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SENATE . . . . . No. 1821

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act further defining a bona fide coin-operated amusement machine..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 271 of the General Laws is hereby amended by inserting, after Section 5A, the following new section:

Section 5B: Bona fide coin-operated amusement machines

(a) For the purposes of this chapter, the following definitions shall apply:

"Some skill" means any presence of the following factors, alone or in combination with one another:

(1) A learned power of doing a thing competently;(2) A particular craft, art, ability, strategy, or tactic;(3) A developed or acquired aptitude or ability;(4) A coordinated set of actions, including, but not limited to, eye-hand coordination;(5) Dexterity, fluency, or coordination in the execution of learned physical or mental tasks or both;(6) Technical proficiency or expertise;(7) Development or implementation of strategy or tactics in order to achieve a goal; or(8) Knowledge of the means or methods of accomplishing a task.

The term “some skill” refers to a particular craft, coordinated effort, art, ability, strategy, or tactic employed by the player to affect in some way the outcome of the game played on a bona fide coin operated amusement machines. If a player can take no action to affect the outcome of the game, the bona fide coin operated amusement machine does not meet the "some skill" requirement of this section.

“Bona fide coin-operated amusement machine" means every machine of any kind or character used by the public to provide amusement or entertainment whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object, and the result of whose operation depends in whole or in part upon the skill of the player, whether or not it affords an award to a successful player, and which can be legally shipped interstate according to federal law. Examples of bona fide coin-operated amusement machines include, but are not limited to, the following:

1. Pinball machines.

2. Console machines, including 8-line slot machines.

3. Video games.

4. Crane machines.

5. Claw machines.

6. Pusher machines.

7. Bowling machines.

8. Novelty arcade games.

9. Foosball or table soccer machines.

10. Miniature racetrack or football machines.

11. Target or shooting gallery machines.

12. Basketball machines.

13. Shuffleboard games.

14. Kiddie ride games.

15. Skeeball machines.

16. Air hockey machines.

17. Roll down machines.

18. Coin-operated pool table or coin-operated billiard table.

19. Any other similar amusement machine which can be legally operated in Massachusetts.

20. Every machine of any kind or character used by the public to provide music whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object, such as jukeboxes or other similar types of music machines.

"Play" is an individual bet that can, apart from any other bet made by a player, result in a winning outcome. More than one play may be made simultaneously on the same amusement machine.

(b) Nothing in this chapter shall apply to a coin operated game or device designed and manufactured for bona fide amusement purposes only which may, by application of some skill, entitle the player to earn replays of the game or device at no additional cost and to discharge the accumulated free replays only by reactivating the game or device for each accumulated free replay or by reactivating the game or device for a portion or all of the accumulated free plays in a single play. This section shall not apply, however, to any game or device classified by the United States government as requiring a federal gaming tax stamp under applicable provisions of the Internal Revenue Code.

(c) (1) Nothing in this chapter shall apply to a coin operated game or device designed and manufactured only for bona fide amusement purposes which involves some skill in its operation if it rewards the player exclusively with:

(A) Free replays;

(B) Merchandise limited to non-cash merchandise, prizes, toys, gift certificates, or novelties, each of which has a wholesale value of not more than $25.00 received for a single play of the game or device;

(C) Points, tokens, vouchers, tickets, or other evidence of winnings which may be exchanged for rewards set out in subparagraph (A) of this paragraph or subparagraph (B) of this paragraph or a combination of rewards set out in subparagraph (A) and subparagraph (B) of this paragraph; or

(D) Any combination of rewards set out in two or more of subparagraph (A), (B), or (C) of this paragraph.

This subsection shall not apply, however, to any game or device classified by the United States government as requiring a federal gaming stamp under applicable provisions of the Internal Revenue Code.

(2) A player of bona fide coin operated amusement games or devices described in paragraph (1) of this section may accumulate winnings for the successful play of such bona fide coin operated amusement games or devices through tokens, vouchers, points, or tickets. Points may be accrued on the machine or device. A player may carry over points on one play to subsequent plays. A player may redeem accumulated tokens, vouchers, or tickets for non-cash merchandise, prizes, toys, gift certificates, or novelties so long as the amount of tokens, vouchers, or tickets received does not exceed $25.00 for a single play.