

1987 Senate Bill 493

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1987 Wisconsin Act 329

AN ACT to renumber and amend 945.01 (3); to amend 440.05 (intro.); and to create subchapter V of chapter 440 and 945.01 (3) (b) 3 of the statutes, relating to the regulation of crane games and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 440.05 (intro.) of the statutes is amended to read:

440.05 Standard fees. (intro.) The following standard fee schedule applies to all licenses, permits, registrations and certificates issued under chs. 440 to 459, except s. ss. 440.41 and 440.60 or unless otherwise specifically provided by statute:

SECTION 2. Subchapter V of chapter 440 of the statutes is created to read:

CHAPTER 440
SUBCHAPTER V
CRANE GAMES

440.60 Offering crane games for play; registration.

(1) **DEFINITIONS.** In this section:

(a) "Crane game" means an amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to prizes, toys and novelties, each having a wholesale value which is not more than 7 times the cost charged to play the amusement device once or \$5, whichever is less.

(am) "Set up for the purposes of play" means offer a person, for consideration, an opportunity to play a crane game from which the proceeds will be collected by a person other than the player.

(b) "Skill" means, within an opportunity provided for all players fairly to obtain prizes or rewards of merchandise, a player's precision, dexterity or ability to use his or her knowledge which enables him or her to obtain more frequent rewards or prizes than does another less precise, dexterous or knowledgeable player.

(2) **REGISTRATION REQUIRED; FEE.** (a) No person in this state who owns a crane game may set up for the purposes of play, permit a crane game to be set up for the purposes of play or collect the proceeds of a crane game which is set up for the purposes of play unless the person is registered by the department and unless an identification number issued by the department is affixed to each such crane game owned by the person.

(b) Every person specified under par. (a) shall file with the department, on application forms prescribed by the department and signed by the person, all of the following information:

1. The name and address of the person.

2. The location of each crane game which the person intends to set up for the purposes of play or to permit to be set up for the purposes of play.

(c) A nonrefundable fee of \$120 per crane game to which the conditions of par. (b) apply shall accompany the application under par. (b).

(d) Upon receipt of the application and fee under pars. (b) and (c), the department shall, if the department deems the applicant qualified, issue a certificate of registration for the applicant and an identification number for each crane game for which registration is requested.

(e) The registration issued under par. (d) shall remain in effect unless it is canceled by the department with the advice and consent of the department of justice or unless it is withdrawn by the registered person.

(f) Every person registered under this section shall notify the department of any change in the information required to be furnished by the person under par. (b), within 10 days following the change.

(3) INVESTIGATION AND ENFORCEMENT. (a) In response to a written complaint, the department of justice shall conduct an investigation of any person registered under sub. (2) (d). The department of justice may conduct an inspection of a person registered under sub. (2) (d), of the crane game registered to the person or of the premises on which the crane game is played, at any time.

(am) The department of justice may conduct an investigation to determine if a person who owns a crane game sets up for the purposes of play, permits a crane game to be set up for the purposes of play or collects the proceeds of a crane game which is set up for the purposes of play without being registered under sub. (2) (a).

(b) An action for violation of this section may be prosecuted in any circuit court of this state by the attorney general in the name of the state and, in any such action, the attorney general shall exercise all of the powers and perform all duties which the district attorney would otherwise be authorized to exercise or perform.

(c) The department of regulation and licensing shall reimburse the department of justice for the services of the department of justice under this subsection.

(4) SEIZURE AND SALE. The department of justice may seize any crane game owned by a person who is convicted under sub. (5) and may sell the crane game in the name of the state. The department of justice and its agents are exempt from all liability to the owner of the crane game for the seizure or sale of the crane game. The department of regulation and licensing shall reimburse the department of justice for the services of the department of justice under this subsection.

(5) PENALTY. Any person who violates this section may be required to forfeit not less than \$500 nor more than \$5,000 for each offense. Each day of continued

violation constitutes a separate offense. The period shall be measured by using the dates of the offenses which resulted in convictions.

SECTION 3. 945.01 (3) of the statutes, as affected by 1987 Wisconsin Act 119, is renumbered 945.01 (3) (a) and amended to read:

945.01 (3) (a) A gambling machine is a contrivance which for a consideration affords the player an opportunity to obtain something of value, the award of which is determined by chance, even though accompanied by some skill and whether or not the prize is automatically paid by the machine.

(b) "Gambling machine" does not include any of the following:

1. A device used in conducting a bingo occasion or raffle event under ch. 163 or used in conducting a lottery under ch. 565 or any.

2. Any amusement device if it rewards the player exclusively with one or more nonredeemable free replays for achieving certain scores and does not change the ratio or record the number of the free replays so awarded.

SECTION 4. 945.01 (3) (b) 3 of the statutes is created to read:

945.01 (3) (b) 3. An amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to prizes, toys and novelties, each having a wholesale value which is not more than 7 times the cost charged to play the amusement device once or \$5, whichever is less. In this subdivision, "skill" means, within an opportunity provided for all players fairly to obtain prizes or rewards of merchandise, a player's precision, dexterity or ability to use his or her knowledge which enables him or her to obtain more frequent rewards or prizes than does another less precise, dexterous or knowledgeable player.