

HOUSE BILL NO. 307
INTRODUCED BY DEBRUYCKER

IN THE HOUSE

JANUARY 22, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 5, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 6, 1993	PRINTING REPORT.
FEBRUARY 8, 1993	SECOND READING, DO PASS.
FEBRUARY 9, 1993	ENGROSSING REPORT.
FEBRUARY 10, 1993	THIRD READING, PASSED. AYES, 82; NOES, 14.
FEBRUARY 11, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 12, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 18, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 19, 1993	SECOND READING, CONCURRED IN.
MARCH 20, 1993	THIRD READING, CONCURRED IN. AYES, 42; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 1, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 2, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 307
2 INTRODUCED BY Debra Johnson
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
5 DEPARTMENT OF JUSTICE TO ADOPT RULES ALLOWING NEW AMUSEMENT
6 GAMES TO BE OFFERED FOR PLAY AND PLAYED; AND AMENDING
7 SECTION 23-6-104, MCA."
8

9 STATEMENT OF INTENT

10 A statement of intent is required for this bill because
11 the bill gives the department of justice authority to adopt
12 administrative rules. It is intended that rules be adopted,
13 or at least considered, on a cyclical basis that takes the
14 state's fair and carnival season into account. Unless the
15 department, in conjunction with the fair and carnival
16 industry and others offering amusement games for play, works
17 out a better arrangement and timetable for proposing and
18 adopting rules, the department should accept, research, and
19 consider rule requests during the first 9 months of each
20 year and, after the fair and carnival season has ended,
21 propose to adopt by rule new amusement games and file an
22 adoption notice in approximately mid-December.
23

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

25 **Section 1.** Section 23-6-104, MCA, is amended to read:

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

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

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

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

25 (i) Balloon (poparoo) (balloon smash). The targets are

1 inflated balloons. The player throws one or more darts to
2 burst a predetermined number of balloons. If the
3 predetermined number of balloons are burst by the darts, the
4 player receives the prize indicated.

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

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

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

20 (d) Ball tosses. In all ball toss games, the balls used
21 at a specific stand must be of the same weight and size.
22 Targets must be of the same weight and size, or the operator
23 shall color code the targets and advise the player of the
24 difference in targets by posting a sign or providing a
25 duplicate of the target showing the limitations or

1 restrictions. The sign or duplicate target must be readily
2 visible to the player.

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

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

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

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

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

25 (vi) Cat-ball-toss (star/diamond toss). The player

1 tosses balls into a simulated cat's mouth or a round,
2 diamond, or star-shaped hole to win.

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

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

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

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

22 (xi) Break the plate/bottle. The player tosses or throws
23 a ball at a plate, phonograph record, or bottle. The type of
24 prize won is determined by the number of targets broken by
25 the player.

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

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

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

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

20 (xvi) Rolldown. The player rolls balls down an alley
21 with the object of putting the balls in numbered slots at
22 the end of the alley. The scores represented by the balls in
23 each numbered slot are added up at the conclusion of the
24 game. Scores above or below a predetermined score win. The
25 alley surface must be smooth and free from defects at all

1 times.

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

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

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

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

25 (xxi) Clown rolldown. A ball is tossed through the open

1 mouth of a moving clown or animal head. The ball then rolls
2 down a chute to numbered slots at the rear of the clown or
3 animal head. The scores represented by the balls in each
4 numbered slot are added up at the conclusion of the game.
5 Prizes are awarded on the points achieved.

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

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

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

20 (i) Short range (shooting gallery). In this game, the
21 player is given four rounds to shoot at a spot target 1/4
22 inch or less in diameter. The player wins when the spot
23 target is completely shot out, or the player is given five
24 rounds to shoot one round each at five triangular, round, or
25 1/2-inch square targets. The prize is determined by the

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

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

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

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

(v) Cork gallery. The player uses a cork gun or similar device to propel objects, including but not limited to

corks, suction cup darts, or styrofoam balls, to shoot at targets located on a shelf or at a bull's eye target. The player must hit the bull's eye or knock the target over or off the shelf to win a prize. The prize is determined by the target knocked over or off the shelf, by the number of targets knocked over or off the shelf, or by the player accomplishing other tasks, as stated in the posted rules. When suction cup darts or other darts are used and fail to stay on or in the target, the player must shoot the dart again. The base of each target must be uniform, front and rear.

