S T A T E O F N E W Y O R K

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I N A S S E M B L Y

May 10, 2012

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing and Wagering

AN ACT to amend the general municipal law, in relation to electronic bell jar games

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 186 of the general municipal law is amended by adding two new subdivisions 22 and 23 to read as follows:

22. "ELECTRONIC BELL JAR DEVICE" SHALL MEAN A DEVICE OR SYSTEM THAT MAY BE ACTIVATED BY THE INSERTION OF CASH OR A SWIPE CARD THAT PERMITS SUCCESSIVE BELL JAR GAMES TO BE DISPLAYED ON AN ELECTRONIC SCREEN AND PRESERVE SUCH DATA THAT ENABLES THE BOARD TO DETERMINE THAT REVENUES DERIVED FROM THE GAMES ARE PROPERLY ACCOUNTED FOR AND THAT THE INTEGRITY OF THE GAMES IS MAINTAINED. PRIZES MAY BE AWARDED THROUGH A VOUCHER THAT MAY BE ISSUED BY AN ELECTRONIC BELL JAR DEVICE OR THROUGH CREDITS THAT MAY BE RECORDED ON A SWIPE CARD, BOTH OF WHICH MAY BE REDEEMED FOR CASH THROUGH A CASHIER OR OTHER REDEMPTION SYSTEM AUTHORIZED BY THE BOARD.

23. "SWIPE CARD" MEANS A CARD THAT MAY BE PURCHASED FROM AN AUTHORIZED ORGANIZATION AND INSERTED IN AN ELECTRONIC BELL JAR DEVICE, WHICH WILL THEN RECORD WINS AND LOSSES DURING THE COURSE OF PLAYING SUCH ELECTRONIC BELL JAR DEVICE.

S 2. Section 195-n of the general municipal law is amended by adding a new subdivision 1-a to read as follows:

1-A. NO MANUFACTURER OF ELECTRONIC BELL JAR DEVICES SHALL SELL, LEASE OR OTHERWISE DISTRIBUTE SUCH DEVICES TO AN AUTHORIZED ORGANIZATION OR PERMIT ITS ELECTRONIC BELL JAR DEVICES TO BE SOLD, LEASED OR OTHERWISE DISTRIBUTED TO AN AUTHORIZED ORGANIZATION UNTIL SUCH MANUFACTURER HAS BEEN ISSUED A LICENSE BY THE BOARD AND UNTIL AN IDENTICAL DEVICE CONTAINING IDENTICAL PROPRIETARY SOFTWARE HAS BEEN APPROVED BY THE BOARD, PURSUANT TO REGULATIONS ADOPTED BY THE BOARD. AN APPLICATION FOR A LICENSE OR A RENEWAL OF SUCH LICENSE SHALL BE ACCOMPANIED BY A FEE OF ONE THOUSAND DOLLARS AND SHALL BE MADE ON FORMS PRESCRIBED BY THE BOARD. A LICENSE SHALL BE VALID FOR A PERIOD OF ONE YEAR FROM THE DATE OF ISSUANCE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 3. Subdivision 2 of section 195-q of the general municipal law is renumbered subdivision 3 and a new subdivision 2 is added to read as follows:

2. A. WITHIN THREE BUSINESS DAYS AFTER THE SALE, LEASE OR DISTRIBUTION OF AN ELECTRONIC BELL JAR DEVICE TO AN AUTHORIZED ORGANIZATION, A MANUFACTURER SHALL PROVIDE THE BOARD WITH A COPY OF AN INVOICE WHICH SHOWS (I) THE NAME AND ADDRESS OF THE AUTHORIZED ORGANIZATION; (II) THE DATE OF SALE, LEASE OR DISTRIBUTION; (III) THE SERIAL NUMBER OF EACH SUCH DEVICE; AND (IV) SUCH OTHER INFORMATION AS THE BOARD MAY, BY REGULATION, DIRECT.

