 {8}{9} The object of the game is attainable and
23 possible to perform, under the stated game rules, from the
24 playing position of the player.

25 {9}{10} The game is conducted in a fair and honest

1 manner and does not constitute a fraud upon the players."

2 **Section 3.** Section 23-6-104, MCA, is amended to read:

3 "23-6-104. **Amusement games allowed.** (1) Crane games, as
4 defined in 23-6-101, and the games described in subsection
5 (2) may be made available for public play.

6 (2) (a) Fish pond (duck pond). The player catches a
7 fish or other object floating in a pond of water by using a
8 pole, hand, net, or string. All fish or objects are marked
9 on the bottom, indicating the size of prize the player wins.
10 The player is awarded a prize each time, and the player must
11 be allowed to continue playing until a prize is won.

12 (b) Hoop or ring toss. The player tosses a hoop or ring
13 over a target that must consist of bottles, pegs, blocks, or
14 prizes. The operator shall specifically advise the player as
15 to the degree that the hoop or ring must go over the target.
16 All hoops of the same color used at an individual stand must
17 be the same size. All targets used at an individual booth
18 must be the same size, or the operator shall advise the
19 player by posting signs or using color codes denoting the
20 different sizes.

21 (c) Dart games. The target area for all dart games must
22 be of a material capable of being penetrated and of
23 retaining a metal tip dart. The target area must be in the
24 rear of the stand and must be at least 3 feet but not more
25 than 15 feet from the foul line. A target must be stationary

1 at all times.

2 (i) Balloon (poparoo) (balloon smash). The targets are
3 inflated balloons. The player throws one or more darts to
4 burst a predetermined number of balloons. If the
5 predetermined number of balloons are burst by the darts, the
6 player receives the prize indicated.

7 (ii) Dart throw. The targets are various sizes and
8 shapes located on the target area. The player throws darts
9 individually at the target. A dart must stick in a
10 predetermined target to win the prize as designated.

11 (iii) Tic tac toe dart. The target is a tic tac toe
12 board located in the target area. The player throws darts at
13 the target and wins a designated prize when the thrown darts
14 line up in a row in the target. The darts may line up
15 vertically, horizontally, or diagonally to win.

16 (iv) Add-um-up darts. The target consists of numbered
17 squares located in the target area. Prizes are awarded based
18 on the total score obtained by the player by throwing and
19 sticking the darts in the numbered squares. A dart that
20 sticks on a line must be thrown again. The player may add up
21 the score of the darts thrown.

22 (d) Ball tosses. In all ball toss games, the balls used
23 at a specific stand must be of the same weight and size.
24 Targets must be of the same weight and size, or the operator
25 shall color code the targets and advise the player of the

1 difference in targets by posting a sign or providing a
2 duplicate of the target showing the limitations or
3 restrictions. The sign or duplicate target must be readily
4 visible to the player.

5 (i) Milk bottle toss. The player tosses or throws balls
6 at simulated milk bottles. The player wins by either tipping
7 over or knocking bottles off the raised platform as
8 designated by the operator. The bottles may be constructed
9 of wood, metal, or plastic or a combination of the three.
10 Operators may vary the number of bottles and balls used in
11 each game. Floating or loose weights in bottles are not
12 allowed. The weight of individual bottles may not exceed
13 7 1/2 pounds.

14 (ii) Milk can (Mexican hat) (cone). The player tosses a
15 ball into the opening of a milk can, into a fiberglass
16 Mexican hat turned upside down, or through a cone to win.

17 (iii) Football toss (tire toss). The player tosses or
18 throws a football through a stationary tire or hoop to win.

19 (iv) Basketball toss/throw. The player tosses or throws
20 a basketball through a hoop to win.

21 (v) Bushel baskets. The player tosses balls into a
22 bushel basket mounted on a stationary backdrop at a fixed
23 angle. The balls must stay in the basket to win. Rim shots
24 are allowed, except the operator may designate the top 6
25 inches of the basket rim by color and disallow balls

1 striking this area as winning tosses.

2 (vi) Cat-ball-toss (star/diamond toss). The player
3 tosses balls into a simulated cat's mouth or a round,
4 diamond, or star-shaped hole to win.

5 (vii) Ping pong toss. The player tosses ping pong balls
6 into dishes, saucers, cups, or ashtrays floating in water. A
7 predetermined number of balls must remain in the dishes,
8 saucers, cups, or ashtrays for the player to win. The
9 dishes, saucers, cups, or ashtrays must have water covering
10 the bottom of the surface that is facing up.

11 (viii) Fishbowl game. The player tosses ping pong balls
12 into a water-filled fish bowl to win.

13 (ix) Volleyball toss (soccer ball). The player tosses a
14 volley or soccer ball into a keg-type container mounted on a
15 stationary backdrop at a fixed angle. The ball must stay in
16 the keg to win a prize. Rim shots are authorized as stated
17 in subsection (2)(d)(v) for bushel baskets.

18 (x) Goblet ball (whiffle ball). The player tosses a
19 whiffle ball into a target area of glass or plastic goblets.
20 Located in the target area are colored goblets that
21 determine the type of prize the player wins. At least 33% of
22 the goblets in the target area must be winners. The ball
23 must stay in the goblet to win a prize.

24 (xi) Break the plate/bottle. The player tosses or throws
25 a ball at a plate, phonograph record, or bottle. The type of

1 prize won is determined by the number of targets broken by
2 the player.

3 (xii) Punk rack. The targets for this game are rows of
4 dolls or cats on a ledge at the rear of the stand. The dolls
5 or cats must be filled with sawdust, styrofoam, cotton, or
6 other like material that provides a firm base for the ball
7 to strike. The hair protruding from the side of the dolls or
8 cats may not exceed 3 inches. The prize is determined by how
9 many dolls or cats the player knocks over or off the ledge,
10 as posted by the operator.

11 (xiii) Teeth game. The target consists of a large face
12 with wooden teeth. The prize is determined by how many teeth
13 the player knocks down by throwing a ball.

14 (xiv) Toilet game (doniker). To win, the player tosses
15 or throws a ball or other object through a toilet seat
16 located at the rear of the stand.

17 (xv) Coke roll. The player rolls a ball down an alley
18 with the object of knocking over two coke bottles standing
19 at the end of the alley. The player must tip over both
20 bottles to win. Bottles must be placed on predetermined
21 spots painted on the surface of the alley.

22 (xvi) Rolldown. The player rolls balls down an alley
23 with the object of putting the balls in numbered slots at
24 the end of the alley. The scores represented by the balls in
25 each numbered slot are added up at the conclusion of the

1 game. Scores above or below a predetermined score win. The
2 alley surface must be smooth and free from defects at all
3 times.

4 (xvii) Fascination (I got it). Fascination is a group
5 game that involves competition among the players. The target
6 area consists of 25 holes, and the player tosses or rolls a
7 ball into one of the holes. The object of the game is to get
8 five balls in a row either vertically, horizontally, or
9 diagonally. The first player to accomplish this is the
10 winner. Prize size is determined by the number of players
11 participating in each game.

12 (xviii) Cakewalk. The players walk on a predetermined
13 route with designated spots, and when the operator stops the
14 walk, the player on a predetermined spot wins a prize.

15 (xix) Batter-up. The player uses a whiffle ball bat to
16 swing and strike whiffle balls that are pitched at medium
17 speed from a pitching machine. The player wins when he the
18 player hits a ball into the home run shelf. The home run
19 shelf is located at the back of the batting cage
20 approximately 15 feet from the player.

21 (xx) Sky bowling. Two bowling pins are set on
22 predetermined painted spots on a shelf. A ball is attached
23 to a chain suspended from a stationary support at least 6
24 inches to the right or left of the bowling pins. The object
25 is to swing the ball, miss the pins with the ball as it goes

1 forward, and knock the pins over as the ball returns.

2 (xxi) Clown rolldown. A ball is tossed through the open
3 mouth of a moving clown or animal head. The ball then rolls
4 down a chute to numbered slots at the rear of the clown or
5 animal head. The scores represented by the balls in each
6 numbered slot are added up at the conclusion of the game.
7 Prizes are awarded on the points achieved.

8 (xxii) Skee ball. The player rolls a ball up the
9 mechanical bowling alley into targets. A computer adds up
10 the scores, and the predetermined scores win.

11 (xxiii) Speedball radar game. The player gets four balls
12 and throws three balls through radar to establish speeds and
13 to estimate at what speed the fourth ball will pass through
14 the radar. The player wins a prize if he the player
15 accurately estimates the speed of the fourth ball. The radar
16 must be mounted and stationary.

17 (e) Shooting games. These games are conducted by the
18 player using a weapon of some type to shoot at a target in
19 the rear of the stand. The safety requirements of local city
20 or county ordinances must be observed by the operator and
21 player. The target may be stationary or mobile.

22 (i) Short range (shooting gallery). In this game, the
23 player is given four rounds to shoot at a spot target 1/4
24 inch or less in diameter. The player wins when the spot
25 target is completely shot out, or the player is given five

1 rounds to shoot one round each at five triangular, round, or
2 1/2-inch square targets. The prize is determined by the
3 number of targets struck by the player, or the player is
4 given five rounds to shoot one round each at five
5 triangular, round, or 1/2-inch square targets. Within each
6 target is a bull's eye. The player must hit the bull's eye
7 without touching the outer surface of the target. The prize
8 is determined by the number of bull's eyes correctly hit.

