

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 1950

By: Roach

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; defining terms; prohibiting certain operators from making certain displays; prohibiting certain games; requiring certain signs concerning the operation of certain games; requiring the posting of certain rules and signs; specifying certain signs; providing punishments for 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 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, foul lines, disclaimers or arbitrary 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 owns, operates, or contracts any game at a fair or carnival of a type known as razzle-dazzle, 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-dazzle" or "flat store" means a series of games of 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 or other implements, and where such points are accumulated in successive games by the player toward a total number of points, miles or yards, 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 uses foul lines, release lines or boundaries, arbitrary rules, whether posted or verbalized, 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 said prizes can be legitimately won by the players. Prizes displayed shall not be displayed in any manner which would serve to block or interfere with the players of the game. Operation of games allowing Trade-Ups to achieve a larger or more valuable prize shall require signs explaining the conditions and cost of each additional Trade-Up play.

B. Operators shall post complete, easy to understand rules, stating the object of the game, what task the player must achieve to win, cost per play for the game, and the prize to be awarded

upon a player's win. Signs will also be posted stating the name of the game, and if operated on a carnival midway, games shall be individually numbered for easy identification. All signs relating to game operations and identification shall be in letters no less than four (4) inches in size, and such signs must be permanently affixed at 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 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 allows the operation of any amusement or carnival game in violation of the Amusement and Carnival Games Act, upon conviction, shall be guilty of a misdemeanor punishable pursuant to Section 5 of this act.

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 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 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 imprisonment in the county jail for not more than one (1) year, or by the imposition of a fine of not more than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

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.

44-2-8881

MCD