B. AN AUTHORIZED ORGANIZATION MAY ONLY CONDUCT ELECTRONIC BELL JAR GAMES ON PREMISES THAT IT OWNS OR LEASES.

C. AN ELECTRONIC BELL JAR DEVICE SHALL CONTAIN A SERIES OF BELL JAR GAMES THAT HAVE BEEN APPROVED BY THE BOARD PURSUANT TO SECTION ONE HUNDRED NINETY-FIVE-M OF THIS ARTICLE, EXCEPT THAT PAPER TICKETS SHALL APPEAR AS IMAGES ON AN ELECTRONIC SCREEN. EACH GAME SHALL BE IDENTIFIED BY A UNIQUE SERIAL NUMBER AND THE BELL JAR DEVICE SHALL DIVULGE (I) A DESCRIPTION OF THE GAME; (II) THE TOTAL NUMBER OF TICKETS IN THE GAME; (III) THE PAYOUT PERCENTAGE OF THE GAME; (IV) THE PURCHASE PRICE PER TICKET; AND (V) THE NUMBER AND AMOUNTS OF TICKETS THAT RESULT IN WINNERS. THE AUTHORIZED ORGANIZATION SHALL ALSO MAINTAIN THE FOREGOING INFORMATION IN PRINTED FORM.

D. UPON COMPLETION OF A GAME, THE DATA CONTAINED IN PARAGRAPH C OF THIS SUBDIVISION SHALL BE PRESERVED BY THE ELECTRONIC BELL JAR DEVICE, TOGETHER WITH THE FOLLOWING: (I) THE TIME AND DATE THAT THE GAME BECAME AVAILABLE FOR PLAY; (II) THE TIME AND DATE THAT THE GAME WAS COMPLETED OR REMOVED FROM PLAY; (III) TOTAL AMOUNT OF TICKETS PURCHASED; (IV) TOTAL AMOUNT OF PRIZES AWARDED; AND (V) SUCH OTHER INFORMATION THAT THE BOARD MAY DIRECT, BY REGULATION, THAT ALLOWS THE BOARD TO DETERMINE THAT THE GAME WAS CONDUCTED IN ACCORDANCE WITH LAW.

E. THE INFORMATION CONTAINED IN PARAGRAPH D OF THIS SUBDIVISION, SHALL BE SUBMITTED TO THE BOARD AT SUCH INTERVALS AS THE BOARD, BY REGULATION, MAY DIRECT. THE TOTAL AMOUNT OF TICKETS PURCHASED AND THE TOTAL AMOUNT OF PRIZES AWARDED FOR EACH GAME COMPLETED SHALL ALSO BE COMPILED INTO A MONTHLY REPORT THAT SHALL BE SUBMITTED TO THE BOARD NO LATER THAN THE FIFTEENTH DAY OF THE FOLLOWING MONTH, TOGETHER WITH THE MONTHLY FEE DESCRIBED IN PARAGRAPH F OF THIS SUBDIVISION.

F. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, THE MONTHLY FEE FOR CONDUCTING ELECTRONIC BELL JAR GAMES SHALL BE FIVE PERCENT OF THE DIFFERENCE BETWEEN THE TOTAL AMOUNT FOR TICKETS PURCHASED AND THE TOTAL AMOUNT OF PRIZES AWARDED FOR EACH GAME THAT WAS COMPLETED DURING THE PRECEDING MONTH.

G. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, "NET PROCEEDS" FROM ELECTRONIC BELL JARS SHALL CONSIST OF THE AMOUNTS DERIVED FROM THE SALE OF BELL JAR TICKETS, LESS PAYMENTS FOR PRIZES AWARDED, FEES PAID TO THE BOARD, AND PAYMENTS MADE TO MANUFACTURERS FOR THE PURCHASE, LEASE OR OTHER DISTRIBUTION OF ELECTRONIC BELL JAR DEVICES AND THE SOFTWARE CONTAINED IN SUCH DEVICES.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.