

HOUSE BILL No. 4947

May 14, 2009, Introduced by Reps. Pearce, McMillin, Opsommer, Rogers and Kowall and referred to the Committee on Regulatory Reform.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 310b (MCL 750.310b), as added by 1996 PA 539.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 310b. (1) This chapter does not apply to a redemption
2 game if all of the following conditions are met:

3 (a) The outcome of the game is determined through the
4 application of an element of skill by the player.

5 (b) The award of the prize is based upon the player's
6 achieving the object of the game or otherwise upon the player's
7 score.

8 (c) Only noncash prizes, toys, novelties, or coupons or other
9 representations of value **THAT ARE** redeemable **ONLY** for noncash
10 prizes, toys, or novelties are awarded.

(d) The wholesale value of a prize, toy, or novelty awarded for the successful single play of a ~~THE~~ game is not more than \$3.75.

(e) The redemption value of coupons or other representations of value awarded for the successful single play of a ~~THE~~ game does not exceed 15 times the amount charged for a single play of the game or \$3.75, whichever is less. However, players may accumulate coupons or other representations of value ~~for redemption for THAT~~ **MAY BE USED TO REDEEM ONLY** noncash prizes, toys, or novelties ~~of a greater value up to, but not exceeding, THAT HAVE A WHOLESALE VALUE OF \$250.00 wholesale value OR LESS.~~

(F) ANY COUPONS OR OTHER REPRESENTATIONS OF VALUE AWARDED ARE DISTRIBUTED AT THE TIME AND SITE WHERE THE GAME IS PLAYED.

(2) FOR THE PURPOSES OF SUBSECTION (1), THE OUTCOME OF A GAME IS NOT DETERMINED THROUGH THE APPLICATION OF AN ELEMENT OF SKILL BY A PLAYER IF 1 OR MORE OF THE FOLLOWING APPLY:

(A) THE ABILITY OF THE PLAYER TO SUCCEED AT THE GAME IS AFFECTED BY THE NUMBER OF PRIOR WINS BY OR THE RATIO OF PRIOR WINS TO PRIOR LOSSES OF PLAYERS PLAYING THE GAME.

(B) THE OUTCOME OF THE GAME, OR THE VALUE OF THE NONCASH PRIZE, TOY, NOVELTY, OR COUPON OR OTHER REPRESENTATION OF VALUE AWARDED FOR WINNING THE GAME, CAN BE CONTROLLED BY A SOURCE OTHER THAN A PLAYER PLAYING THE GAME.

(C) THE SUCCESS OF THE PLAYER IS OR MAY BE DETERMINED BY A CHANCE EVENT THAT CANNOT BE ALTERED BY PLAYER ACTIONS.

(D) THE ABILITY OF THE PLAYER TO SUCCEED AT THE GAME IS DETERMINED BY GAME FEATURES NOT VISIBLE OR KNOWN TO THE PLAYER.

(E) THE ABILITY OF THE PLAYER TO SUCCEED AT THE GAME IS
AFFECTED BY THE EXERCISE OF A SKILL THAT NO REASONABLE PLAYER COULD
EXERCISE.

(3) ~~(2)~~ As used in this section: ~~,"redemption~~

(A) "NONCASH PRIZES, TOYS, OR NOVELTIES" DOES NOT INCLUDE ANY
OF THE FOLLOWING:

(i) A GIFT CARD, CASH, OR ANY EQUIVALENT OF CASH.

(ii) A PLAY ON A GAME OF CHANCE, BINGO, OR INSTANT BINGO OR A
STATE LOTTERY TICKET.

(iii) A FIREARM, TOBACCO, OR AN ALCOHOLIC BEVERAGE.

(B) "REDEMPTION game" means a single player or multi-player
mechanical, electronic, or manual amusement device involving a
game, the object of which is throwing, rolling, bowling, shooting,
placing, propelling, or stopping a ball or other object into, upon,
or against a hole or other target. Redemption game does not include
either of the following:

(i) ~~(a) Games~~ **A GAME** such as roulette, beano, cards, dice,
~~wheels~~ **WHEEL** of fortune, video poker, **A slot machines** **MACHINE**, or
~~other games~~ **ANOTHER GAME** in which winning depends primarily upon
fortuitous or accidental circumstances beyond the control of the
player.

(ii) ~~(b)~~ A game that includes a mechanical or physical device
~~which~~ **THAT** directly or indirectly impairs or thwarts the skill of
the player.