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

(f) Coin pitchers.

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

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

(iii) Glass pitch (bowl). The player pitches a coin into or onto dishes or glasses. If the coin remains in a top

1 target glass item, then the player wins that item.

2 (g) Miscellaneous games.

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

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

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

22 (iv) Rope ladder. The player must climb up a rope
23 ladder, which is anchored at both ends by a swivel, and ring
24 a bell or buzzer to win a prize.

25 (v) Whac-a-mole. This is a group game that has a target

1 surface with five holes through which animated moles pop up
2 and down at random. The player must hit as many moles as
3 possible with a mallet. The first player to hit a
4 predetermined number of moles wins.

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

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

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

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

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

24 (xi) Frog game. A plastic frog or similar object sits on
25 a small end of a teeter-totter. The opposite end of the

1 teeter-totter is struck with a mallet, causing the frog to
2 fly off the teeter-totter. If the frog lands in a pail or
3 similar receptacle, the player wins a prize.

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

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

16 (3) In addition to the amusement games allowed by
17 subsections (1) and (2), the department of justice may,
18 between October 1 and December 15 of each year, adopt rules
19 allowing games that meet the requirements of this part."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 307

INTRODUCED BY DEBRUYCKER

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF JUSTICE TO ADOPT RULES ALLOWING NEW AMUSEMENT GAMES TO BE OFFERED FOR PLAY AND PLAYED; AND AMENDING SECTION 23-6-104, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because the bill gives the department of justice authority to adopt administrative rules. It is intended that rules be adopted, or at least considered, on a cyclical basis that takes the state's fair and carnival season into account. Unless the department, in conjunction with the fair and carnival industry and others offering amusement games for play, works out a better arrangement and timetable for proposing and adopting rules, the department should accept, research, and consider rule requests during the first 9 months of each year and, after the fair and carnival season has ended, propose to adopt by rule new amusement games and file an adoption notice in approximately mid-December.

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

Section 1. Section 23-6-104, MCA, is amended to read:

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

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

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

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

(i) Balloon (poparoo) (balloon smash). The targets are

1 inflated balloons. The player throws one or more darts to
2 burst a predetermined number of balloons. If the
3 predetermined number of balloons are burst by the darts, the
4 player receives the prize indicated.

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

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

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

20 (d) Ball tosses. In all ball toss games, the balls used
21 at a specific stand must be of the same weight and size.
22 Targets must be of the same weight and size, or the operator
23 shall color code the targets and advise the player of the
24 difference in targets by posting a sign or providing a
25 duplicate of the target showing the limitations or

1 restrictions. The sign or duplicate target must be readily
2 visible to the player.

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

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

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

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

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

25 (vi) Cat-ball-toss (star/diamond toss). The player

1 tosses balls into a simulated cat's mouth or a round,
2 diamond, or star-shaped hole to win.

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

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

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

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

22 (xi) Break the plate/bottle. The player tosses or throws
23 a ball at a plate, phonograph record, or bottle. The type of
24 prize won is determined by the number of targets broken by
25 the player.

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

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

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

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

20 (xvi) Rolldown. The player rolls balls down an alley
21 with the object of putting the balls in numbered slots at
22 the end of the alley. The scores represented by the balls in
23 each numbered slot are added up at the conclusion of the
24 game. Scores above or below a predetermined score win. The
25 alley surface must be smooth and free from defects at all

1 times.

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

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

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

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

25 (xxi) Clown rolldown. A ball is tossed through the open

1 mouth of a moving clown or animal head. The ball then rolls
2 down a chute to numbered slots at the rear of the clown or
3 animal head. The scores represented by the balls in each
4 numbered slot are added up at the conclusion of the game.
5 Prizes are awarded on the points achieved.

