

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 12. ARIZONA EXPOSITION AND STATE FAIR BOARD

PREAMBLE

1. Sections Affected

	<u>Rulemaking Action</u>
Article 1	Amend
R3-12-101	Amend
Article 2	Amend
R3-12-201	Repeal
R3-12-201	New Section
R3-12-202	Repeal
R3-12-202	New Section
R3-12-203	Repeal
R3-12-203	New Section
R3-12-204	Repeal
R3-12-204	New Section
R3-12-205	Repeal
R3-12-205	New Section
R3-12-206	Repeal
R3-12-206	New Section
R3-12-207	Repeal
R3-12-208	Repeal
R3-12-209	Repeal
R3-12-210	Repeal
R3-12-211	Repeal
R3-12-212	Repeal
Article 3	New Article
R3-12-301	New Section
R3-12-302	New Section
R3-12-303	New Section
R3-12-304	New Section
R3-12-305	New Section
R3-12-306	New Section
R3-12-307	New Section
R3-12-308	New Section
R3-12-309	New Section

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 3-1003(A)(10)

Implementing statute: A.R.S. § 3-1003(A)(2)

3. The effective date of the rules:

December 27, 2002

4. A list of all previous notices appearing in the Register addressing the final rules:

Notice of Rulemaking Docket Opening: 8 A.A.R. 2399, May 31, 2002

Notice of Proposed Rulemaking: 8 A.A.R. 2522, June 14, 2002

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5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Grant Pearson
Address: 1826 W. McDowell
Phoenix, AZ 85007
Telephone: (602) 252-6771
Fax: (602) 495-1302

6. An explanation of the rules, including the agency's reasons for initiating the rules:

The rules in this package primarily govern the games offered at the Arizona State Fair. The rules govern concessionaire conduct, types of games, how each game is played, the dollar value of prizes offered, and how often a player may win each game's top prize. The rules protect the public's safety and welfare. Certain rules protect the concessionaire from persons taking unfair advantage of a game. The rules have existed since 1987. The rules were changed to remove unnecessary or duplicative provisions and correct stylistic, grammatical, and formatting problems.

7. A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rules or proposes not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, any analysis of each study and other supporting material:

No studies underlying these rules exist.

8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

The rules do not diminish a previous grant of authority of any political subdivision of this state.

9. The summary of the economic, small business, and consumer impact:

The rules govern games played at each Arizona State Fair. The rules are designed to protect both concessionaires and the public from wrongful conduct. The rules are very similar to rules of other fairs and most, if not all, game operators have worked within these rules for years. Because these rules and others like them have existed for a long period of time, the modifications in this package should have little or no economic impact. The rules do require that concessionaires comply with certain structural constraints to ensure the games are safe for the public. The Board drafted these rules with existing industry standards in mind. Consequently, the Board expects very little impact on concessionaire expenditures because compliance is necessary at other stops along the fair circuit. Other required expenditures include uniforms and signage. Most concessionaires and carnivals have uniform requirements in place. The Board provides most of the signs required.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Minor stylistic changes were made at the request of the Governor's Regulatory Review Council staff.

11. A summary of the principal comments and the agency response to them:

No comments were received.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

None

14. Were the rules previously made as emergency rules?

No

15. The full text of the rules:

TITLE 3. AGRICULTURE

CHAPTER 12. ARIZONA COLISEUM AND EXPOSITION CENTER AND STATE FAIR BOARD

ARTICLE 1. ADMINISTRATION DEFINITIONS

Section
R3-12-101. Definitions

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ARTICLE 2. ARIZONA STATE FAIR GAMES GAME DESCRIPTIONS AND STANDARDS

Section

- R3-12-201. ~~Authorized amusement games~~ Hoop or Ring Toss Games
- R3-12-202. ~~Prize limit~~ Dart Games
- R3-12-203. ~~Concession safety~~ Ball Toss Games
- R3-12-204. ~~Posting of fees and rules~~ Shooting Games
- R3-12-205. ~~Prizes~~ Coin Games
- R3-12-206. ~~Contracts and permits~~ Other Games
- R3-12-207. ~~Concessionaire responsibility~~ Repealed
- R3-12-208. ~~Conduct~~ Repealed
- R3-12-209. ~~Sales location~~ Repealed
- R3-12-210. ~~Sound control~~ Repealed
- R3-12-211. ~~Advertising~~ Repealed
- R3-12-212. ~~Height and line designation~~ Repealed

ARTICLE 3. CONCESSIONAIRES

Section

- R3-12-301. Safety
- R3-12-302. Posting Prices and Game Standards
- R3-12-303. Prizes
- R3-12-304. Valuable Prize Limit
- R3-12-305. Lease Standards
- R3-12-306. Uniforms
- R3-12-307. Concession Location
- R3-12-308. Sound Control
- R3-12-309. Height and Line Designation

ARTICLE 1. ADMINISTRATION DEFINITIONS

R3-12-101. Definitions

~~In this Chapter, the following definitions shall apply unless the context otherwise requires:~~