9 (ii) Shoot-out-the-star (machine gun). The player, using
10 an automatic air pellet gun, is given 100 pellets to shoot
11 at a star-shaped target. The player must shoot out all of
12 the target to win. The star cannot be more than 1 1/4 inches
13 from point-to-point.

14 (iii) Water racer. This group game involves a
15 competition, with the player winning a prize based on the
16 number of players competing. The player, using a water
17 pistol, shoots the water into a target. The water that
18 strikes the target causes a balloon to inflate or advances
19 an object to ring a bell. The first player who bursts the
20 balloon or rings the bell is the winner.

21 (iv) Rapid fire. This group game involves competition
22 similar to the water racer game described in subsection
23 (2)(e)(iii). The player uses an electronic pistol to shoot
24 at a target. Hits on the target give the player a score. The
25 first player to reach a predetermined score is the winner.

1 (v) Cork gallery. The player uses a cork gun or similar
 2 device to propel objects, including but not limited to
 3 corks, suction cup darts, or styrofoam balls, to shoot at
 4 targets located on a shelf or at a bull's eye target. The
 5 player must hit the bull's eye or knock the target over or
 6 off the shelf to win a prize. The prize is determined by the
 7 target knocked over or off the shelf, by the number of
 8 targets knocked over or off the shelf, or by the player
 9 accomplishing other tasks, as stated in the posted rules.
 10 When suction cup darts or other darts are used and fail to
 11 stay on or in the target, the player must shoot the dart
 12 again. The base of each target must be uniform, front and
 13 rear.

14 (vi) Boomball. The player uses a cannon with compressed
 15 air to propel balls into a target area. The targets have
 16 varied point value. If the ball remains in the target, a
 17 computer adds up the score. Prizes are awarded based on the
 18 points achieved.

19 (f) Coin pitchers.

20 (i) Spot pitch (lucky strike). The player pitches a
 21 coin at colored spots located on a table in the center of
 22 the stand. The coin must touch or stay inside of a spot to
 23 win a prize.

24 (ii) Plate pitch. The player pitches a coin onto a glass
 25 plate to win a prize as designated.

1 (iii) Glass pitch (bowl). The player pitches a coin into
 2 or onto dishes or glasses. If the coin remains in a top
 3 target glass item, then the player wins that item.

4 (g) Miscellaneous games.

5 (i) Skill chute (bulldozer) (penny fall). The player
 6 inserts a coin or token into a chute, aiming the coin or
 7 token so that it will fall in front of a continuous sweeper
 8 (bulldozer). If the coin or token is aimed correctly, the
 9 sweeper (bulldozer) will push additional tokens or prizes
 10 into a hole or chute that sends them to the player. Tokens
 11 are exchanged for prizes. If there is a hidden ledge, tip,
 12 or similar obstruction that inhibits the passage of tokens
 13 or prizes into the hole or chute that sends them to the
 14 player, the operator shall post a sign to advise the
 15 players.

16 (ii) Tip-em-up bottle. The player is provided with a
 17 pole and a string that has a hoop or ring attached at the
 18 end. The player, using the pole with a ring, must raise a
 19 bottle lying on its side to an upright position to win.

20 (iii) Hi-striker. The player, using a wooden maul, must
 21 strike a lever target that causes a metal weight to rise on
 22 a guideline or track and ring a bell. The player must ring
 23 the bell a predetermined number of times to win a prize.

24 (iv) Rope ladder. The player must climb up a rope
 25 ladder, which is anchored at both ends by a swivel, and ring

1 a bell or buzzer to win a prize.

2 (v) Whac-a-mole. This is a group game that has a target
3 surface with five holes through which animated moles pop up
4 and down at random. The player must hit as many moles as
5 possible with a mallet. The first player to hit a
6 predetermined number of moles wins.

7 (vi) Dip bowling game. The player rolls a bowling-type
8 ball over a hump in the track. If the ball stays on the back
9 side of the hump, the player wins.

10 (vii) Horserace derby. This is a group game in which a
11 player advances his a horse by shooting or rolling a ball in
12 the target area. The faster and more skillfully the player
13 shoots or rolls his the ball, the faster his the player's
14 horse will run. The first horse to cross the finish line
15 wins.

16 (viii) Shuffleboard. The player pushes a puck down a
17 shuffleboard alley to knock over poly pins at the end of an
18 alley. The player wins by knocking down all the pins.

19 (ix) Bean bag. The player tosses or throws a bean bag or
20 a simulated bean bag at cans, bottles, or other objects on a
21 raised platform. The player wins a prize when he the player
22 either knocks the object off the raised platform or tips the
23 target over.

24 (x) Soccer kick. The player kicks a soccer ball through
25 a hole in the target area to win.

1 (xi) Frog game. A plastic frog or similar object sits on
2 a small end of a teeter-totter. The opposite end of the
3 teeter-totter is struck with a mallet, causing the frog to
4 fly off the teeter-totter. If the frog lands in a pail or
5 similar receptacle, the player wins a prize.

6 (xii) Cover the spot. The object of this game is for the
7 player to drop five circular discs onto a circular spot,
8 completely covering the spot. The diameter of each of the
9 discs used to cover the spot must be a minimum of 64% of the
10 diameter of the spot to be covered. The spot to be covered
11 must be painted or drawn on a permanent, solid material,
12 such as metal or wood, or may be a lighted circle. The spot
13 and each disc must have a uniform diameter.

14 (xiii) Pocket billiards. Using a regulation pocket
15 billiard table, a player must run a consecutive number of
16 balls to win a prize. The number of balls is set by the
17 operator.

18 (xiv) Other coin- or token-operated games of skill. The
19 player inserts a coin or token into a mechanical,
20 electrical, or electromechanical device manufactured for
21 bona fide amusement purposes only that dispenses tokens or
22 tickets based on the player's skill in operating the device.
23 Games authorized under this subsection are limited to those
24 involving a substantial degree of skill. A substantial
25 degree of skill is present if:

1 (A) a player's physical or mental abilities play an
2 integral role in determining the number of tokens or tickets
3 accumulated during the play of the game;

4 (B) the number of tokens or tickets initially received
5 by the average player would increase with repeated play of
6 the game; and

7 (C) a player's precision, dexterity, or knowledge
8 enables the player to obtain more tokens or tickets than
9 would be received by a less precise, dexterous, or
10 knowledgeable player."

11 NEW SECTION. Section 4. Effective date. [This act] is
12 effective on passage and approval.

-End-

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 191

INTRODUCED BY STRIZICH, YELLOWTAIL, D. BROWN,

MCCULLOCH, COCCHIARELLA

BY REQUEST OF THE GAMING ADVISORY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE \$50 WHOLESALE LIMIT ON THE VALUE OF MERCHANDISE THAT MAY BE OBTAINED THROUGH REDEMPTION OF TOKENS OR TICKETS AWARDED FOR PLAY OF AN AMUSEMENT GAME; LIMITING THE VALUE OF A TOKEN OR TICKET FOR REDEMPTION PURPOSES; LIMITING THE VALUE OF TOKENS OR TICKETS THAT MAY BE AWARDED AFTER A SINGLE PLAY OF AN AMUSEMENT GAME; PERMITTING COIN- OR TOKEN-OPERATED GAMES OF SKILL TO BE MADE AVAILABLE FOR PUBLIC PLAY; AND AMENDING SECTIONS 23-6-101, 23-6-102, AND 23-6-104, MCA,---AND PROVIDING-AN-IMMEDIATE-EFFECTIVE-DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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an operator, as defined in subsection (5)(a), to conduct games. A concessionaire may also be an operator.

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(4) "Nonprofit organization" means a nonprofit corporation or a nonprofit charitable, religious, scholastic, educational, veterans', fraternal, beneficial, civic, or service organization, established for a purpose other than conducting amusement games.

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(a) enters into an agreement with a county fair commission, board of directors of a fair district, joint fair and civic center commission, business, or an association of businesses, such as a shopping center or downtown area, to provide amusement games; or

(b) makes an amusement game available for public play on his premises owned by the operator or on premises owned by another person.

(6) "Prize" means only:

(a) tangible personal property with-a-wholesale-value of-\$50-or-less; or

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(b) If tokens or tickets are awarded following play of the amusement game:

(i) the value of the tokens or tickets for redemption purposes may not exceed 5 cents;

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10 on the bottom, indicating the size of prize the player wins.
11 The player is awarded a prize each time, and the player must
12 be allowed to continue playing until a prize is won.

13 (b) Hoop or ring toss. The player tosses a hoop or ring
14 over a target that must consist of bottles, pegs, blocks, or
15 prizes. The operator shall specifically advise the player as
16 to the degree that the hoop or ring must go over the target.
17 All hoops of the same color used at an individual stand must
18 be the same size. All targets used at an individual booth
19 must be the same size, or the operator shall advise the
20 player by posting signs or using color codes denoting the
21 different sizes.