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

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

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

20 (i) Short range (shooting gallery). In this game, the
21 player is given four rounds to shoot at a spot target 1/4
22 inch or less in diameter. The player wins when the spot
23 target is completely shot out, or the player is given five
24 rounds to shoot one round each at five triangular, round, or
25 1/2-inch square targets. The prize is determined by the

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

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

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

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

24 (v) Cork gallery. The player uses a cork gun or similar
 25 device to propel objects, including but not limited to

1 corks, suction cup darts, or styrofoam balls, to shoot at
 2 targets located on a shelf or at a bull's eye target. The
 3 player must hit the bull's eye or knock the target over or
 4 off the shelf to win a prize. The prize is determined by the
 5 target knocked over or off the shelf, by the number of
 6 targets knocked over or off the shelf, or by the player
 7 accomplishing other tasks, as stated in the posted rules.
 8 When suction cup darts or other darts are used and fail to
 9 stay on or in the target, the player must shoot the dart
 10 again. The base of each target must be uniform, front and
 11 rear.

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

17 (f) Coin pitchers.

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

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

24 (iii) Glass pitch (bowl). The player pitches a coin into
 25 or onto dishes or glasses. If the coin remains in a top

1 target glass item, then the player wins that item.

2 (g) Miscellaneous games.

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

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

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

22 (iv) Rope ladder. The player must climb up a rope
23 ladder, which is anchored at both ends by a swivel, and ring
24 a bell or buzzer to win a prize.

25 (v) Whac-a-mole. This is a group game that has a target

1 surface with five holes through which animated moles pop up
2 and down at random. The player must hit as many moles as
3 possible with a mallet. The first player to hit a
4 predetermined number of moles wins.

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

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

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

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

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

24 (xi) Frog game. A plastic frog or similar object sits on
25 a small end of a teeter-totter. The opposite end of the

1 teeter-totter is struck with a mallet, causing the frog to
2 fly off the teeter-totter. If the frog lands in a pail or
3 similar receptacle, the player wins a prize.

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

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

16 (3) In addition to the amusement games allowed by
17 subsections (1) and (2), the department of justice may
18 between--October-1-and-December-15-of-each-year, adopt rules
19 allowing games that meet the requirements of this part AND
20 MAY SET AND COLLECT FEES TO OFFSET THE COSTS ASSOCIATED WITH
21 REVIEW AND APPROVAL."

-End-

1 HOUSE BILL NO. 307

2 INTRODUCED BY DEBRUYCKER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
5 DEPARTMENT OF JUSTICE TO ADOPT RULES ALLOWING NEW AMUSEMENT
6 GAMES TO BE OFFERED FOR PLAY AND PLAYED; AND AMENDING
7 SECTION 23-6-104, MCA."

8
9 STATEMENT OF INTENT

10 A statement of intent is required for this bill because
11 the bill gives the department of justice authority to adopt
12 administrative rules. It is intended that rules be adopted,
13 or at least considered, on a cyclical basis that takes the
14 state's fair and carnival season into account. Unless the
15 department, in conjunction with the fair and carnival
16 industry and others offering amusement games for play, works
17 out a better arrangement and timetable for proposing and
18 adopting rules, the department should accept, research, and
19 consider rule requests during the first 9 months of each
20 year and, after the fair and carnival season has ended,
21 propose to adopt by rule new amusement games and file an
22 adoption notice in approximately mid-December.

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25 Section 1. Section 23-6-104, MCA, is amended to read:

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

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

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

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

25 (1) Balloon (poparoo) (balloon smash). The targets are

1 inflated balloons. The player throws one or more darts to
2 burst a predetermined number of balloons. If the
3 predetermined number of balloons are burst by the darts, the
4 player receives the prize indicated.

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

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

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

20 (d) Ball tosses. In all ball toss games, the balls used
21 at a specific stand must be of the same weight and size.
22 Targets must be of the same weight and size, or the operator
23 shall color code the targets and advise the player of the
24 difference in targets by posting a sign or providing a
25 duplicate of the target showing the limitations or

1 restrictions. The sign or duplicate target must be readily
2 visible to the player.

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

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

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

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

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

25 (vi) Cat-ball-toss (star/diamond toss). The player

1 tosses balls into a simulated cat's mouth or a round,
2 diamond, or star-shaped hole to win.

