

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 901:9-2-14  
**Rule Type:** Amendment  
**Rule Title/Tagline:** Miscellaneous games.  
**Agency Name:** Department of Agriculture  
**Division:** Fairs and Amusement Rides  
**Address:** 8995 E. Main St. Reynoldsburg OH 43068  
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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 901:9-2-14 sets forth the requirements regarding miscellaneous 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? 10

901:9-2-14 paragraph A adds the requirement that the operator of these style games shall ensure:

901:9-2-14 paragraph B adds the requirement that the operator of these style games shall ensure:

901:9-2-14 paragraph C adds the requirement that the operator of these style games shall ensure:

901:9-2-14 paragraph E adds the requirement that the operator of these style games shall ensure:

901:9-2-14 paragraph F adds the requirement that the operator of these style games shall ensure:

901:9-2-14 paragraph G adds the requirement that the operator of these style games shall ensure:

901:9-2-14 paragraph H adds the requirement that the operator of these style games shall ensure:

901:9-2-14 paragraph I adds the requirement that the operator of these style games shall ensure:

901:9-2-14 paragraph K adds the requirement that the operator of these style games shall ensure:

901:9-2-14 paragraph L adds the requirement that Minimum signage requirements for all cane racks shall contain the following language:

**B. How many existing regulatory restrictions do you propose removing from this rule? 49**

901:9-2-14 paragraph A, section 1 removes the requirement that the operators shall not touch the patrons

901:9-2-14 paragraph A, section 2 removes the requirement that in guessing age, the operator shall guess within two years of the age

901:9-2-14 paragraph A, section 2 removes the requirement that shall write the age down.

901:9-2-14 paragraph A, section 3 removes the requirement that in guessing birth month, the operator shall write down the birth month.

901:9-2-14 paragraph A, section 3 removes the requirement that the operator must guess within one month on either side of the patron's actual birth month to be correct.

901:9-2-14 paragraph A, section 4 removes the requirement that in guessing weight, the operator shall write the weight down

901:9-2-14 paragraph A, section 4 removes the requirement that must guess the weight within three pounds of either side of the patron's actual weight.;

901:9-2-14 paragraph A, section 5 removes the requirement that the scale dials shall have clear figures

901:9-2-14 paragraph A, section 5 removes the requirement that...which shall be illuminated at all times in order that they may be read by the public

901:9-2-14 paragraph B, section 1 removes the requirement that the operator shall not touch the ladder

901:9-2-14 paragraph B, section 1 removes the requirement that a safety chain shall be attached to the ladder at both ends

901:9-2-14 paragraph B, section 1 removes the requirement that the ladder is not to hang loose and must be taut.

901:9-2-14 paragraph B, section 1 removes the requirement that the ladder must have a thirty-six-inch fence or the equivalent on three sides and adequate padding on the deck.

901:9-2-14 paragraph C, section 1 removes the requirement that barriers or foul lines shall not be permitted

901:9-2-14 paragraph C, section 1 removes the requirement that a starting line only shall be permitted.

901:9-2-14 paragraph C, section 1 removes the requirement that the car shall be completely released by the patron.

901:9-2-14 paragraph C, section 1 removes the requirement that a prize shall be given every time

901:9-2-14 paragraph E, section 1 removes the requirement that the slide board shall be is level laterally and unwarped with no obstructions

901:9-2-14 paragraph E, section 1 removes the requirement that.... shall be maintained smooth at all times.

901:9-2-14 paragraph E, section 1 removes the requirement that when numbers are used, they shall be plain, with no blank targets.

901:9-2-14 paragraph F, section 1 removes the requirement that the wheel shall be stationary at all times

901:9-2-14 paragraph F, section 1 removes the requirement that the ball shall have one-and-one-fourth-inch clearance on one side.

901:9-2-14 paragraph G, section 1 removes the requirement that the playing surface on which bottles are placed shall is not be less than twelve inches square for a minimum of one hundred forty-four square inches per square area

901:9-2-14 paragraph G, section 1 removes the requirement that bottles shall be placed in the center of the playing surface.

901:9-2-14 paragraph G, section 1 removes the requirement that the playing surface shall be level at all times

901:9-2-14 paragraph G, section 1 removes the requirement that the use of grease or wax on rings and playing surfaces or bottles is prohibited.

901:9-2-14 paragraph G, section 1 removes the requirement that the string shall not be more than fifty-four inches long and not less than thirty-six inches long.

901:9-2-14 paragraph G, section 1 removes the requirement that the pole shall not be longer than thirty-six inches

901:9-2-14 paragraph G, section 1 removes the requirement that... shall not be shorter than twenty-four inches.

901:9-2-14 paragraph H, section 1 removes the requirement that the equipment shall be in good condition at all times.;

901:9-2-14 paragraph H, section 1 removes the requirement that the slides or wires shall be straight and free of any obstruction.

901:9-2-14 paragraph H, section 1 removes the requirement that the slide board shall be plumb at all times.

901:9-2-14 paragraph H, section 1 removes the requirement that all mallets shall be in good condition.

901:9-2-14 paragraph H, section 1 removes the requirement that there shall be a fence of sufficient strength and not less than thirty-six inches high around strikers to protect the public.

901:9-2-14 paragraph H, section 1 removes the requirement that the fence shall be constructed so a child cannot crawl through.

901:9-2-14 paragraph H, section 1 removes the requirement that patrons shall not be permitted to swing the mallet unless both arms are used, but individuals with permanent limb physical disabilities may use one arm.

901:9-2-14 paragraph H, section 1 removes the requirement that only one player shall be permitted at one time to play where adjacent high strikers are located.

901:9-2-14 paragraph I removes the requirement that this game shall be permitted under the following conditions

901:9-2-14 paragraph I, section 2 removes the requirement that the operator must reset the score by a reset device in full view of the participant when operating from an apron.;

901:9-2-14 paragraph I, section 3 removes the requirement that the balls shall be solid, firm, round and not less than three inches in diameter.;

901:9-2-14 paragraph I, section 4 removes the requirement that the game shall with a minimum clearance of one inch between the ball and ring on all target scoring areas

901:9-2-14 paragraph I, section 4 removes the requirement that the ball rolling alley surface shall be smooth

901:9-2-14 paragraph J, section 1 removes the requirement that the device, when reset, must be done so in full view of the patrons

901:9-2-14 paragraph J, section 2 removes the requirement that the operator shall replace the patron's money due to mechanical failure of the machine

901:9-2-14 paragraph J, section 3 removes the requirement that an attendant must be present.

901:9-2-14 paragraph K, section 1 removes the requirement that this game shall be played for amusement only as defined in paragraph (M) of rule 901:9-2-01 of the Administrative Code.;

901:9-2-14 paragraph K, section 1 removes the requirement that the water in the pool where the selection is to be made must be kept slow and the object to be selected highly visible.

901:9-2-14 paragraph K, section 1 removes the requirement that this game shall not be operated in the add-up or match-up version.

901:9-2-14 paragraph L removes the requirement that each owner of a cane rack shall post a sign containing, at a minimum....

**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).**

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