22 (c) Dart games. The target area for all dart games must
23 be of a material capable of being penetrated and of
24 retaining a metal tip dart. The target area must be in the
25 rear of the stand and must be at least 3 feet but not more

1 than 15 feet from the foul line. A target must be stationary
2 at all times.

3 (i) Balloon (poparoo) (balloon smash). The targets are
4 inflated balloons. The player throws one or more darts to
5 burst a predetermined number of balloons. If the
6 predetermined number of balloons are burst by the darts, the
7 player receives the prize indicated.

8 (ii) Dart throw. The targets are various sizes and
9 shapes located on the target area. The player throws darts
10 individually at the target. A dart must stick in a
11 predetermined target to win the prize as designated.

12 (iii) Tic tac toe dart. The target is a tic tac toe
13 board located in the target area. The player throws darts at
14 the target and wins a designated prize when the thrown darts
15 line up in a row in the target. The darts may line up
16 vertically, horizontally, or diagonally to win.

17 (iv) Add-um-up darts. The target consists of numbered
18 squares located in the target area. Prizes are awarded based
19 on the total score obtained by the player by throwing and
20 sticking the darts in the numbered squares. A dart that
21 sticks on a line must be thrown again. The player may add up
22 the score of the darts thrown.

23 (d) Ball tosses. In all ball toss games, the balls used
24 at a specific stand must be of the same weight and size.
25 Targets must be of the same weight and size, or the operator

1 shall color code the targets and advise the player of the
2 difference in targets by posting a sign or providing a
3 duplicate of the target showing the limitations or
4 restrictions. The sign or duplicate target must be readily
5 visible to the player.

6 (i) Milk bottle toss. The player tosses or throws balls
7 at simulated milk bottles. The player wins by either tipping
8 over or knocking bottles off the raised platform as
9 designated by the operator. The bottles may be constructed
10 of wood, metal, or plastic or a combination of the three.
11 Operators may vary the number of bottles and balls used in
12 each game. Floating or loose weights in bottles are not
13 allowed. The weight of individual bottles may not exceed
14 7 1/2 pounds.

15 (ii) Milk can (Mexican hat) (cone). The player tosses a
16 ball into the opening of a milk can, into a fiberglass
17 Mexican hat turned upside down, or through a cone to win.

18 (iii) Football toss (tire toss). The player tosses or
19 throws a football through a stationary tire or hoop to win.

20 (iv) Basketball toss/throw. The player tosses or throws
21 a basketball through a hoop to win.

22 (v) Bushel baskets. The player tosses balls into a
23 bushel basket mounted on a stationary backdrop at a fixed
24 angle. The balls must stay in the basket to win. Rim shots
25 are allowed, except the operator may designate the top 6

1 inches of the basket rim by color and disallow balls
2 striking this area as winning tosses.

3 (vi) Cat-ball-toss (star/diamond toss). The player
4 tosses balls into a simulated cat's mouth or a round,
5 diamond, or star-shaped hole to win.

6 (vii) Ping pong toss. The player tosses ping pong balls
7 into dishes, saucers, cups, or ashtrays floating in water. A
8 predetermined number of balls must remain in the dishes,
9 saucers, cups, or ashtrays for the player to win. The
10 dishes, saucers, cups, or ashtrays must have water covering
11 the bottom of the surface that is facing up.

12 (viii) Fishbowl game. The player tosses ping pong balls
13 into a water-filled fish bowl to win.

14 (ix) Volleyball toss (soccer ball). The player tosses a
15 volley or soccer ball into a keg-type container mounted on a
16 stationary backdrop at a fixed angle. The ball must stay in
17 the keg to win a prize. Rim shots are authorized as stated
18 in subsection (2)(d)(v) for bushel baskets.

19 (x) Goblet ball (whiffle ball). The player tosses a
20 whiffle ball into a target area of glass or plastic goblets.
21 Located in the target area are colored goblets that
22 determine the type of prize the player wins. At least 33% of
23 the goblets in the target area must be winners. The ball
24 must stay in the goblet to win a prize.

25 (xi) Break the plate/bottle. The player tosses or throws

1 a ball at a plate, phonograph record, or bottle. The type of
2 prize won is determined by the number of targets broken by
3 the player.

4 (xii) Punk rack. The targets for this game are rows of
5 dolls or cats on a ledge at the rear of the stand. The dolls
6 or cats must be filled with sawdust, styrofoam, cotton, or
7 other like material that provides a firm base for the ball
8 to strike. The hair protruding from the side of the dolls or
9 cats may not exceed 3 inches. The prize is determined by how
10 many dolls or cats the player knocks over or off the ledge,
11 as posted by the operator.

12 (xiii) Teeth game. The target consists of a large face
13 with wooden teeth. The prize is determined by how many teeth
14 the player knocks down by throwing a ball.

15 (xiv) Toilet game (doniker). To win, the player tosses
16 or throws a ball or other object through a toilet seat
17 located at the rear of the stand.

18 (xv) Coke roll. The player rolls a ball down an alley
19 with the object of knocking over two coke bottles standing
20 at the end of the alley. The player must tip over both
21 bottles to win. Bottles must be placed on predetermined
22 spots painted on the surface of the alley.

23 (xvi) Rolldown. The player rolls balls down an alley
24 with the object of putting the balls in numbered slots at
25 the end of the alley. The scores represented by the balls in

1 each numbered slot are added up at the conclusion of the
2 game. Scores above or below a predetermined score win. The
3 alley surface must be smooth and free from defects at all
4 times.

5 (xvii) Fascination (I got it). Fascination is a group
6 game that involves competition among the players. The target
7 area consists of 25 holes, and the player tosses or rolls a
8 ball into one of the holes. The object of the game is to get
9 five balls in a row either vertically, horizontally, or
10 diagonally. The first player to accomplish this is the
11 winner. Prize size is determined by the number of players
12 participating in each game.

13 (xviii) Cakewalk. The players walk on a predetermined
14 route with designated spots, and when the operator stops the
15 walk, the player on a predetermined spot wins a prize.

16 (xix) Batter-up. The player uses a whiffle ball bat to
17 swing and strike whiffle balls that are pitched at medium
18 speed from a pitching machine. The player wins when he the
19 player hits a ball into the home run shelf. The home run
20 shelf is located at the back of the batting cage
21 approximately 15 feet from the player.

22 (xx) Sky bowling. Two bowling pins are set on
23 predetermined painted spots on a shelf. A ball is attached
24 to a chain suspended from a stationary support at least 6
25 inches to the right or left of the bowling pins. The object

1 is to swing the ball, miss the pins with the ball as it goes
2 forward, and knock the pins over as the ball returns.

3 (xxi) Clown rolldown. A ball is tossed through the open
4 mouth of a moving clown or animal head. The ball then rolls
5 down a chute to numbered slots at the rear of the clown or
6 animal head. The scores represented by the balls in each
7 numbered slot are added up at the conclusion of the game.
8 Prizes are awarded on the points achieved.

9 (xxii) Skee ball. The player rolls a ball up the
10 mechanical bowling alley into targets. A computer adds up
11 the scores, and the predetermined scores win.

12 (xxiii) Speedball radar game. The player gets four balls
13 and throws three balls through radar to establish speeds and
14 to estimate at what speed the fourth ball will pass through
15 the radar. The player wins a prize if he the player
16 accurately estimates the speed of the fourth ball. The radar
17 must be mounted and stationary.

18 (e) Shooting games. These games are conducted by the
19 player using a weapon of some type to shoot at a target in
20 the rear of the stand. The safety requirements of local city
21 or county ordinances must be observed by the operator and
22 player. The target may be stationary or mobile.

23 (i) Short range (shooting gallery). In this game, the
24 player is given four rounds to shoot at a spot target 1/4
25 inch or less in diameter. The player wins when the spot

1 target is completely shot out, or the player is given five
2 rounds to shoot one round each at five triangular, round, or
3 1/2-inch square targets. The prize is determined by the
4 number of targets struck by the player, or the player is
5 given five rounds to shoot one round each at five
6 triangular, round, or 1/2-inch square targets. Within each
7 target is a bull's eye. The player must hit the bull's eye
8 without touching the outer surface of the target. The prize
9 is determined by the number of bull's eyes correctly hit.

10 (ii) Shoot-out-the-star (machine gun). The player, using
11 an automatic air pellet gun, is given 100 pellets to shoot
12 at a star-shaped target. The player must shoot out all of
13 the target to win. The star cannot be more than 1 1/4 inches
14 from point-to-point.

15 (iii) Water racer. This group game involves a
16 competition, with the player winning a prize based on the
17 number of players competing. The player, using a water
18 pistol, shoots the water into a target. The water that
19 strikes the target causes a balloon to inflate or advances
20 an object to ring a bell. The first player who bursts the
21 balloon or rings the bell is the winner.

22 (iv) Rapid fire. This group game involves competition
23 similar to the water racer game described in subsection
24 (2)(e)(iii). The player uses an electronic pistol to shoot
25 at a target. Hits on the target give the player a score. The

1 first player to reach a predetermined score is the winner.

