

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 1950

By: Roach and Tyler of the
House

and

Williams (Penny) of the
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to amusements and sports; enacting the Amusement and Carnival Games Act; providing short title; prohibiting certain acts relating to amusement and carnival games; specifying certain games to be unlawful; defining terms; prohibiting certain operators from making certain displays for certain purposes; requiring certain signs and verbal explanations of Trade-Ups; requiring certain signs concerning the operation of certain games; requiring the posting of certain rules and signs; specifying certain signs; providing penalties for commission of certain prohibited acts; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 501 of Title 3A, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Amusement and Carnival Games Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 502 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. Any person who owns or operates any amusement game or carnival game, whether skill or chance, coin, token or direct pay-to-play, and who knowingly and intentionally fraudulently obtains money or other items of value from another by means of any hidden mechanical device, deception or deceptive objects, manipulation,

sleight-of-hand, trickery, obstruction, randomly selected or enforced rules, whether posted or verbalized, or by any other fraudulent means with intent to diminish or defeat the opportunity of any patron or player to win a prize or accomplish the intended object of the game, upon conviction, shall be guilty of a misdemeanor punishable pursuant to Section 5 of this act.

B. Any person who knowingly and intentionally owns, operates, or as a carnival owner or employee, knowingly and intentionally books-in, contracts, or provides space for, any game at a fair or carnival of a type known as razzle, flat store, or alibi game, or games operated in a manner violating the Amusement and Carnival Games Act, upon conviction, shall be guilty of a misdemeanor punishable pursuant to Section 5 of this act, with said game to be confiscated as contraband.

C. As used in the Amusement and Carnival Games Act:

1. "Razzle" or "flat store" means any game, whether skill or chance, in which the player pays money or other valuable consideration in return for the opportunity to make successive attempts to obtain points by use of dice, darts, marbles, numbered ping-pong balls, pins, blocks, conversion charts or other implements, and where such points are accumulated in successive games by the player toward a total number of points, miles or yards, or other increments, determined by the game operator, which is required for the player to win a prize or other valuable consideration; and

2. "Alibi game" means any game, whether skill or chance, in which the game operator controls or affects the outcome of the game, winners or losers, by enforcing foul lines, release lines, and rules selected and enforced randomly, and at will, whether posted or verbalized, during actual pay-to-play by the player, while not enforcing these same foul lines, release lines and rules during the player's free shots or free plays allowed during demonstration of how the game is played, as an enticement to the player. Further, "alibi game" means any game, whether skill or chance, in which the operator controls or affects the outcome of the game, winners or losers, by off-setting or manipulating balls,

pins, bottles or other implements, or any other means of trickery or deception to cheat or defeat the player, or void the player's win.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 503 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. No operator of amusement or carnival games shall display prizes as an enticement to players, unless the displayed prizes can be won by players of the game. Prizes displayed shall not be displayed in any manner which would serve to block or interfere with the players of the game, or in a manner which could possibly diminish the player's chance of winning. Operators of games allowing Trade-Ups to achieve a larger or more valuable prize shall post signs and verbally explain to the player the achievement required for such Trade-Up, the cost of each additional Trade-Up play and the prize to be awarded for each Trade-Up play.

B. Operators shall post complete, easy to understand, consistently enforced rules, stating the cost of each play, what task the player must achieve to win, and the prize to be awarded winners. All rules will be verbally explained and consistently enforced. Signs will also be posted stating the name of the game, and all games shall be individually numbered for easy identification. All signs relating to game operations and identification shall be capable of being easily read at normal eye level and shall be permanently affixed at normal eye level or in such a manner as to afford the potential player easy viewing.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 504 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. Multiple count violations of subsection A or B of Section 2 of this act, or violations resulting in a loss of money or other valuable consideration, in which said loss exceeds Fifty Dollars (\$50.00), shall constitute a felony violation, and shall be punishable pursuant to subsection B of Section 5 of this act.

B. Any person serving in a managerial or supervisory capacity for any fair, exposition, or any other event open to the public, paid admission or free, who knowingly or intentionally promotes or allows the operation of any amusement or carnival game in violation of this act, upon conviction, shall be guilty of a misdemeanor.

C. Any person who manufactures or distributes amusement or carnival games of the type described in Section 2 of this act, upon conviction, shall be guilty of a misdemeanor punishable pursuant to subsection A of Section 5 of this act, with said games to be confiscated as contraband.

D. Any person charged with law enforcement responsibilities or legal compliance inspections of amusement or carnival games, and who knowingly and intentionally allows or who knowingly and intentionally fails to prevent the operation of any amusement or carnival game violating the Amusement and Carnival Games Act, upon conviction, shall be guilty of omission of duty and/or guilty of a misdemeanor punishable pursuant to subsection A of Section 5 of this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 505 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. Any person convicted of violating any provision of the Amusement and Carnival Games Act, with the exception of subsection A of Section 4 of this act, shall be guilty of a misdemeanor punishable by not more than two hundred twenty (220) days of community service, or by the imposition of a fine of not more than Two Thousand Dollars (\$2,000.00), or by both such fine and community service.

B. Any person convicted of violating subsection A of Section 4 of this act shall be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than two (2) years, or more than five (5) years, or by the imposition of a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

SECTION 6. This act shall become effective September 1, 1994.

44-2-L9772

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