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

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

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

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

22 (xi) Break the plate/bottle. The player tosses or throws
23 a ball at a plate, phonograph record, or bottle. The type of
24 prize won is determined by the number of targets broken by
25 the player.

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

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

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

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

20 (xvi) Rolldown. The player rolls balls down an alley
21 with the object of putting the balls in numbered slots at
22 the end of the alley. The scores represented by the balls in
23 each numbered slot are added up at the conclusion of the
24 game. Scores above or below a predetermined score win. The
25 alley surface must be smooth and free from defects at all

1 times.

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

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

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

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

25 (xxi) Clown rolldown. A ball is tossed through the open

1 mouth of a moving clown or animal head. The ball then rolls
2 down a chute to numbered slots at the rear of the clown or
3 animal head. The scores represented by the balls in each
4 numbered slot are added up at the conclusion of the game.
5 Prizes are awarded on the points achieved.

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

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

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

20 (i) Short range (shooting gallery). In this game, the
21 player is given four rounds to shoot at a spot target 1/4
22 inch or less in diameter. The player wins when the spot
23 target is completely shot out, or the player is given five
24 rounds to shoot one round each at five triangular, round, or
25 1/2-inch square targets. The prize is determined by the

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

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

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

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

24 (v) Cork gallery. The player uses a cork gun or similar
 25 device to propel objects, including but not limited to

1 corks, suction cup darts, or styrofoam balls, to shoot at
 2 targets located on a shelf or at a bull's eye target. The
 3 player must hit the bull's eye or knock the target over or
 4 off the shelf to win a prize. The prize is determined by the
 5 target knocked over or off the shelf, by the number of
 6 targets knocked over or off the shelf, or by the player
 7 accomplishing other tasks, as stated in the posted rules.
 8 When suction cup darts or other darts are used and fail to
 9 stay on or in the target, the player must shoot the dart
 10 again. The base of each target must be uniform, front and
 11 rear.

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

17 (f) Coin pitchers.

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

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

24 (iii) Glass pitch (bowl). The player pitches a coin into
 25 or onto dishes or glasses. If the coin remains in a top

1 target glass item, then the player wins that item.

2 (g) Miscellaneous games.

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

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

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

22 (iv) Rope ladder. The player must climb up a rope
23 ladder, which is anchored at both ends by a swivel, and ring
24 a bell or buzzer to win a prize.

25 (v) Whac-a-mole. This is a group game that has a target

1 surface with five holes through which animated moles pop up
2 and down at random. The player must hit as many moles as
3 possible with a mallet. The first player to hit a
4 predetermined number of moles wins.

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

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

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

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

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

24 (xi) Frog game. A plastic frog or similar object sits on
25 a small end of a teeter-totter. The opposite end of the

1 teeter-totter is struck with a mallet, causing the frog to
2 fly off the teeter-totter. If the frog lands in a pail or
3 similar receptacle, the player wins a prize.

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

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

16 (3) In addition to the amusement games allowed by
17 subsections (1) and (2), the department of justice may,
18 between--October-1-and-December-15-of-each-year, adopt rules
19 allowing games that meet the requirements of this part AND
20 MAY SET AND COLLECT FEES TO OFFSET THE COSTS ASSOCIATED WITH
21 REVIEW AND APPROVAL."

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 17, 1993

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 307 (first reading copy -- blue), respectfully report that House Bill No. 307 be amended as follows and as so amended be concurred in.

Signed: Wm Yellowtail
Senator William "Bill" Yellowtail, Chair

That such amendments read:

1. Page 13, line 19.

Following: "that"

Insert: "may be operated at a fair or carnival and that"

-END-

HB 307

M- Amd. Coord.
N Sec. of Senate

Yellowtail
Senator Carrying Bill

SENATE
601547SC.Sma

HOUSE BILL NO. 307
INTRODUCED BY DEBRUYCKER

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
DEPARTMENT OF JUSTICE TO ADOPT RULES ALLOWING NEW AMUSEMENT
GAMES TO BE OFFERED FOR PLAY AND PLAYED; AND AMENDING
SECTION 23-6-104, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because
the bill gives the department of justice authority to adopt
administrative rules. It is intended that rules be adopted,
or at least considered, on a cyclical basis that takes the
state's fair and carnival season into account. Unless the
department, in conjunction with the fair and carnival
industry and others offering amusement games for play, works
out a better arrangement and timetable for proposing and
adopting rules, the department should accept, research, and
consider rule requests during the first 9 months of each
year and, after the fair and carnival season has ended,
propose to adopt by rule new amusement games and file an
adoption notice in approximately mid-December.