2 (v) Cork gallery. The player uses a cork gun or similar
3 device to propel objects, including but not limited to
4 corks, suction cup darts, or styrofoam balls, to shoot at
5 targets located on a shelf or at a bull's eye target. The
6 player must hit the bull's eye or knock the target over or
7 off the shelf to win a prize. The prize is determined by the
8 target knocked over or off the shelf, by the number of
9 targets knocked over or off the shelf, or by the player
10 accomplishing other tasks, as stated in the posted rules.
11 When suction cup darts or other darts are used and fail to
12 stay on or in the target, the player must shoot the dart
13 again. The base of each target must be uniform, front and
14 rear.

15 (vi) Boomball. The player uses a cannon with compressed
16 air to propel balls into a target area. The targets have
17 varied point value. If the ball remains in the target, a
18 computer adds up the score. Prizes are awarded based on the
19 points achieved.

20 (f) Coin pitchers.

21 (i) Spot pitch (lucky strike). The player pitches a
22 coin at colored spots located on a table in the center of
23 the stand. The coin must touch or stay inside of a spot to
24 win a prize.

25 (ii) Plate pitch. The player pitches a coin onto a glass

1 plate to win a prize as designated.

2 (iii) Glass pitch (bowl). The player pitches a coin into
3 or onto dishes or glasses. If the coin remains in a top
4 target glass item, then the player wins that item.

5 (g) Miscellaneous games.

6 (i) Skill chute (bulldozer) (penny fall). The player
7 inserts a coin or token into a chute, aiming the coin or
8 token so that it will fall in front of a continuous sweeper
9 (bulldozer). If the coin or token is aimed correctly, the
10 sweeper (bulldozer) will push additional tokens or prizes
11 into a hole or chute that sends them to the player. Tokens
12 are exchanged for prizes. If there is a hidden ledge, tip,
13 or similar obstruction that inhibits the passage of tokens
14 or prizes into the hole or chute that sends them to the
15 player, the operator shall post a sign to advise the
16 players.

17 (ii) Tip-em-up bottle. The player is provided with a
18 pole and a string that has a hoop or ring attached at the
19 end. The player, using the pole with a ring, must raise a
20 bottle lying on its side to an upright position to win.

21 (iii) Hi-striker. The player, using a wooden maul, must
22 strike a lever target that causes a metal weight to rise on
23 a guideline or track and ring a bell. The player must ring
24 the bell a predetermined number of times to win a prize.

25 (iv) Rope ladder. The player must climb up a rope

ladder, which is anchored at both ends by a swivel, and ring a bell or buzzer to win a prize.

(v) Whac-a-mole. This is a group game that has a target surface with five holes through which animated moles pop up and down at random. The player must hit as many moles as possible with a mallet. The first player to hit a predetermined number of moles wins.

(vi) Dip bowling game. The player rolls a bowling-type ball over a hump in the track. If the ball stays on the back side of the hump, the player wins.

(vii) Horserace derby. This is a group game in which a player advances his a horse by shooting or rolling a ball in the target area. The faster and more skillfully the player shoots or rolls his the ball, the faster his the player's horse will run. The first horse to cross the finish line wins.

(viii) Shuffleboard. The player pushes a puck down a shuffleboard alley to knock over poly pins at the end of an alley. The player wins by knocking down all the pins.

(ix) Bean bag. The player tosses or throws a bean bag or a simulated bean bag at cans, bottles, or other objects on a raised platform. The player wins a prize when he the player either knocks the object off the raised platform or tips the target over.

(x) Soccer kick. The player kicks a soccer ball through

a hole in the target area to win.

(xi) Frog game. A plastic frog or similar object sits on a small end of a teeter-totter. The opposite end of the teeter-totter is struck with a mallet, causing the frog to fly off the teeter-totter. If the frog lands in a pail or similar receptacle, the player wins a prize.

(xii) Cover the spot. The object of this game is for the player to drop five circular discs onto a circular spot, completely covering the spot. The diameter of each of the discs used to cover the spot must be a minimum of 64% of the diameter of the spot to be covered. The spot to be covered must be painted or drawn on a permanent, solid material, such as metal or wood, or may be a lighted circle. The spot and each disc must have a uniform diameter.

(xiii) Pocket billiards. Using a regulation pocket billiard table, a player must run a consecutive number of balls to win a prize. The number of balls is set by the operator.

(xiv) Other coin- or token-operated games of skill. The player inserts a coin or token into a mechanical, electrical, or electromechanical device manufactured for bona fide amusement purposes only that dispenses tokens or tickets based on the player's skill in operating the device. Games authorized under this subsection are limited to those involving a substantial degree of skill. A substantial

1 degree of skill is present if:

2 (A) a player's physical or mental abilities play an
3 integral role in determining the number of tokens or tickets
4 accumulated during the play of the game;

5 (B) the number of tokens or tickets initially received
6 by the average player would increase with repeated play of
7 the game; and

8 (C) a player's precision, dexterity, or knowledge
9 enables the player to obtain more tokens or tickets than
10 would be received by a less precise, dexterous, or
11 knowledgeable player."

12 ~~NEW SECTION--Section 4--Effective date--(This act) is--~~
13 ~~effective on passage and approval~~

-End-

HOUSE BILL NO. 191

INTRODUCED BY STRIZICH, YELLOWTAIL, D. BROWN,

MCCULLOCH, COCCHIARELLA

BY REQUEST OF THE GAMING ADVISORY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE \$50 WHOLESALE LIMIT ON THE VALUE OF MERCHANDISE THAT MAY BE OBTAINED THROUGH REDEMPTION OF TOKENS OR TICKETS AWARDED FOR PLAY OF AN AMUSEMENT GAME; LIMITING THE VALUE OF A TOKEN OR TICKET FOR REDEMPTION PURPOSES; LIMITING THE VALUE OF TOKENS OR TICKETS THAT MAY BE AWARDED AFTER A SINGLE PLAY OF AN AMUSEMENT GAME; PERMITTING COIN- OR TOKEN-OPERATED GAMES OF SKILL TO BE MADE AVAILABLE FOR PUBLIC PLAY; AND AMENDING SECTIONS 23-6-101, 23-6-102, AND 23-6-104, MCA;---AND PROVIDING-AN-IMMEDIATE-EFFECTIVE-DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-6-101, MCA, is amended to read:

"23-6-101. Definitions. Unless the context requires otherwise, the following definitions apply in this part:

(1) "Arcade" means a commercial establishment whose primary purpose is to make amusement games available for public play.

(2) "Concessionaire" means a person who owns one or more amusement games and who enters into an agreement with

an operator, as defined in subsection (5)(a), to conduct games. A concessionaire may also be an operator.

(3) "Crane game" means an amusement game activated by the insertion of a coin or token by which the player uses one or more buttons, control sticks, or similar means of control or a combination of those means of control to position a mechanical or electromechanical claw or other retrieval device over a prize and attempts to retrieve it.

(4) "Nonprofit organization" means a nonprofit corporation or a nonprofit charitable, religious, scholastic, educational, veterans', fraternal, beneficial, civic, or service organization, established for a purpose other than conducting amusement games.

(5) "Operator" means a person who:

(a) enters into an agreement with a county fair commission, board of directors of a fair district, joint fair and civic center commission, business, or an association of businesses, such as a shopping center or downtown area, to provide amusement games; or

(b) makes an amusement game available for public play on his premises owned by the operator or on premises owned by another person.

(6) "Prize" means only:

(a) tangible personal property with-a-wholesale-value of-\$50-or-less; or



1 (b) nontransferable tokens, or tickets, or coupons that
2 may be accumulated and redeemed for tangible personal
3 property with a wholesale value of \$50 or less."

4 Section 2. Section 23-6-102, MCA, is amended to read:

5 "23-6-102. Requirements for games. An operator,
6 concessionaire, nonprofit organization, or arcade may
7 provide amusement games to the public under the following
8 conditions:

9 (1) The sale of a right to participate, the
10 determination of winners, and the distribution of prizes all
11 occur in the presence of all players.

12 (2) The appropriate permit to operate the game has been
13 obtained as provided for in 23-6-103.

14 (3) The player pays cash for the right to play the
15 game.

16 (4) ~~A cash prize is not awarded, and only~~ Only a prize
17 is ~~may be~~ awarded, and a prize may not be repurchased from a
18 player. Prizes, as defined in 23-6-101(6)(a), and tangible
19 personal property that may be obtained through redemption of
20 tokens or tickets must be displayed and ~~may not be~~
21 repurchased.

22 (5) (a) If tangible personal property, rather than
23 tokens or tickets, is awarded following play of the
24 amusement game, the wholesale value of the property may not
25 exceed \$50.

1 (b) If tokens or tickets are awarded following play of
2 the amusement game:

3 (i) the value of the tokens or tickets for redemption
4 purposes may not exceed 5 cents;

5 (ii) the maximum number of tokens or tickets awarded
6 after a single play of the amusement game may not exceed the
7 value of 10 times the total amount paid by all participants
8 to play the amusement game; and

9 (iii) any tangible personal property for which tokens or
10 tickets are redeemed may exceed a wholesale value of \$50.

11 ~~(5)(6)~~ The system for awarding prizes does not require
12 forfeiture of a previously won prize unless the prize is
13 traded for a prize of equal or greater value.