- ~~1. "Agent" or "operator" means any person who is employed, whether or not paid in any manner, by a concessionaire to work in any game or novelty stand at the Fair.~~
- ~~2. "Arizona State Fair Games Inspector" means any person employed by the Board and reporting to the Director or his designee, assigned to work at the Arizona State Fair with the specific duty to enforce rules adopted by the Board regulating concessions.~~
- ~~3. "Board" means the Arizona Coliseum and Exposition Center Board.~~
- ~~4. "Concession" means any business which sells merchandise, services or manages games contracted under the authority of the Board.~~
- ~~5. "Concessionaire" means any person who owns, operates, or leases a concession and has obtained a contract from the Board.~~
- ~~6. "Director" means the Executive Director for the Board.~~
- ~~7. "Fair" means the annual exposition conducted by the Board.~~
- ~~8. "Game" means any contracted concession of the annual Fair where a person engages in the activity of amusement, for a fee.~~
- ~~9. "Midway Coordinator" means any person employed by the Board for the purpose of coordinating activities of midway rides, concessions, and games and who assists in the placing of all equipment assigned to the midway at the Fair. The Midway Coordinator shall also enforce all rules relating to the midway.~~
- ~~10. "Obscene" means, in applying contemporary community standards, the work or item, taken as a whole, appeals to the prurient interest, whether the work or item depicts or describes, in a patently offensive way, sexual activity or conduct, and whether the work or item, taken as a whole, lacks serious literary, artistic, political or scientific value, as defined in A.R.S. § 13-3501.~~
- ~~11. "Person" means any individual, partnership, corporation or agent of the same, acting either individually, or as a group in any matter covered in this Chapter.~~
- ~~12. "Player" means any person who plays a game at the Fair whether or not he is attempting to win a prize.~~
- ~~13. "Prize" means an item won by a player of a game at the Fair upon completion of some task.~~

In this Chapter, the following definitions apply unless the context requires otherwise:

"Arizona State Fair Games Inspector" or "Inspector" means any person employed by the Director to enforce this Chapter. The term includes the Midway Coordinator, the person employed by the Director to coordinate midway rides, concessions, and games and assist in placing equipment assigned to the midway.

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“Board” means the Arizona Exposition and State Fair Board.

“Concession” means any business that sells merchandise or services, conducts games, or provides other entertainment regulated by the Board.

“Concessionaire” means any person who owns, operates, or leases a concession and includes any person acting as an agent of the concessionaire.

“Director” means the Executive Director of the Board or a Deputy Director if the Executive Director is unable to act.

“Game” means any concession that accepts payment for providing an activity of amusement.

“Location” means the stall, stand, booth, or site from which the concessionaire operates or sells merchandise or services, conducts games, or provides other entertainment.

“Person” has the meaning prescribed in A.R.S. § 1-215.

“Player” means any person who plays a game at the Fair, whether or not the person is attempting to win a prize.

“Prize” means an item won by a player after successful completion of a game’s activity.

“State Fair” or “Fair” means the Arizona State Fair, an annual exposition conducted by the Board.

ARTICLE 2. ARIZONA STATE FAIR GAMES GAME DESCRIPTIONS AND STANDARDS

R3-12-201. Authorized amusement games Hoop or Ring Toss Games

The Board, for the purpose of conducting and promoting the Fair in the best interest of the people of Arizona, authorizes the following amusement games to be operated by persons under a Board contract at an authorized Fair location:

1. ~~Hoop or Ring Toss. The player tosses hoops or rings over a target. The operator shall specifically advise the player as to the extent the hoops or rings must go over the target. All hoops of the same color used at an individual booth shall be the same size or the operator shall advise the player by posting signs or using color codes denoting the different sizes.~~
2. ~~Dart games. The target area for all dart games shall be of a material capable of retaining the point of the dart. Dart points may be metal, velcro or suction cups. Darts may be thrown by hand or propelled by a mechanical device. The target area shall be in the rear of the stand and shall be at least 3 feet but not more than 15 feet from the foul line. The target shall be stationary at all times. Dart game concessions shall be constructed to prevent the dart from going through the concession stand to an adjoining stand or aisle.~~
 - a. ~~Balloon (Balloon Smash). The targets are inflated balloons. The player throws one or more darts to burst a predetermined number of balloons. If the predetermined number of balloons are burst by the darts, the player receives the price indicated.~~
 - b. ~~Dart Throw. The targets are various sizes and shapes located on the target area. The player throws or propels darts individually at the target. The player hits, and the dart must stick, in a predetermined target to win the prize as designated.~~
 - c. ~~Tic-Tac-Toe Dart. The target is a tic-tac-toe board located in the target area. The player throws darts at the target and wins a designated prize when the thrown darts line up in a row on the target. The darts may line up vertically, horizontally or diagonally to win.~~
 - d. ~~Add 'Em Up Darts. The target consists of numbered squares located in the target area. Prizes are awarded based on the total score obtained by the player by throwing and sticking the darts in the numbered squares. All darts stuck on lines shall receive a re-throw. The player has the right to add up the score of the darts thrown.~~
3. ~~Ball Tosses. In all ball toss games, the balls used at a specific stand shall be of the same weight and size. Targets shall be either of an identical weight and size or shall be color coded to show their differences or the difference shall be precisely described on a sign.~~
 - a. ~~Milk Bottle Toss. The player tosses or throws balls at simulated milk bottles. The player wins by either tipping over or knocking bottles off the raised platform as designated by the operator. The bottles shall be constructed of wood, metal or plastic or a combination of the above three. Operators may vary the number of bottles and balls used in each game. No floating or loose weights in bottles shall be allowed. The weight of individual bottles shall not exceed seven and one-half pounds.~~
 - b. ~~Milk Can. The player tosses balls into the opening of a milk can or other object or through a cone to win.~~
 - e. ~~Football Toss (Tire Toss). The player tosses or throws footballs through a stationary tire or hoop to win.~~
 - d. ~~Basketball Toss/Throw. The player tosses or throws basketballs through a basketball type hoop to win.~~
 - e. ~~Bushel Baskets. The player tosses balls into a bushel type basket mounted on a stationary backdrop at a fixed angle. The balls shall stay in the basket to win. All rim shots, where the ball hits the rim and stays in, shall be allowed.~~
 - f. ~~Cat Ball Toss (Star/Diamond Toss). The player tosses balls into a simulated cat’s mouth or a round, diamond or star shaped hole to win.~~
 - g. ~~Ping Pong Toss. The player tosses ping pong balls into dishes, saucers, cups or ashtrays floating in water. A predetermined number of balls shall remain in the dishes, saucers, cups or ashtrays for the player to win. The dishes,~~

