

2007 -- H 6419 SUBSTITUTE A

LC03065/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- PRIZES AND GIFTS

Introduced By: Representatives Brien, Malik, Gablinske, Gallison, and Jackson

Date Introduced: May 22, 2007

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-61.1 of the General Laws entitled "Prizes and Gift Act" is
2 hereby amended by adding thereto the following section:

3 **42-61.1-10. Fishing tournaments prize regulations.** – (a) All fishing tournaments that
4 require a fee for participation and offer prizes of cash or monetary value shall be subject to the
5 following requirements in addition to all other requirements provided in this chapter:

6 (1) All advertising shall clearly state what the requirements are to win the contest.

7 (2) The rules for the tournament shall be fair to participants and not make it unreasonably
8 difficult to meet the condition for the prize and all prizes payout for rules shall be clearly
9 explained.

10 (3) If a fishing tournament uses polygraph tests:

11 (i) The use of polygraph tests shall be conducted in the state of Rhode Island at a time
12 and place that all participants can reasonably make at the time of the tournament or within several
13 hours after the end of the tournament;

14 (ii) All polygraph experts shall be certified and be required to sign an affidavit to confirm
15 that they will conduct an objective test and have not been asked to influence the outcome;

16 (iii) The polygraph tests shall be conducted according to accepted and customary
17 polygraph standards and procedures; and

18 (iv) The test results shall be provided to the participants and they shall have a reasonable
19 period to review the results and retake another test at their own expense if they choose.

1 (4) Tournament operatives shall verify all final prize payments and places of finish.

2 (5) Tournament operatives shall be required to distribute copies of all Rhode Island
3 fishing regulations relating to the tournament to all participants.

4 (b) In any civil action alleging a violation of this section, the court may:

5 (1) Award punitive damages to a prevailing fishing tournament entrant in addition to any
6 award of actual damages;

7 (2) Award reasonable attorneys' fees and costs to a prevailing fishing tournament entrant;
8 and

9 (3) Award injunctive relief against any tournament operative who commits or proposes to
10 commit a violation of this section.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO STATE AFFAIRS AND GOVERNMENT -- PRIZES AND GIFTS

1 This act would regulate fishing tournaments in Rhode Island which require fees for
2 entering and which payout cash or monetary value prizes. It further provides for penalties and
3 damages for violations.

4 This act would take effect upon passage.

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