14 ~~(6)(7)~~ Concealed numbers or conversion charts are not
15 used in conducting the game.

16 ~~(7)(8)~~ The game is not designed or adapted with a
17 control device to permit manipulation of the game to control
18 the ability of a player to win or to predetermine who the
19 winner will be. A crane game may not contain a variable
20 resistor or any turn screw, knob, potentiometer, or similar
21 device that may be used to alter the closing strength of the
22 game's claws or retrieval device.

23 ~~(8)(9)~~ The object of the game is attainable and
24 possible to perform, under the stated game rules, from the
25 playing position of the player.

1 ~~(9)~~(10) The game is conducted in a fair and honest
2 manner and does not constitute a fraud upon the players."

3 **Section 3.** Section 23-6-104, MCA, is amended to read:

4 "23-6-104. Amusement games allowed. (1) Crane games, as
5 defined in 23-6-101, and the games described in subsection
6 (2) may be made available for public play.

7 (2) (a) Fish pond (duck pond). The player catches a
8 fish or other object floating in a pond of water by using a
9 pole, hand, net, or string. All fish or objects are marked
10 on the bottom, indicating the size of prize the player wins.
11 The player is awarded a prize each time, and the player must
12 be allowed to continue playing until a prize is won.

13 (b) Hoop or ring toss. The player tosses a hoop or ring
14 over a target that must consist of bottles, pegs, blocks, or
15 prizes. The operator shall specifically advise the player as
16 to the degree that the hoop or ring must go over the target.
17 All hoops of the same color used at an individual stand must
18 be the same size. All targets used at an individual booth
19 must be the same size, or the operator shall advise the
20 player by posting signs or using color codes denoting the
21 different sizes.

22 (c) Dart games. The target area for all dart games must
23 be of a material capable of being penetrated and of
24 retaining a metal tip dart. The target area must be in the
25 rear of the stand and must be at least 3 feet but not more

1 than 15 feet from the foul line. A target must be stationary
2 at all times.

3 (i) Balloon (poparoo) (balloon smash). The targets are
4 inflated balloons. The player throws one or more darts to
5 burst a predetermined number of balloons. If the
6 predetermined number of balloons are burst by the darts, the
7 player receives the prize indicated.

8 (ii) Dart throw. The targets are various sizes and
9 shapes located on the target area. The player throws darts
10 individually at the target. A dart must stick in a
11 predetermined target to win the prize as designated.

12 (iii) Tic tac toe dart. The target is a tic tac toe
13 board located in the target area. The player throws darts at
14 the target and wins a designated prize when the thrown darts
15 line up in a row in the target. The darts may line up
16 vertically, horizontally, or diagonally to win.

17 (iv) Add-um-up darts. The target consists of numbered
18 squares located in the target area. Prizes are awarded based
19 on the total score obtained by the player by throwing and
20 sticking the darts in the numbered squares. A dart that
21 sticks on a line must be thrown again. The player may add up
22 the score of the darts thrown.

23 (d) Ball tosses. In all ball toss games, the balls used
24 at a specific stand must be of the same weight and size.
25 Targets must be of the same weight and size, or the operator

1 shall color code the targets and advise the player of the
2 difference in targets by posting a sign or providing a
3 duplicate of the target showing the limitations or
4 restrictions. The sign or duplicate target must be readily
5 visible to the player.

6 (i) Milk bottle toss. The player tosses or throws balls
7 at simulated milk bottles. The player wins by either tipping
8 over or knocking bottles off the raised platform as
9 designated by the operator. The bottles may be constructed
10 of wood, metal, or plastic or a combination of the three.
11 Operators may vary the number of bottles and balls used in
12 each game. Floating or loose weights in bottles are not
13 allowed. The weight of individual bottles may not exceed
14 7 1/2 pounds.

15 (ii) Milk can (Mexican hat) (cone). The player tosses a
16 ball into the opening of a milk can, into a fiberglass
17 Mexican hat turned upside down, or through a cone to win.

18 (iii) Football toss (tire toss). The player tosses or
19 throws a football through a stationary tire or hoop to win.

20 (iv) Basketball toss/throw. The player tosses or throws
21 a basketball through a hoop to win.

22 (v) Bushel baskets. The player tosses balls into a
23 bushel basket mounted on a stationary backdrop at a fixed
24 angle. The balls must stay in the basket to win. Rim shots
25 are allowed, except the operator may designate the top 6

1 inches of the basket rim by color and disallow balls
2 striking this area as winning tosses.

3 (vi) Cat-ball-toss (star/diamond toss). The player
4 tosses balls into a simulated cat's mouth or a round,
5 diamond, or star-shaped hole to win.

6 (vii) Ping pong toss. The player tosses ping pong balls
7 into dishes, saucers, cups, or ashtrays floating in water. A
8 predetermined number of balls must remain in the dishes,
9 saucers, cups, or ashtrays for the player to win. The
10 dishes, saucers, cups, or ashtrays must have water covering
11 the bottom of the surface that is facing up.

12 (viii) Fishbowl game. The player tosses ping pong balls
13 into a water-filled fish bowl to win.

14 (ix) Volleyball toss (soccer ball). The player tosses a
15 volley or soccer ball into a keg-type container mounted on a
16 stationary backdrop at a fixed angle. The ball must stay in
17 the keg to win a prize. Rim shots are authorized as stated
18 in subsection (2)(d)(v) for bushel baskets.

19 (x) Goblet ball (whiffle ball). The player tosses a
20 whiffle ball into a target area of glass or plastic goblets.
21 Located in the target area are colored goblets that
22 determine the type of prize the player wins. At least 33% of
23 the goblets in the target area must be winners. The ball
24 must stay in the goblet to win a prize.

25 (xi) Break the plate/bottle. The player tosses or throws

1 a ball at a plate, phonograph record, or bottle. The type of
2 prize won is determined by the number of targets broken by
3 the player.

4 (xii) Punk rack. The targets for this game are rows of
5 dolls or cats on a ledge at the rear of the stand. The dolls
6 or cats must be filled with sawdust, styrofoam, cotton, or
7 other like material that provides a firm base for the ball
8 to strike. The hair protruding from the side of the dolls or
9 cats may not exceed 3 inches. The prize is determined by how
10 many dolls or cats the player knocks over or off the ledge,
11 as posted by the operator.

12 (xiii) Teeth game. The target consists of a large face
13 with wooden teeth. The prize is determined by how many teeth
14 the player knocks down by throwing a ball.

15 (xiv) Toilet game (doniker). To win, the player tosses
16 or throws a ball or other object through a toilet seat
17 located at the rear of the stand.

18 (xv) Coke roll. The player rolls a ball down an alley
19 with the object of knocking over two coke bottles standing
20 at the end of the alley. The player must tip over both
21 bottles to win. Bottles must be placed on predetermined
22 spots painted on the surface of the alley.

23 (xvi) Rolldown. The player rolls balls down an alley
24 with the object of putting the balls in numbered slots at
25 the end of the alley. The scores represented by the balls in

1 each numbered slot are added up at the conclusion of the
2 game. Scores above or below a predetermined score win. The
3 alley surface must be smooth and free from defects at all
4 times.

5 (xvii) Fascination (I got it). Fascination is a group
6 game that involves competition among the players. The target
7 area consists of 25 holes, and the player tosses or rolls a
8 ball into one of the holes. The object of the game is to get
9 five balls in a row either vertically, horizontally, or
10 diagonally. The first player to accomplish this is the
11 winner. Prize size is determined by the number of players
12 participating in each game.

13 (xviii) Cakewalk. The players walk on a predetermined
14 route with designated spots, and when the operator stops the
15 walk, the player on a predetermined spot wins a prize.

16 (xix) Batter-up. The player uses a whiffle ball bat to
17 swing and strike whiffle balls that are pitched at medium
18 speed from a pitching machine. The player wins when he the
19 player hits a ball into the home run shelf. The home run
20 shelf is located at the back of the batting cage
21 approximately 15 feet from the player.

22 (xx) Sky bowling. Two bowling pins are set on
23 predetermined painted spots on a shelf. A ball is attached
24 to a chain suspended from a stationary support at least 6
25 inches to the right or left of the bowling pins. The object

1 is to swing the ball, miss the pins with the ball as it goes
2 forward, and knock the pins over as the ball returns.

3 (xxi) Clown rolldown. A ball is tossed through the open
4 mouth of a moving clown or animal head. The ball then rolls
5 down a chute to numbered slots at the rear of the clown or
6 animal head. The scores represented by the balls in each
7 numbered slot are added up at the conclusion of the game.
8 Prizes are awarded on the points achieved.

9 (xxii) Skee ball. The player rolls a ball up the
10 mechanical bowling alley into targets. A computer adds up
11 the scores, and the predetermined scores win.

12 (xxiii) Speedball radar game. The player gets four balls
13 and throws three balls through radar to establish speeds and
14 to estimate at what speed the fourth ball will pass through
15 the radar. The player wins a prize if he the player
16 accurately estimates the speed of the fourth ball. The radar
17 must be mounted and stationary.