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- sauceers, cups or ashtrays shall not be stacked on top of each other but shall be in the water and floating at water level.
- h. Break the Plate/Bottle. The player tosses or throws balls at a plate, phonograph record or bottle. The type of prize won is determined by the number of targets broken by the player.
 - i. Punk Rack. The targets for this game are rows of dolls or cats on a ledge at the rear of the stand. The dolls or cats shall be filled with sawdust, styrofoam, cotton or other material which provides a firm base for the ball to strike. The hair protruding from the side of the dolls or cats shall not exceed three inches. The prize is determined by how many dolls or cats the player knocks over or off the ledge as posted by the operator.
 - j. Rolldown. The player rolls balls down an alley with the object of putting the balls in numbered slots at the end of the alley. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Scores above or below a predetermined score win. The alley surface shall at all times be smooth.
 - i. 3-Pin. The player rolls a specified number of balls down an alley with the object of knocking over all three pins set up on designated spots in a triangle. The triangle shall be set with the two front pins perpendicular to the player. The front pins shall be set so the ball may knock down both pins if the player's roll is between the pins. The alley shall be marked with a grid for guidance and spots designating where the pins shall be set. The designated spots shall be no larger than the base of the pins. The alley shall be a smooth, level surface no more than six feet in length.
 - ii. Sidewinder. The object of the game is for the player to control a ball rolling down a downward-slanted, multi-curved alley by tilting the alley to one side or the other with a steering wheel. The player wins by putting the ball through a hole at the end of the alley without the ball falling off the alley. Siderails may be used to help the player control the ball. The alley shall be a smooth, flat surface with a downward angle of no more than 15 degrees.
 - k. Skee Ball. The player rolls balls up the mechanical alley into numbered targets. A mechanical scorer or computer adds up the score to match a predetermined prize. The alley surface shall be smooth at all times.
 - l. Bank Ball. The object of the game is for the player to bank a ball off the front surface of a board and into a basket located under the board. The ball shall only hit off the front of the board. The board shall be a sandwich board no higher than six feet. There shall be two chains, each attached to the outside of the board legs, to secure the board when it is opened to its standing position. The basket shall be secured to the legs of the sandwich board a minimum of nine inches directly out from the legs of the board. The board surface shall be smooth.
 - m. Kiddie Toss. The player throws a velero covered ball at a predetermined velero target to win. Balls thrown which do not stick to the target shall be replayed.
4. Shooting Games. These games are conducted by the player using a weapon of some type to shoot at a target in the rear of the stand. The safety requirement of the local city or county ordinances shall be observed by the operator and player. The target may be stationary or mobile.
- a. Shoot Out The Star (Machine Gun). The player, using an automatic air pellet gun, is given 100 pellets to shoot at a star-shaped target. The player shoots out all of the star target surface to win. The star shall not be more than one and one-quarter inch from point to point.
 - b. Water Racer. The group game involves competition with the player winning a prize based on the number of players competing. The player, using a water pistol, shoots the water into a target. The water striking the target causes a balloon to inflate or advances an object to ring a bell. The player bursting the balloon or ringing the bell first is the winner.
 - c. Rapid Fire. This group game involves competition among players similar to the water racer. The player uses an electronic pistol to shoot at a target. Hits on the target give the player a score and the first player to reach a predetermined score is the winner.
 - d. Cork Gallery. The player uses a cork gun to shoot at targets located on a shelf. The player knocks the target over or off the shelf to win a prize. The prize is determined by the target knocked over or off the shelf or by the number of targets knocked over or off the shelf. The base of each target shall be uniform front and rear.
 - e. Gun Ball. The player shoots a ball at stationary targets located in the stand. The player wins by knocking down all the targets. The balls shall be of identical size and weight and the targets shall be of identical size and weight.
5. Coin Pitchers. These games are conducted by the player using a token or coin of U.S. denomination and then pitching or tossing the coin to land and remain on or in a target within the stand. The target may be stationary or mobile.
- a. Spot Pitch (Lucky Strike). The player pitches a coin at colored spots located on a table in the center of the stand. The coin shall either touch or stay inside of a spot to win a prize.
 - b. Plate Pitch. The player pitches a coin onto a glass plate. If the coin remains on the plate, then the player wins a prize as designated.
 - c. Glass Pitch (Bowl). The player pitches a coin into or onto bowls, ashtrays, dishes, or glasses. If the coin remains in one of the top "target" glass items, then the player wins that item.
6. Miscellaneous Games.

