

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:9-2-10

Rule Type: Amendment

Rule Title/Tagline: Ring games.

Agency Name: Department of Agriculture

Division: Fairs and Amusement Rides

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 1/3/2024
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 1711.11
5. What statute(s) does the rule implement or amplify? 1711.11
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

The rule is being proposed in accordance with the five year rule review requirement.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

OAC 901:9-2-10 sets forth the requirements regarding ring games. This rule is being amended to reformat the existing rule to make comprehension of the rule easier.

9. Does the rule incorporate material by reference? No
10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

0.00

Not Applicable

13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

All operators must obtain a license prior to operating a concession which cost \$70 annually. All operators must abide by the specific rules of play for each concession type. All operators must have a sign conspicuously posted which complies with the requirements of OCA 901:9-2-05. The cost of the sign will depend on the type of game but will dramatically fluctuate by certain design choices selected by the operator and the vendor they utilize to create the sign. As a minimum, the Department believes that an operator can comply with the regulations for a minimum of \$30. This sign can be utilized for a significant number of years.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

The revenue from the licensing fee is used to fund the administration of the program.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? Yes
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

All operators must obtain a license prior to operating a concession which cost \$70 annually.
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

All operators must abide by the specific rules of play for each concession type. All operators must have a sign conspicuously posted which complies with the requirements of OAC 901:9-2-05. Failure to comply could result in civil or criminal action being taken against the operator.
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
 - A. How many new regulatory restrictions do you propose adding to this rule? 6

901:9-2-10 paragraph A adds the requirement that the operator of these style games shall ensure:

901:9-2-10 paragraph B adds the requirement that the operator of these style games shall ensure:

901:9-2-10 paragraph C adds the requirement that the operator of these style games shall ensure:

901:9-2-10 paragraph D adds the requirement that the operator of these style games shall ensure:

901:9-2-10 paragraph F adds the requirement that the operator of these style games shall ensure:

901:9-2-10 paragraph G adds the requirement that the operator of these style games shall ensure:

B. How many existing regulatory restrictions do you propose removing from this rule? 24

901:9-2-10 paragraph A, section 1 removes the requirement that all rings must be are round and unwarped

901:9-2-10 paragraph A, section 1 removes the requirement that the target must be vertically and horizontally level as well as vertically straight.

901:9-2-10 paragraph A, section 1 removes the requirement that a clearance of at least three-eighths of an inch on one side measured from the inside of the ring to the block or target is required.

901:9-2-10 paragraph B, section 1 removes the requirement that the table or stand supporting the bottles shall be of a height so that the top of the bottles to be ringed will not exceed four feet in height from ground level

901:9-2-10 paragraph B, section 1 removes the requirement that if the game is trailer-mounted, the inspector shall determine the height of the base on which the game is set.

901:9-2-10 paragraph B, section 1 removes the requirement that no obstruction shall be placed between, around, or above the bottles at any time.

901:9-2-10 paragraph B, section 1 removes the requirement that the clearance of the ring shall be such that there will be no less than one-fourth inch clearance measured from the inside of the ring to the neck of the bottle.

901:9-2-10 paragraph B, section 1 removes the requirement that ring bottle games shall be played on level surfaces, and the distance of all obstructions above

901:9-2-10 paragraph B, section 1 removes the requirement that...around all items to be ringed shall not be less than four feet.

901:9-2-10 paragraph C, section 1 removes the requirement that operators of this game shall arrange pins so they remain stationary at all times

901:9-2-10 paragraph C, section 1 removes the requirement that pins shall be so arranged that it is possible to ring each and every pin.

901:9-2-10 paragraph C, section 1 removes the requirement that the top row of pins shall not be higher than four feet above the ground.

901:9-2-10 paragraph C, section 1 removes the requirement that if the game is trailer-mounted, the inspector shall determine the height of the base on which the game is set.

901:9-2-10 paragraph D, section 1 removes the requirement that canes shall be arranged so that each and every cane can be ringed, including all canes with hooked handles

901:9-2-10 paragraph D, section 1 removes the requirement that all canes to be ringed shall have the end which is to be ringed perpendicular with the ground.

901:9-2-10 paragraph D, section 1 removes the requirement that the clearance of the ring shall be such that there will be no less than three-eighths of an inch clearance measured from the inside of the ring to the head of the cane.

901:9-2-10 paragraph D, section 1 removes the requirement that the measurement shall be made with the ring held next to the head of the cane.

901:9-2-10 paragraph F, section 1 removes the requirement that these games shall have three-eighths of an inch clearance on one side

901:9-2-10 paragraph F, section 1 removes the requirement that blocks shall be flat, solid, uncovered and not more than two inches high.

901:9-2-10 paragraph F, section 1 removes the requirement that no prize shall project over the block.

901:9-2-10 paragraph F, section 1 removes the requirement that each block shall be placed on the table with sufficient clearance to permit any hoop to surround the block unobstructed by merchandise.

901:9-2-10 paragraph F, section 1 removes the requirement that hoops shall be round and uniform in size.

901:9-2-10 paragraph G, section 1 removes the requirement that shall provide targets used that are vertical and are always maintained in a level position;

901:9-2-10 paragraph G, section 1 removes the requirement that all rings shall be round and unwarped and have a three-eighths of an inch clearance on one side.

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

D. Please justify the adoption of the new regulatory restriction(s).

Pursuant to ORC Chapter 1711, it is the Department's regulatory mission to protect the public from dishonest and fraudulent dealings with regards to games and concessions. The Department's purpose for these regulations is to ensure continued public trust in the use of concessions by setting minimum operating standards that establish fair play for all operators in Ohio.