18 (e) Shooting games. These games are conducted by the
19 player using a weapon of some type to shoot at a target in
20 the rear of the stand. The safety requirements of local city
21 or county ordinances must be observed by the operator and
22 player. The target may be stationary or mobile.

23 (i) Short range (shooting gallery). In this game, the
24 player is given four rounds to shoot at a spot target 1/4
25 inch or less in diameter. The player wins when the spot

1 target is completely shot out, or the player is given five
2 rounds to shoot one round each at five triangular, round, or
3 1/2-inch square targets. The prize is determined by the
4 number of targets struck by the player, or the player is
5 given five rounds to shoot one round each at five
6 triangular, round, or 1/2-inch square targets. Within each
7 target is a bull's eye. The player must hit the bull's eye
8 without touching the outer surface of the target. The prize
9 is determined by the number of bull's eyes correctly hit.

10 (ii) Shoot-out-the-star (machine gun). The player, using
11 an automatic air pellet gun, is given 100 pellets to shoot
12 at a star-shaped target. The player must shoot out all of
13 the target to win. The star cannot be more than 1 1/4 inches
14 from point-to-point.

15 (iii) Water racer. This group game involves a
16 competition, with the player winning a prize based on the
17 number of players competing. The player, using a water
18 pistol, shoots the water into a target. The water that
19 strikes the target causes a balloon to inflate or advances
20 an object to ring a bell. The first player who bursts the
21 balloon or rings the bell is the winner.

22 (iv) Rapid fire. This group game involves competition
23 similar to the water racer game described in subsection
24 (2)(e)(iii). The player uses an electronic pistol to shoot
25 at a target. Hits on the target give the player a score. The

1 first player to reach a predetermined score is the winner.

2 (v) Cork gallery. The player uses a cork gun or similar
3 device to propel objects, including but not limited to
4 corks, suction cup darts, or styrofoam balls, to shoot at
5 targets located on a shelf or at a bull's eye target. The
6 player must hit the bull's eye or knock the target over or
7 off the shelf to win a prize. The prize is determined by the
8 target knocked over or off the shelf, by the number of
9 targets knocked over or off the shelf, or by the player
10 accomplishing other tasks, as stated in the posted rules.
11 When suction cup darts or other darts are used and fail to
12 stay on or in the target, the player must shoot the dart
13 again. The base of each target must be uniform, front and
14 rear.

15 (vi) Boomball. The player uses a cannon with compressed
16 air to propel balls into a target area. The targets have
17 varied point value. If the ball remains in the target, a
18 computer adds up the score. Prizes are awarded based on the
19 points achieved.

20 (f) Coin pitchers.

21 (i) Spot pitch (lucky strike). The player pitches a
22 coin at colored spots located on a table in the center of
23 the stand. The coin must touch or stay inside of a spot to
24 win a prize.

25 (ii) Plate pitch. The player pitches a coin onto a glass

1 plate to win a prize as designated.

2 (iii) Glass pitch (bowl). The player pitches a coin into
3 or onto dishes or glasses. If the coin remains in a top
4 target glass item, then the player wins that item.

5 (g) Miscellaneous games.

6 (i) Skill chute (bulldozer) (penny fall). The player
7 inserts a coin or token into a chute, aiming the coin or
8 token so that it will fall in front of a continuous sweeper
9 (bulldozer). If the coin or token is aimed correctly, the
10 sweeper (bulldozer) will push additional tokens or prizes
11 into a hole or chute that sends them to the player. Tokens
12 are exchanged for prizes. If there is a hidden ledge, tip,
13 or similar obstruction that inhibits the passage of tokens
14 or prizes into the hole or chute that sends them to the
15 player, the operator shall post a sign to advise the
16 players.

17 (ii) Tip-em-up bottle. The player is provided with a
18 pole and a string that has a hoop or ring attached at the
19 end. The player, using the pole with a ring, must raise a
20 bottle lying on its side to an upright position to win.

21 (iii) Hi-striker. The player, using a wooden maul, must
22 strike a lever target that causes a metal weight to rise on
23 a guideline or track and ring a bell. The player must ring
24 the bell a predetermined number of times to win a prize.

25 (iv) Rope ladder. The player must climb up a rope

1 ladder, which is anchored at both ends by a swivel, and ring
2 a bell or buzzer to win a prize.

3 (v) Whac-a-mole. This is a group game that has a target
4 surface with five holes through which animated moles pop up
5 and down at random. The player must hit as many moles as
6 possible with a mallet. The first player to hit a
7 predetermined number of moles wins.

8 (vi) Dip bowling game. The player rolls a bowling-type
9 ball over a hump in the track. If the ball stays on the back
10 side of the hump, the player wins.

11 (vii) Horserace derby. This is a group game in which a
12 player advances his a horse by shooting or rolling a ball in
13 the target area. The faster and more skillfully the player
14 shoots or rolls his the ball, the faster his the player's
15 horse will run. The first horse to cross the finish line
16 wins.

17 (viii) Shuffleboard. The player pushes a puck down a
18 shuffleboard alley to knock over poly pins at the end of an
19 alley. The player wins by knocking down all the pins.

20 (ix) Bean bag. The player tosses or throws a bean bag or
21 a simulated bean bag at cans, bottles, or other objects on a
22 raised platform. The player wins a prize when he the player
23 either knocks the object off the raised platform or tips the
24 target over.

25 (x) Soccer kick. The player kicks a soccer ball through

1 a hole in the target area to win.

2 (xi) Frog game. A plastic frog or similar object sits on
3 a small end of a teeter-totter. The opposite end of the
4 teeter-totter is struck with a mallet, causing the frog to
5 fly off the teeter-totter. If the frog lands in a pail or
6 similar receptacle, the player wins a prize.

7 (xii) Cover the spot. The object of this game is for the
8 player to drop five circular discs onto a circular spot,
9 completely covering the spot. The diameter of each of the
10 discs used to cover the spot must be a minimum of 64% of the
11 diameter of the spot to be covered. The spot to be covered
12 must be painted or drawn on a permanent, solid material,
13 such as metal or wood, or may be a lighted circle. The spot
14 and each disc must have a uniform diameter.

15 (xiii) Pocket billiards. Using a regulation pocket
16 billiard table, a player must run a consecutive number of
17 balls to win a prize. The number of balls is set by the
18 operator.

19 (xiv) Other coin- or token-operated games of skill. The
20 player inserts a coin or token into a mechanical,
21 electrical, or electromechanical device manufactured for
22 bona fide amusement purposes only that dispenses tokens or
23 tickets based on the player's skill in operating the device.
24 Games authorized under this subsection are limited to those
25 involving a substantial degree of skill. A substantial

1 degree of skill is present if:

2 (A) a player's physical or mental abilities play an
3 integral role in determining the number of tokens or tickets
4 accumulated during the play of the game;

5 (B) the number of tokens or tickets initially received
6 by the average player would increase with repeated play of
7 the game; and

8 (C) a player's precision, dexterity, or knowledge
9 enables the player to obtain more tokens or tickets than
10 would be received by a less precise, dexterous, or
11 knowledgeable player."

12 ~~NEW-SECTION:--Section 4--Effective--date--{This act}--is--~~
13 ~~effective-on-passage-and-approval.~~

-End-

HOUSE BILL NO. 191

INTRODUCED BY STRIZICH, YELLOWTAIL, D. BROWN,

MCCULLOCH, COCCHIARELLA

BY REQUEST OF THE GAMING ADVISORY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE \$50 WHOLESALE LIMIT ON THE VALUE OF MERCHANDISE THAT MAY BE OBTAINED THROUGH REDEMPTION OF TOKENS OR TICKETS AWARDED FOR PLAY OF AN AMUSEMENT GAME; LIMITING THE VALUE OF A TOKEN OR TICKET FOR REDEMPTION PURPOSES; LIMITING THE VALUE OF TOKENS OR TICKETS THAT MAY BE AWARDED AFTER A SINGLE PLAY OF AN AMUSEMENT GAME; PERMITTING COIN- OR TOKEN-OPERATED GAMES OF SKILL TO BE MADE AVAILABLE FOR PUBLIC PLAY; AND AMENDING SECTIONS 23-6-101, 23-6-102, AND 23-6-104, MCA;---AND PROVIDING-AN-IMMEDIATE-EFFECTIVE-DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-6-101, MCA, is amended to read:

"23-6-101. Definitions. Unless the context requires otherwise, the following definitions apply in this part:

(1) "Arcade" means a commercial establishment whose primary purpose is to make amusement games available for public play.

(2) "Concessionaire" means a person who owns one or more amusement games and who enters into an agreement with

an operator, as defined in subsection (5)(a), to conduct games. A concessionaire may also be an operator.

(3) "Crane game" means an amusement game activated by the insertion of a coin or token by which the player uses one or more buttons, control sticks, or similar means of control or a combination of those means of control to position a mechanical or electromechanical claw or other retrieval device over a prize and attempts to retrieve it.

(4) "Nonprofit organization" means a nonprofit corporation or a nonprofit charitable, religious, scholastic, educational, veterans', fraternal, beneficial, civic, or service organization, established for a purpose other than conducting amusement games.