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- a. ~~Tip-Em-Up Bottle. The player is provided with a pole and a string which has a hoop or ring attached at the end. The player, using the pole with a hoop or ring, raises a bottle lying on its side to an upright position to win.~~
- b. ~~Hi-Striker. The player, using a wooden or metal maul, strikes a lever target which causes a metal weight to rise on a guide line or track and ring a bell. The player rings the bell a predetermined number of times to win a prize.~~
- e. ~~Rope Ladder. The player climbs a rope ladder, which is anchored at both ends by a swivel, and rings a bell or buzzer to win a prize.~~
- d. ~~Whac-A-Mole. The player, with a rubber mallet, whacks (hits) as many moles as possible in his 5-hole target area. The animated "moles" pop up and down at random through the holes, avoiding getting whac'd by the player. The first player to hit a predetermined number of moles wins.~~
- e. ~~Dip Bowling Game. The player rolls a bowling type ball over a hump in the track. If the ball stays on the back side of the hump, the player wins.~~
- f. ~~Speedball Radar Game. The player throws a specified number of balls past a radar device to establish speed and to enable the player to estimate the speed at which the last ball thrown will pass through the radar device. The player wins a prize if he accurately estimates the speed of the last ball thrown. The radar device shall be mounted and stationary.~~
- g. ~~Horse Race Derby. The player advances his horse by shooting or rolling a ball in a target area. The faster and more skillfully one shoots or rolls his ball into the target area, the faster his horse will run. The first horse to cross over the finish line wins.~~
- h. ~~Shuffleboard. The player pushes pucks down a shuffleboard alley to knock over the pins at the end of an alley. The player wins by knocking down all the pins.~~
- i. ~~Bean Bag. The player tosses or throws a bean bag or simulated bean bag at cans, bottles or other objects on a raised platform. The player wins a prize when he either knocks the objects off the raised platform or tips the targets over.~~
- j. ~~Soccer Kick. The player kicks soccer balls through holes in the target area to win.~~
- k. ~~Pool Table. The player using a pool cue stick and solid white cue ball is given "x" number of shots to shoot at "x" number of multicolored balls into targets or pockets on a pool table. The number of shots and multicolored balls used shall be based on the type of prize to be won. The first shot is to break or separate the multicolored balls from their racked position on the table. During the first shot, any multicolored balls falling into any targets or pockets shall count for the player's total score. After the first shot, the player shall specify which colored ball or balls shall be shot at and the target or pocket where the ball or balls shall end up in. If, after the first shot, the specified ball or balls shot at do not fall into the target or pocket as specified, the player loses the game. If the solid white cue ball falls into a target or pocket on any shot, the player loses the game. The player wins the game when all balls on the table are shot into the specified pockets on successive shots. The pool table surface shall be smooth, level and in good repair at all times.~~
- l. ~~Put Out The Light. The player drops five metal plates measuring four inches in diameter onto a target surface measuring six and three eighths inches in diameter in an effort to completely cover the designated target surface. The plates are dropped from a designated height, which is controlled by an electric beam and buzzer. The buzzer sounds to alert the player and agent of any height violation. If the height is violated and the plate is dropped, the play ends. Once dropped, the plates are not moved until a final determination of a winner is made. The player wins when the surface is completely covered by the plates. Surface and disk size changes may be made in proportion to the measurements listed and are subject to the approval of the Arizona State Fair Games Inspector.~~
- m. ~~Fisharama. The player uses a magnet attached on a line on a pole to catch a predetermined target which is visually distinguishable from the other targets floating in a water-filled elliptic trough. The player wins by catching the predetermined target. The magnets shall be capable of sticking to and picking up each of the potential targets.~~
- n. ~~Flipgame. The player propels an object into a target by using a mechanical launching device. The player positions the object on the launching device and then propels the object by striking the device with a rubber mallet. The player wins by putting the object in the target. The target may be stationary or mobile.~~
- o. ~~Wacky Wire. The player passes a metal wire with a minimum one inch circular opening in the middle of the wire down a curved wire moving clockwise during play. The player wins by passing the wire down to the base of the moving curved wire without touching the moving curved wire. A buzzer shall signify a touch by a player.~~

A. In General. A player tosses each hoop or ring over a target. The object of the game is for the hoop or ring to land on the target, with a portion of the target passing through the hoop or ring.

B. Specific Standards. A concessionaire shall:

1. Advise the player regarding the extent of the target that must pass through the hoop or ring; and
2. Ensure that hoops or rings of the same color at a location are the same size or advise the player of different sizes by posting signs or using color codes to denote different sizes.

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R3-12-202. Prize-limit Dart Games

- A.** Concessionaires with choice prizes may request authorization by the Arizona State Fair Games Inspector or the Midway Coordinator to limit a player to win one choice prize per game stand each day of the Fair. The concessionaire's request shall be made prior to the opening of the Fair and shall be authorized if:
1. The wholesale value of the choice prize is \$25.00 or more.
 2. The choice prize is won by successfully performing the game correctly once.
- B.** If authorized, the concessionaire shall post a sign at the game stating the choice prize limit.
- C.** Choice prize is defined as the most valuable prize with a wholesale value of \$25.00 or more offered at the game.
- A.** General Standards. A concessionaire shall:
1. Ensure that the target area for metal-tip dart games is made of material that will accept and retain a metal tip dart;
 2. Use darts with metal, velcro, or suction cup tips;
 3. Ensure that darts are thrown by hand or propelled by a mechanical device;
 4. Place the target at the back of the location, at least 3 feet but not more than 15 feet from the foul line;
 5. Ensure that the target is stationary at all times; and
 6. Construct the location in a manner that prevents darts from reaching adjoining locations or aisles.
- B.** Game Descriptions and Specific Standards
1. Balloon or Balloon Smash. The targets are inflated balloons. A player throws one or more darts to burst a predetermined number of balloons. If the player bursts the predetermined number of balloons with the darts, the player wins the designated prize.
 2. Dart Throw. The targets are shapes of various sizes located on the target area. A player throws or propels darts individually at a target. If the player hits a predetermined target and the dart remains in or on that target, the player wins the designated prize.
 3. Tic-Tac-Toe Dart. The target is a tic-tac-toe board located on the target area. If a player sticks a dart in each of 3 adjacent spaces on the tic-tac-toe board, either vertically, horizontally, or diagonally, the player wins the designated prize.
 4. Add 'Em Up Darts. The target consists of numbered squares located on the target area. A concessionaire awards prizes based on the total score, calculated by adding the numbers on each square holding a dart. If a dart is stuck on a line, a player may throw the dart again.

