

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:9-2-15
Rule Type: Amendment
Rule Title/Tagline: Group 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? ORC 1711.11**
5. **What statute(s) does the rule implement or amplify? ORC 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 901:9-2-15 sets forth the requirements regarding group games. This rule is being amended to remove requirements that are duplicative in the licensing rule, OAC 901:9-2-03 and removes training requirements. Additionally, 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? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 7

901:9-2-15 paragraph B removes the requirement that no group games shall be permitted to operate at any fair without first being inspected and licensed by the department, and without first being reviewed and approved by the appropriate fair board or the Ohio expositions commission in the initial year of operation, and reflected in the official minutes of such board or commission.

901:9-2-15 paragraph C removes the requirement that such games shall be licensed by state inspectors on a game-by-game basis and only after such games meet all other rules and standards of the department for licensing non-group games.

901:9-2-15 paragraph E removes the requirement that a violation of this rule will be brought to the immediate attention of the director who shall hold a hearing. Violation of this rule is subject to the penalties found in divisions (F) and (G) of section 1711.11 or division (A) of section 1711.99 of the Revised Code.

901:9-2-15 paragraph F removes the requirement that the department shall determine what are critical components of each group game upon consultation with the game's manufacturer or in accordance with generally accepted engineering standards and practices.

901:9-2-15 paragraph I removes the requirement that the owner of the game shall have the responsibility to ensure that the game's manufacturer...

901:9-2-15 paragraph I removes the requirement that... shall: (1) train and otherwise acquaint the state inspectors (at the manufacturer's cost) with the manufacturer's group games.

901:9-2-15 paragraph I removes the requirement that this training shall include, but is not limited to, the physical characteristics of the game; the critical components of the game; the game's electrical system; the proper operation of the game; a review of all mechanical parts, all electromagnetics or switches, pneumatic or hydraulic functions; and all other items requested by the department

- 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).**

Not Applicable