(5) "Operator" means a person who:

(a) enters into an agreement with a county fair commission, board of directors of a fair district, joint fair and civic center commission, business, or an association of businesses, such as a shopping center or downtown area, to provide amusement games; or

(b) makes an amusement game available for public play on his premises owned by the operator or on premises owned by another person.

(6) "Prize" means only:

(a) tangible personal property with-a-wholesale-value of-\$50-or-less, or

1 (b) nontransferable tokens, or tickets, or coupons that
2 may be accumulated and redeemed for tangible personal
3 property with a wholesale value of \$50 or less."

4 **Section 2.** Section 23-6-102, MCA, is amended to read:

5 "23-6-102. Requirements for games. An operator,
6 concessionaire, nonprofit organization, or arcade may
7 provide amusement games to the public under the following
8 conditions:

9 (1) The sale of a right to participate, the
10 determination of winners, and the distribution of prizes all
11 occur in the presence of all players.

12 (2) The appropriate permit to operate the game has been
13 obtained as provided for in 23-6-103.

14 (3) The player pays cash for the right to play the
15 game.

16 (4) ~~A cash prize is not awarded, and only~~ Only a prize
17 is may be awarded, and a prize may not be repurchased from a
18 player. Prizes, as defined in 23-6-101(6)(a), and tangible
19 personal property that may be obtained through redemption of
20 tokens or tickets must be displayed and--may--not---be
21 repurchased.

22 (5) (a) If tangible personal property, rather than
23 tokens or tickets, is awarded following play of the
24 amusement game, the wholesale value of the property may not
25 exceed \$50.

1 (b) If tokens or tickets are awarded following play of
2 the amusement game:

3 (i) the value of the tokens or tickets for redemption
4 purposes may not exceed 5 cents;

5 (ii) the maximum number of tokens or tickets awarded
6 after a single play of the amusement game may not exceed the
7 value of 10 times the total amount paid by all participants
8 to play the amusement game; and

9 (iii) any tangible personal property for which tokens or
10 tickets are redeemed may exceed a wholesale value of \$50.

11 (5)(6) The system for awarding prizes does not require
12 forfeiture of a previously won prize unless the prize is
13 traded for a prize of equal or greater value.

14 (6)(7) Concealed numbers or conversion charts are not
15 used in conducting the game.

16 (7)(8) The game is not designed or adapted with a
17 control device to permit manipulation of the game to control
18 the ability of a player to win or to predetermine who the
19 winner will be. A crane game may not contain a variable
20 resistor or any turn screw, knob, potentiometer, or similar
21 device that may be used to alter the closing strength of the
22 game's claws or retrieval device.

23 (8)(9) The object of the game is attainable and
24 possible to perform, under the stated game rules, from the
25 playing position of the player.

1 ~~(9)~~(10) The game is conducted in a fair and honest
2 manner and does not constitute a fraud upon the players."

3 **Section 3.** Section 23-6-104, MCA, is amended to read:

4 "23-6-104. Amusement games allowed. (1) Crane games, as
5 defined in 23-6-101, and the games described in subsection
6 (2) may be made available for public play.

7 (2) (a) Fish pond (duck pond). The player catches a
8 fish or other object floating in a pond of water by using a
9 pole, hand, net, or string. All fish or objects are marked
10 on the bottom, indicating the size of prize the player wins.
11 The player is awarded a prize each time, and the player must
12 be allowed to continue playing until a prize is won.

13 (b) Hoop or ring toss. The player tosses a hoop or ring
14 over a target that must consist of bottles, pegs, blocks, or
15 prizes. The operator shall specifically advise the player as
16 to the degree that the hoop or ring must go over the target.
17 All hoops of the same color used at an individual stand must
18 be the same size. All targets used at an individual booth
19 must be the same size, or the operator shall advise the
20 player by posting signs or using color codes denoting the
21 different sizes.

22 (c) Dart games. The target area for all dart games must
23 be of a material capable of being penetrated and of
24 retaining a metal tip dart. The target area must be in the
25 rear of the stand and must be at least 3 feet but not more

1 than 15 feet from the foul line. A target must be stationary
2 at all times.

3 (i) Balloon (poparoo) (balloon smash). The targets are
4 inflated balloons. The player throws one or more darts to
5 burst a predetermined number of balloons. If the
6 predetermined number of balloons are burst by the darts, the
7 player receives the prize indicated.

8 (ii) Dart throw. The targets are various sizes and
9 shapes located on the target area. The player throws darts
10 individually at the target. A dart must stick in a
11 predetermined target to win the prize as designated.

12 (iii) Tic tac toe dart. The target is a tic tac toe
13 board located in the target area. The player throws darts at
14 the target and wins a designated prize when the thrown darts
15 line up in a row in the target. The darts may line up
16 vertically, horizontally, or diagonally to win.

17 (iv) Add-em-up darts. The target consists of numbered
18 squares located in the target area. Prizes are awarded based
19 on the total score obtained by the player by throwing and
20 sticking the darts in the numbered squares. A dart that
21 sticks on a line must be thrown again. The player may add up
22 the score of the darts thrown.

23 (d) Ball tosses. In all ball toss games, the balls used
24 at a specific stand must be of the same weight and size.
25 Targets must be of the same weight and size, or the operator

1 shall color code the targets and advise the player of the
2 difference in targets by posting a sign or providing a
3 duplicate of the target showing the limitations or
4 restrictions. The sign or duplicate target must be readily
5 visible to the player.

6 (i) Milk bottle toss. The player tosses or throws balls
7 at simulated milk bottles. The player wins by either tipping
8 over or knocking bottles off the raised platform as
9 designated by the operator. The bottles may be constructed
10 of wood, metal, or plastic or a combination of the three.
11 Operators may vary the number of bottles and balls used in
12 each game. Floating or loose weights in bottles are not
13 allowed. The weight of individual bottles may not exceed
14 7 1/2 pounds.

15 (ii) Milk can (Mexican hat) (cone). The player tosses a
16 ball into the opening of a milk can, into a fiberglass
17 Mexican hat turned upside down, or through a cone to win.

18 (iii) Football toss (tire toss). The player tosses or
19 throws a football through a stationary tire or hoop to win.

20 (iv) Basketball toss/throw. The player tosses or throws
21 a basketball through a hoop to win.

22 (v) Bushel baskets. The player tosses balls into a
23 bushel basket mounted on a stationary backdrop at a fixed
24 angle. The balls must stay in the basket to win. Rim shots
25 are allowed, except the operator may designate the top 6

1 inches of the basket rim by color and disallow balls
2 striking this area as winning tosses.

3 (vi) Cat-ball-toss (star/diamond toss). The player
4 tosses balls into a simulated cat's mouth or a round,
5 diamond, or star-shaped hole to win.

6 (vii) Ping pong toss. The player tosses ping pong balls
7 into dishes, saucers, cups, or ashtrays floating in water. A
8 predetermined number of balls must remain in the dishes,
9 saucers, cups, or ashtrays for the player to win. The
10 dishes, saucers, cups, or ashtrays must have water covering
11 the bottom of the surface that is facing up.

12 (viii) Fishbowl game. The player tosses ping pong balls
13 into a water-filled fish bowl to win.

14 (ix) Volleyball toss (soccer ball). The player tosses a
15 volley or soccer ball into a keg-type container mounted on a
16 stationary backdrop at a fixed angle. The ball must stay in
17 the keg to win a prize. Rim shots are authorized as stated
18 in subsection (2)(d)(v) for bushel baskets.

19 (x) Goblet ball (whiffle ball). The player tosses a
20 whiffle ball into a target area of glass or plastic goblets.
21 Located in the target area are colored goblets that
22 determine the type of prize the player wins. At least 33% of
23 the goblets in the target area must be winners. The ball
24 must stay in the goblet to win a prize.

25 (xi) Break the plate/bottle. The player tosses or throws

1 a ball at a plate, phonograph record, or bottle. The type of
2 prize won is determined by the number of targets broken by
3 the player.

4 (xii) Punk rack. The targets for this game are rows of
5 dolls or cats on a ledge at the rear of the stand. The dolls
6 or cats must be filled with sawdust, styrofoam, cotton, or
7 other like material that provides a firm base for the ball
8 to strike. The hair protruding from the side of the dolls or
9 cats may not exceed 3 inches. The prize is determined by how
10 many dolls or cats the player knocks over or off the ledge,
11 as posted by the operator.

12 (xiii) Teeth game. The target consists of a large face
13 with wooden teeth. The prize is determined by how many teeth
14 the player knocks down by throwing a ball.

15 (xiv) Toilet game (doniker). To win, the player tosses
16 or throws a ball or other object through a toilet seat
17 located at the rear of the stand.

18 (xv) Coke roll. The player rolls a ball down an alley
19 with the object of knocking over two coke bottles standing
20 at the end of the alley. The player must tip over both
21 bottles to win. Bottles must be placed on predetermined
22 spots painted on the surface of the alley.

23 (xvi) Rolldown. The player rolls balls down an alley
24 with the object of putting the balls in numbered slots at
25 the end of the alley. The scores represented by the balls in

1 each numbered slot are added up at the conclusion of the
2 game. Scores above or below a predetermined score win. The
3 alley surface must be smooth and free from defects at all
4 times.