R3-12-203. Concession safety Ball Toss Games

No concession shall be operated in a manner which presents a hazard to the safety of the patron or public in general. No equipment shall be used which is not in good, safe operating condition. Material used in the construction of the concession shall be in good, safe condition to meet the concession's intended use. If the Arizona State Fair Games Inspector or an employee designated by the Executive Director believes there is a hazard in either the operation of the concession, the equipment being used, the construction of the concession or any part thereof, the concession shall be closed until corrections are made to the satisfaction of the Arizona State Fair Games Inspector or the designated employee.

- A.** General Standards. A concessionaire shall ensure that:
1. Each ball used at a location is the same weight and size; and
 2. Targets are either of identical weight and size or color-coded to show target differences, or any target difference is described on a sign.
- B.** Game Descriptions and Specific Standards
1. Milk Bottle. A player tosses or throws a specified number of balls at simulated milk bottles. The player wins by either tipping over or knocking bottles off a raised platform as designated by the concessionaire. A Concessionaire may vary the number of bottles and balls used in each game. A concessionaire shall ensure that:
 - a. The bottles are constructed of wood, metal, plastic, or a combination of these materials;
 - b. There are no floating or loose weights in bottles; and
 - c. The weight of each bottle does not exceed 7.5 pounds.
 2. Milk Can. If a player tosses a ball into the opening of a milk can, cone, or similar object, the player wins the designated prize.
 3. Football and Tire. If a player tosses or throws a football through a stationary tire or hoop, the player wins the designated prize.
 4. Basketball and Hoop. If a player tosses or throws a basketball through a basketball or similar hoop, the player wins the designated prize.
 5. Bushel Basket. If a player tosses each ball into a bushel basket or similar object mounted on a stationary backdrop at a fixed angle, and the ball stays in the basket, the player wins the designated prize. If a ball hits the rim and stays in the basket, the player wins the designated prize.
 6. Cat, Circle, Star, or Diamond. If a player tosses each ball into a simulated cat's mouth or a round, diamond-shaped, or star-shaped hole, the player wins the designated prize.
 7. Ping-Pong Ball and Floating Target. A player tosses each ping-pong ball into a dish, saucer, cup, or ashtray floating in water. If a predetermined number of balls remain in the dishes, saucers, cups, or ashtrays, the player wins the designated prize. A concessionaire shall ensure that dishes, saucers, cups, or ashtrays are:

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- a. Not stacked on top of each other; and
- b. In the water and floating at water level.
8. Break the Plate, Record, or Bottle. A player tosses or throws a specified number of balls at a plate, phonograph record, or bottle. The player wins a designated prize based upon the number of targets broken.
9. Punk Rack. The targets for this game are rows of dolls or cats on a ledge at the back of the location. If the player knocks the correct number of dolls or cats over or off of the ledge, the player wins the designated prize. A concessionaire shall ensure that:
 - a. The dolls or cats are filled with sawdust, polystyrene, cotton, or a similar material;
 - b. The hair protruding from the side of the dolls or cats does not exceed three inches.
10. Rolldown. The player rolls a specified number of balls down an alley. The object of the game is to place the balls in numbered slots at the end of the alley. The concessionaire calculates the total score by adding the numbers of the slots that contain a ball at the end of the game. If a player achieves a score above or below a predetermined number, the player wins the designated prize. A concessionaire shall ensure that the alley surface is smooth.
 - a. 3-Pin. The player rolls a specified number of balls down an alley. The object of the game is to knock over all three pins sitting on designated spots in a triangle. A concessionaire shall:
 - i. Set the triangle with the two front pins on a line that is perpendicular to a line coming from the player;
 - ii. Set the front pins so the ball may knock down both pins if the player's roll is between the pins;
 - iii. Mark the alley with a grid and spots for the pins;
 - iv. Ensure that the designated spots are no larger than the base of the pins; and
 - v. Ensure that the alley is a smooth, level surface no more than six feet long.
 - b. Sidewinder. The object of the game is for the player to control a ball rolling down a downward-slanted, multi-curved alley by tilting the alley to one side or the other with a steering wheel. The player wins by putting the ball through a hole at the end of the alley without the ball falling off the alley. Side rails may be used on part of the alley to help the player control the ball. A concessionaire shall ensure that the alley is a smooth, flat surface with a downward angle of no more than 15 degrees.
11. Skee Ball. A player rolls a specified number of balls up a mechanical alley into numbered targets. A mechanical scorer or computer calculates the score to determine whether the player wins the designated prize. A concessionaire shall ensure that the alley surface is smooth.
12. Bank Ball. The object of the game is for a player to bank a ball off the front surface of a sandwich board into a basket located in front of the board's legs. The player shall use only the front surface of the board. A concessionaire shall:
 - a. Ensure that the board is a sandwich board that, together with its legs, is not more than six feet high;
 - b. Ensure that there are two chains attached to the legs to secure the board when it is opened to the standing position;
 - c. Secure the basket to the legs of the sandwich board so that the basket is a minimum of nine inches in front of the board's legs; and
 - d. Ensure that the board surface is smooth.
13. Kiddie Toss. A player throws a velcro-covered ball at a velcro target. If the player hits the target, the player wins the designated prize. If a ball does not stick to a target, the player may throw again with a different ball.