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

Section 1. Section 23-6-104, MCA, is amended to read:

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

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

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

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

(i) Balloon (poparoo) (balloon smash). The targets are

1 inflated balloons. The player throws one or more darts to
2 burst a predetermined number of balloons. If the
3 predetermined number of balloons are burst by the darts, the
4 player receives the prize indicated.

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6 shapes located on the target area. The player throws darts
7 individually at the target. A dart must stick in a
8 predetermined target to win the prize as designated.

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10 board located in the target area. The player throws darts at
11 the target and wins a designated prize when the thrown darts
12 line up in a row in the target. The darts may line up
13 vertically, horizontally, or diagonally to win.

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15 squares located in the target area. Prizes are awarded based
16 on the total score obtained by the player by throwing and
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19 the score of the darts thrown.

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9 each game. Floating or loose weights in bottles are not
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13 ball into the opening of a milk can, into a fiberglass
14 Mexican hat turned upside down, or through a cone to win.

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

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

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

25 (vi) Cat-ball-toss (star/diamond toss). The player

1 tosses balls into a simulated cat's mouth or a round,
2 diamond, or star-shaped hole to win.

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

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

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

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

22 (xi) Break the plate/bottle. The player tosses or throws
23 a ball at a plate, phonograph record, or bottle. The type of
24 prize won is determined by the number of targets broken by
25 the player.

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

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

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

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

20 (xvi) Rolldown. The player rolls balls down an alley
21 with the object of putting the balls in numbered slots at
22 the end of the alley. The scores represented by the balls in
23 each numbered slot are added up at the conclusion of the
24 game. Scores above or below a predetermined score win. The
25 alley surface must be smooth and free from defects at all

1 times.

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

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

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

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

25 (xxi) Clown rolldown. A ball is tossed through the open

1 mouth of a moving clown or animal head. The ball then rolls
2 down a chute to numbered slots at the rear of the clown or
3 animal head. The scores represented by the balls in each
4 numbered slot are added up at the conclusion of the game.
5 Prizes are awarded on the points achieved.

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

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

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

20 (i) Short range (shooting gallery). In this game, the
21 player is given four rounds to shoot at a spot target 1/4
22 inch or less in diameter. The player wins when the spot
23 target is completely shot out, or the player is given five
24 rounds to shoot one round each at five triangular, round, or
25 1/2-inch square targets. The prize is determined by the

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

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

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

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

24 (v) Cork gallery. The player uses a cork gun or similar
 25 device to propel objects, including but not limited to

1 corks, suction cup darts, or styrofoam balls, to shoot at
 2 targets located on a shelf or at a bull's eye target. The
 3 player must hit the bull's eye or knock the target over or
 4 off the shelf to win a prize. The prize is determined by the
 5 target knocked over or off the shelf, by the number of
 6 targets knocked over or off the shelf, or by the player
 7 accomplishing other tasks, as stated in the posted rules.
 8 When suction cup darts or other darts are used and fail to
 9 stay on or in the target, the player must shoot the dart
 10 again. The base of each target must be uniform, front and
 11 rear.

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

17 (f) Coin pitchers.

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

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

24 (iii) Glass pitch (bowl). The player pitches a coin into
 25 or onto dishes or glasses. If the coin remains in a top

target glass item, then the player wins that item.

(g) Miscellaneous games.

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

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

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

(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.

(3) In addition to the amusement games allowed by subsections (1) and (2), the department of justice may, between--October-1-and-December-15-of-each-year adopt rules allowing games that MAY BE OPERATED AT A FAIR OR CARNIVAL AND THAT meet the requirements of this part AND MAY SET AND COLLECT FEES TO OFFSET THE COSTS ASSOCIATED WITH REVIEW AND APPROVAL."

-End-