5 (xvii) Fascination (I got it). Fascination is a group
6 game that involves competition among the players. The target
7 area consists of 25 holes, and the player tosses or rolls a
8 ball into one of the holes. The object of the game is to get
9 five balls in a row either vertically, horizontally, or
10 diagonally. The first player to accomplish this is the
11 winner. Prize size is determined by the number of players
12 participating in each game.

13 (xviii) Cakewalk. The players walk on a predetermined
14 route with designated spots, and when the operator stops the
15 walk, the player on a predetermined spot wins a prize.

16 (xix) Batter-up. The player uses a whiffle ball bat to
17 swing and strike whiffle balls that are pitched at medium
18 speed from a pitching machine. The player wins when he the
19 player hits a ball into the home run shelf. The home run
20 shelf is located at the back of the batting cage
21 approximately 15 feet from the player.

22 (xx) Sky bowling. Two bowling pins are set on
23 predetermined painted spots on a shelf. A ball is attached
24 to a chain suspended from a stationary support at least 6
25 inches to the right or left of the bowling pins. The object

1 is to swing the ball, miss the pins with the ball as it goes
2 forward, and knock the pins over as the ball returns.

3 (xxi) Clown rolldown. A ball is tossed through the open
4 mouth of a moving clown or animal head. The ball then rolls
5 down a chute to numbered slots at the rear of the clown or
6 animal head. The scores represented by the balls in each
7 numbered slot are added up at the conclusion of the game.
8 Prizes are awarded on the points achieved.

9 (xxii) Skee ball. The player rolls a ball up the
10 mechanical bowling alley into targets. A computer adds up
11 the scores, and the predetermined scores win.

12 (xxiii) Speedball radar game. The player gets four balls
13 and throws three balls through radar to establish speeds and
14 to estimate at what speed the fourth ball will pass through
15 the radar. The player wins a prize if he the player
16 accurately estimates the speed of the fourth ball. The radar
17 must be mounted and stationary.

18 (e) Shooting games. These games are conducted by the
19 player using a weapon of some type to shoot at a target in
20 the rear of the stand. The safety requirements of local city
21 or county ordinances must be observed by the operator and
22 player. The target may be stationary or mobile.

23 (i) Short range (shooting gallery). In this game, the
24 player is given four rounds to shoot at a spot target 1/4
25 inch or less in diameter. The player wins when the spot

1 target is completely shot out, or the player is given five
2 rounds to shoot one round each at five triangular, round, or
3 1/2-inch square targets. The prize is determined by the
4 number of targets struck by the player, or the player is
5 given five rounds to shoot one round each at five
6 triangular, round, or 1/2-inch square targets. Within each
7 target is a bull's eye. The player must hit the bull's eye
8 without touching the outer surface of the target. The prize
9 is determined by the number of bull's eyes correctly hit.

10 (ii) Shoot-out-the-star (machine gun). The player, using
11 an automatic air pellet gun, is given 100 pellets to shoot
12 at a star-shaped target. The player must shoot out all of
13 the target to win. The star cannot be more than 1 1/4 inches
14 from point-to-point.

15 (iii) Water racer. This group game involves a
16 competition, with the player winning a prize based on the
17 number of players competing. The player, using a water
18 pistol, shoots the water into a target. The water that
19 strikes the target causes a balloon to inflate or advances
20 an object to ring a bell. The first player who bursts the
21 balloon or rings the bell is the winner.

22 (iv) Rapid fire. This group game involves competition
23 similar to the water racer game described in subsection
24 (2)(e)(iii). The player uses an electronic pistol to shoot
25 at a target. Hits on the target give the player a score. The

1 first player to reach a predetermined score is the winner.

2 (v) Cork gallery. The player uses a cork gun or similar
3 device to propel objects, including but not limited to
4 corks, suction cup darts, or styrofoam balls, to shoot at
5 targets located on a shelf or at a bull's eye target. The
6 player must hit the bull's eye or knock the target over or
7 off the shelf to win a prize. The prize is determined by the
8 target knocked over or off the shelf, by the number of
9 targets knocked over or off the shelf, or by the player
10 accomplishing other tasks, as stated in the posted rules.
11 When suction cup darts or other darts are used and fail to
12 stay on or in the target, the player must shoot the dart
13 again. The base of each target must be uniform, front and
14 rear.

15 (vi) Boomball. The player uses a cannon with compressed
16 air to propel balls into a target area. The targets have
17 varied point value. If the ball remains in the target, a
18 computer adds up the score. Prizes are awarded based on the
19 points achieved.

20 (f) Coin pitchers.

21 (i) Spot pitch (lucky strike). The player pitches a
22 coin at colored spots located on a table in the center of
23 the stand. The coin must touch or stay inside of a spot to
24 win a prize.

25 (ii) Plate pitch. The player pitches a coin onto a glass

1 plate to win a prize as designated.

2 (iii) Glass pitch (bowl). The player pitches a coin into
3 or onto dishes or glasses. If the coin remains in a top
4 target glass item, then the player wins that item.

5 (g) Miscellaneous games.

6 (i) Skill chute (bulldozer) (penny fall). The player
7 inserts a coin or token into a chute, aiming the coin or
8 token so that it will fall in front of a continuous sweeper
9 (bulldozer). If the coin or token is aimed correctly, the
10 sweeper (bulldozer) will push additional tokens or prizes
11 into a hole or chute that sends them to the player. Tokens
12 are exchanged for prizes. If there is a hidden ledge, tip,
13 or similar obstruction that inhibits the passage of tokens
14 or prizes into the hole or chute that sends them to the
15 player, the operator shall post a sign to advise the
16 players.

17 (ii) Tip-em-up bottle. The player is provided with a
18 pole and a string that has a hoop or ring attached at the
19 end. The player, using the pole with a ring, must raise a
20 bottle lying on its side to an upright position to win.

21 (iii) Hi-striker. The player, using a wooden maul, must
22 strike a lever target that causes a metal weight to rise on
23 a guideline or track and ring a bell. The player must ring
24 the bell a predetermined number of times to win a prize.

25 (iv) Rope ladder. The player must climb up a rope

1 ladder, which is anchored at both ends by a swivel, and ring
2 a bell or buzzer to win a prize.

3 (v) Whac-a-mole. This is a group game that has a target
4 surface with five holes through which animated moles pop up
5 and down at random. The player must hit as many moles as
6 possible with a mallet. The first player to hit a
7 predetermined number of moles wins.

8 (vi) Dip bowling game. The player rolls a bowling-type
9 ball over a hump in the track. If the ball stays on the back
10 side of the hump, the player wins.

11 (vii) Horserace derby. This is a group game in which a
12 player advances his a horse by shooting or rolling a ball in
13 the target area. The faster and more skillfully the player
14 shoots or rolls his the ball, the faster his the player's
15 horse will run. The first horse to cross the finish line
16 wins.

17 (viii) Shuffleboard. The player pushes a puck down a
18 shuffleboard alley to knock over poly pins at the end of an
19 alley. The player wins by knocking down all the pins.

20 (ix) Bean bag. The player tosses or throws a bean bag or
21 a simulated bean bag at cans, bottles, or other objects on a
22 raised platform. The player wins a prize when he the player
23 either knocks the object off the raised platform or tips the
24 target over.

25 (x) Soccer kick. The player kicks a soccer ball through

1 a hole in the target area to win.

2 (xi) Frog game. A plastic frog or similar object sits on
3 a small end of a teeter-totter. The opposite end of the
4 teeter-totter is struck with a mallet, causing the frog to
5 fly off the teeter-totter. If the frog lands in a pail or
6 similar receptacle, the player wins a prize.

7 (xii) Cover the spot. The object of this game is for the
8 player to drop five circular discs onto a circular spot,
9 completely covering the spot. The diameter of each of the
10 discs used to cover the spot must be a minimum of 64% of the
11 diameter of the spot to be covered. The spot to be covered
12 must be painted or drawn on a permanent, solid material,
13 such as metal or wood, or may be a lighted circle. The spot
14 and each disc must have a uniform diameter.

15 (xiii) Pocket billiards. Using a regulation pocket
16 billiard table, a player must run a consecutive number of
17 balls to win a prize. The number of balls is set by the
18 operator.

19 (xiv) Other coin- or token-operated games of skill. The
20 player inserts a coin or token into a mechanical,
21 electrical, or electromechanical device manufactured for
22 bona fide amusement purposes only that dispenses tokens or
23 tickets based on the player's skill in operating the device.
24 Games authorized under this subsection are limited to those
25 involving a substantial degree of skill. A substantial

1 degree of skill is present if:

2 (A) a player's physical or mental abilities play an
3 integral role in determining the number of tokens or tickets
4 accumulated during the play of the game;

5 (B) the number of tokens or tickets initially received
6 by the average player would increase with repeated play of
7 the game; and

8 (C) a player's precision, dexterity, or knowledge
9 enables the player to obtain more tokens or tickets than
10 would be received by a less precise, dexterous, or
11 knowledgeable player."

12 ~~NEW SECTION. Section 4. Effective date: {This act} is~~
13 ~~effective on passage and approval.~~

-End-