R3-12-204. ~~Posting of fees and rules~~ Shooting Games

- A.** ~~Every game shall have conspicuously posted during all time of operation a sign stating the cost of play, how the game is played, and exactly what is required in order to win each prize offered.~~
- B.** ~~The sign shall be of a permanent material such as wood, metal, masonite or similar sturdy material. The lettering shall be plain, of a contrasting color, and at least two inches in height.~~
- C.** ~~No more than one price shall be charged to play a game, except that a separate price may be charged for children. If a separate children's price is charged, a posted sign shall state the maximum age for the children's price.~~
- A.** In General. A player uses a weapon to shoot a target at the rear of the location. The target may be stationary or mobile.
- B.** Game Descriptions and Specific Standards
 1. Shoot-Out-The-Star or Machine Gun. A concessionaire provides a player with an automatic air pellet gun and 100 pellets to shoot at a star-shaped target. If the player shoots out the entire target, the player wins the designated prize. The concessionaire shall ensure that the star is not more than 1 and 1/4 inch from point to point.
 2. Water Racer. The game involves group competition. A player wins a prize based on the number of players competing. Each player, using a water pistol, shoots water into a target. Water striking the target causes a balloon to inflate or advances an object to ring a bell. The player who bursts the balloon or rings the bell first is the winner.
 3. Rapid Fire. The game involves group competition. Each player uses an electronic pistol to shoot at a target. Hits on the target increase the player's score. The first player to reach a predetermined score is the winner.
 4. Cork Gallery. A player uses a cork gun to shoot at targets located on a shelf. If the player knocks a target over or off the shelf, the player wins a prize. The prize is based on the target knocked over or off the shelf or on the number of targets knocked over or off the shelf. A concessionaire shall ensure that the base of each target has a uniform shape, front and rear.

5. Gun Ball. A player shoots balls at stationary targets in the location. The player wins by knocking down all the targets. A concessionaire shall ensure that:
 - a. The balls are of identical size and weight; and
 - b. The targets are of identical size and weight.

R3-12-205. Prizes Coin Games

- ~~A. All prizes shall be displayed at all times the game is open to the public. No prizes shall be given which are not displayed.~~
- ~~B. No game shall award cash prizes.~~
- ~~C. No concessionaire or agent shall buy back for cash or through any combination of prizes, articles, tickets, numbers or money exchange, any prizes won by a player at the Fair.~~
- ~~D. The determination of appropriate merchandise to be offered as prizes shall be based on:
 1. The safety of the merchandise not only to the player, but persons who may come in contact with the merchandise.
 2. The legality of the merchandise.
 3. The value of the merchandise.~~
- ~~E. Prohibited prizes are:
 1. Weapons of any kind such as firearms, knives, whips, martial art items, bike chains, studded jewelry and accessories, water pistols or guns, pea or bean shooters.
 2. Fireworks and bang caps or bang snaps.
 3. Handcuffs and fingercuffs.
 4. Stretch bottles.
 5. Any obscene items.
 6. Eyeglasses other than sunglasses.
 7. Medicine or drugs of any kind.
 8. Fowl and animals except goldfish.~~
- A. In General. A player uses a token or coin of U.S. denomination. The player pitches or tosses the coin so that it lands and remains on or in a target within the location. The target may be stationary or mobile.
- B. Game Descriptions and Specific Standards
 1. Spot Pitch or Lucky Strike. A player pitches a coin at colored spots located on a table in the center of the location. If the player pitches the coin so that it either touches or stays inside of a spot, the player wins the designated prize.
 2. Plate Pitch. A player pitches a coin onto a glass plate. If the coin remains on the plate, the player wins the designated prize.
 3. Glass Pitch. A player pitches a coin into or onto bowls, ashtrays, dishes, or glasses. If the coin remains in one of the top "target" glass items, the player wins that item.

R3-12-206. Contracts and permits Other Games

- ~~A. No person shall operate any concession at the Fair without first obtaining a contract from the Arizona State Fair.~~
- ~~B. Any person may request an application for space at the Arizona State Fair. Applications for a game concession shall include the name of the game, a description of the game, space requirements, the exact location for all game components, the owner's name and address, and a current photograph of the stand.~~
- ~~C. Contracts issued are nontransferable. The contract for each concession shall be issued only to the owner or lessee of the concession.~~
- ~~D. A schedule of fees for amusement game contracts shall be based on:
 1. Front stand games. Footage requirements of the front of the game space times "X" amount of dollars equals the cost plus insurance costs and utility costs.
 2. Center stand games. Footage requirements of the front and of one side of the game space times "X" amount of dollars equals the cost plus insurance costs and utility costs.
 3. All footage requirements shall be based on a ten-foot minimum.~~
- ~~E. One contract shall be required for each separate game at the Fair, except when:
 1. All of the units of play are in the same location.
 2. The units of play are not separate from each other by any wall, canvas or other partition.
 3. The games are identical.
 4. The prizes are identical.
 5. The price is the same.
 6. When these requirements are met, up to ten units may be included under one Fair contract.~~
- ~~F. All concessions shall display in a conspicuous place the Arizona State Fair concession permit for operation. The permit shall be in view for the Director, Arizona State Fair Games Inspector or Midway Coordinator to locate without disrupting the concession or game. Failure to post the permit shall result in the shutdown of the game until such permit is properly displayed.~~
- ~~G. All concessionaires and agents shall operate during the hours established by the Director or his designee and the Midway Coordinator.~~

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- ~~H.~~ All merchandise offered as prizes shall be listed on the concessionaire's contract.
- ~~I.~~ Game charges to the player, both adult and child's prices, shall be listed on the concessionaire's contract.
- ~~J.~~ Any changes of contracted games shall be designated in an amended contract.
- ~~K.~~ The misrepresentation of game ownership, operation or appearance on the applications or pictures shall be grounds for the cancellation of the concession's contract and the immediate removal of equipment and the operation of the game from the Arizona State Fair.
- A.** Tip-Em-Up Bottle. A concessionaire provides a player with a pole that has a string attached to it at one end. A hoop or ring is attached to the other end of the string. If the player, using this "fishing" pole with a hoop or ring, raises a bottle lying on its side to an upright position, the player wins the designated prize.
- B.** Hi-Striker. A player, using a wooden or metal maul, strikes a lever that causes a metal weight to rise on a guide line or track and ring a bell. If the player rings the bell a predetermined number of times, the player wins the designated prize.
- C.** Rope Ladder. A player climbs a rope ladder that is anchored at both ends, but swivels. If the player rings the bell or buzzer at the top of the ladder, the player wins the designated prize.
- D.** Whac-A-Mole. A player hits as many animated moles as possible with a rubber mallet in a five hole target area. The animated moles pop up and down at random in the holes. The first player to hit a predetermined number of moles wins the designated prize.
- E.** Speed Bump Bowling. A player rolls a bowling ball or similar ball over a hump in a track. If the player rolls the ball to the other side of the hump and the ball remains there, the player wins the designated prize.
- F.** Speedball Radar. A player throws a specified number of balls past a radar device to establish the speed at which the balls are thrown. This enables the player to estimate the speed of the ball. If the player accurately estimates the speed of the last ball thrown, the player wins the designated prize. A concessionaire shall ensure that the radar device is mounted in a stationary position.
- G.** Horse Race Derby. A player advances a horse by shooting or rolling a ball into a target area. The faster and more skillfully the player shoots or rolls the ball into the target area, the faster the player's horse will run. If the player's horse is the first to cross the finish line, the player wins the designated prize.
- H.** Shuffleboard. A player pushes a specified number of pucks down a shuffleboard alley to knock over pins at the end of the alley. If the player knocks down all of the pins, the player wins the designated prize.
- I.** Beanbag. A player tosses or throws a specified number of beanbags or simulated beanbag at cans, bottles, or other objects on a raised platform. If the player knocks one or more objects off of the raised platform or tips one or more targets over, the player wins the designated prize.
- J.** Soccer Kick. If a player kicks a soccer ball through a hole in the target area, the player wins the designated prize.
- K.** Pool Table. A player using a pool cue and solid white cue ball is given a fixed number of chances to shoot a fixed number of multicolored balls into targets or pockets on a pool table. The number of chances and multicolored balls used is based on the type of prize offered. The first shot is to break or separate the multicolored balls from their racked position on the table. During the first shot, any multicolored balls that strike targets or fall into pockets count toward the player's total score. After the first shot, the player shall specify the colored ball or balls and the target or pocket for the ball or balls. If, after the first shot, the specified ball or balls do not strike the target or fall into the pocket specified, the player loses the game. If the solid white cue ball strikes a target or falls into a pocket on any shot, the player loses the game. If the player shoots all balls on the table into the specified targets or pockets using the allotted number of successive shots, the player wins the designated prize. A concessionaire shall ensure that the pool table surface is smooth, level, and in good repair.
- L.** Put Out The Light. A player drops five metal plates measuring four inches in diameter onto a target surface measuring six and 3/8 inches in diameter in an effort to completely cover the target surface. The player drops the plates from a designated height, marked by an electric beam that triggers a buzzer. The buzzer sounds to alert the player and concessionaire of any height violation. If the buzzer sounds and the player drops a plate, the player loses the game. Once dropped, plates are not moved until the concessionaire makes a final determination of a winner. If the player completely covers the surface with the plates, the player wins the designated prize. The concessionaire may change surface and disk size in proportion to the measurements listed above. These changes are subject to the approval of the Arizona State Fair Games Inspector who shall rule on the requested changes immediately.
- M.** Fisharama. A concessionaire provides a player with a pole that has a string attached to it at one end. A magnet is attached to the other end of the string. The player uses the magnet to catch a predetermined target that is visually distinguishable from other targets floating in a water-filled elliptic trough. If the player catches the predetermined target, the player wins the designated prize. The concessionaire shall ensure that the magnets can stick to and pick up each of the potential targets.
- N.** Flipgame. A player propels an object into a target by using a mechanical launching device. The player positions the object on the launching device and then propels the object by striking the device with a rubber mallet. If the player flips the object into the target, the player wins the designated prize. The target may be stationary or mobile.
- O.** Wacky Wire. A player passes a metal wire with a minimum one-inch circular opening in the middle of the wire down a curved wire moving clockwise during play. The player wins by passing the wire down to the base of the moving curved wire without touching the moving curved wire. A buzzer signifies any touch by a player.

R3-12-207. ~~Concessionaire responsibility~~ Repealed

- ~~A. Every concessionaire shall be responsible for all the actions of his agents while the agents are working a concession at the Fair or living on the grounds, including responsibility for their agent's compliance with this Chapter and the laws of the State of Arizona.~~
- ~~B. Concessionaires shall be responsible for supplying uniforms for their agents. The uniforms shall be neat, clean and well-kept in appearance during the hours the Fair is in operation. Agents shall be in uniform all hours the Fair is in operation for identification by Fair patrons, officials and concessionaires.~~

R3-12-208. ~~Conduct~~ Repealed

~~Concessionaires or their agents shall not molest or hinder the public by touching, grabbing or using abusive or obscene language.~~

R3-4-209. ~~Sales location~~ Repealed

~~For the purpose of maintaining an orderly movement of Fair patrons, no concessionaire or agent shall operate or sell more than four feet from his concession.~~

R3-4-210. ~~Sound control~~ Repealed

~~The concessionaire or agent operating a loud speaker at the Fair shall control the volume so as not to interfere with other concessions or become a nuisance to Fair patrons. For the games area, the maximum decibel level is 90. All sound shall be controlled by the Arizona State Fair Games Inspector and Midway Coordinator.~~

R3-12-211. ~~Advertising~~ Repealed

~~False or misleading advertising by banner, word of mouth or otherwise is prohibited.~~

R3-12-212. ~~Height and line designation~~ Repealed

~~All concessionaires and agents shall designate a line behind which the players shall stand to play the game. If the game is trailer mounted, the Arizona State Fair Games Inspector shall determine the height of the base on which the game is set, based upon the safety considerations of R3-12-203 and the fairness to the player of the height of the game.~~

ARTICLE 3. CONCESSIONAIRES

R3-12-301. Safety

- A. A concessionaire shall:
 - 1. Operate a concession in a safe manner; and
 - 2. Use equipment that is in good, safe operating condition.
- B. A concessionaire shall use material in the construction of the concession that is in good, safe condition for the concession's intended use.
- C. If an Arizona State Fair Games Inspector believes there is a hazard in concession operation, equipment, or construction, or any component of the equipment or construction materials, the Inspector shall close the concession until satisfied that the concessionaire has corrected the hazardous condition.

R3-12-302. Posting Prizes and Game Standards

- A. For every game a concessionaire shall conspicuously post, during all times of operation, a sign stating:
 - 1. The price of the game;
 - 2. Clear game instructions and standards; and
 - 3. The exact task the player is required to complete to win the designated prize.
- B. A concessionaire shall use a sign made of wood, metal, masonite, or a similar sturdy material, with block lettering of a contrasting color, at least two inches high.
- C. The concessionaire shall not charge more than one price to play a game, except that the concessionaire may charge a separate price for children. If the concessionaire charges a separate price for children, the concessionaire shall post a sign that states the maximum age for the children's price.

R3-12-303. Prizes

- A. A concessionaire shall display all prizes while the game is open to the public.
- B. A concessionaire shall not:
 - 1. Award prizes that are not displayed;
 - 2. Award cash prizes;
 - 3. Buy back for cash or any combination of prizes, articles, tickets, numbers, or other medium of exchange, any prize won by a player at the Fair; or
 - 4. Offer the following merchandise prizes:
 - a. Weapons of any kind, such as firearms, knives, whips, martial art items, bike chains, studded jewelry and accessories, water pistols or guns, or pea or bean shooters;
 - b. Fireworks of any kind;
 - c. Handcuffs or handcuffs;
 - d. Melted glass bottles;

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- e. Items that are inconsistent with the state's interest in providing entertainment for families and children;
- f. Eye-glasses, other than sunglasses;
- g. Medicine or drugs of any kind; or
- h. Fowl or animals, except goldfish.

C. An Arizona State Fair Games Inspector may prohibit other prizes, based on prize or merchandise:

- 1. Safety;
- 2. Legality; or
- 3. Value.

R3-12-304. Valuable Prize Limit

A. A concessionaire with a valuable prize may request authorization from the Board to limit the number of valuable prizes any player may win to one prize from each game location during each day of the Fair. The concessionaire shall make the request before the Fair opens. The Board shall authorize the valuable prize limit if:

- 1. The wholesale value of the prize is \$25.00 or more; and
- 2. The prize is won by successfully completing the game's activity once.

B. If authorized, the concessionaire shall post a sign at the game location that indicates the valuable prize limit.

R3-12-305. Lease Standards

A. A person shall not operate a concession at the Fair without first leasing a location for the concession from the Board.

B. An applicant shall provide a document, incorporated by a reference in the lease, that lists the dollar value and total number of each type of prize merchandise that will be offered at the Fair.

C. An applicant shall provide a document, incorporated by a reference in the lease, that lists all prices that will be charged for merchandise, services, games, or other entertainment provided to patrons of the Fair.

D. Any person may apply to lease a location at the Fair for a game. An applicant shall send a letter to the Board that contains the name of the game, a description of the game, location requirements, the exact location for all game components, the applicant's name and address, and a current photograph of the stand. A lease is nontransferable. The lease for each game applies only to the concessionaire who enters into the lease.

E. The Board shall determine the rent to be paid under each game concession lease and ensure that this dollar amount is specified in the lease. For front stand games, the rent is computed by multiplying the footage requirements for the front of the game space by a dollar amount determined by the Board and adding any insurance and utility costs. For center stand games, the rent is computed by multiplying the footage requirements for the front and one side of the game space by a dollar amount determined by the Board and adding any insurance and utility costs. The Board shall not use less than a ten-foot minimum footage requirement in its rent calculations.

F. A separate lease is required for each game concession at the Fair unless:

- 1. All games are in the same location;
- 2. The games are not separated by a wall or partition;
- 3. The games are identical;
- 4. The prizes for each game are identical; and
- 5. The price for each game is identical;

G. Upon consideration of the factors in subsections (F)(1) through (F)(5), the Board may include up to ten games under one lease.

H. A concessionaire shall operate during the hours specified in the lease.

I. The Board and the concessionaire may mutually agree to modify the terms of a lease and shall memorialize any modification in an amended lease.

J. The Board shall not lease a location to an applicant if the applicant makes a material misrepresentation on the application or in documents submitted with the application. If a concessionaire has made a material misrepresentation to the Board, the Board shall cancel the concessionaire's lease, using the applicable provision in the lease, and remove the concession from the Fair.

R3-12-306. Uniforms

A concessionaire shall supply uniforms for agents. A concessionaire shall ensure that agents keep the uniforms in a clean and serviceable condition and wear the uniforms during the hours of the Fair.

R3-12-307. Concession Location

A concessionaire shall not sell merchandise or services, conduct games, or provide other entertainment more than four feet from the concession location.

R3-12-308. Sound Control

A concessionaire operating any loudspeaker at the Fair shall control the volume so that the loudspeaker does not interfere with other concessions or adversely affect Fair patrons. For the game concession area, the maximum decibel level for a loudspeaker is 90.

R3-12-309. Height and Line Designation

A concessionaire shall designate a line behind which players stand to play a game. If the game is trailer mounted, an Inspector shall designate the height of the base on which the game is set, based upon safety considerations of R3-12-301 and fairness to the player.