

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1869 Session of
2007

INTRODUCED BY SONNEY, BRENNAN, J. EVANS, EVERETT, GINGRICH,
GRUCELA, HARKINS, HENNESSEY, JAMES, M. KELLER, KENNEY,
KILLION, KORTZ, KULA, MARSHALL, PETRARCA, PYLE, RAPP,
REICHLEY, ROAE, SAINATO, SEIP, SIPTROTH, SOLOBAY, J. WHITE
AND WOJNAROSKI, OCTOBER 15, 2007

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, OCTOBER 15, 2007

AN ACT

1 Amending the act of December 19, 1988 (P.L.1262, No.156),
2 entitled, as amended, "An act providing for the licensing of
3 eligible organizations to conduct games of chance, for the
4 licensing of persons to distribute games of chance, for the
5 registration of manufacturers of games of chance, and for
6 suspensions and revocations of licenses and permits;
7 requiring records; providing for local referendum by
8 electorate; and prescribing penalties," further providing for
9 licensing of eligible organizations to conduct games of
10 chance.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 10 of the act of December 19, 1988
14 (P.L.1262, No.156), known as the Local Option Small Games of
15 Chance Act, amended December 19, 1990 (P.L.812, No.195) and
16 October 18, 2000 (P.L.602, No.79), is amended to read:

17 Section 10. Licensing of eligible organizations to conduct
18 games of chance.

19 (a) License required.--No eligible organization shall
20 conduct or operate any games of chance unless such eligible

1 organization has obtained and maintains a valid license issued
2 pursuant to this section. Auxiliary groups within eligible
3 organizations shall be eligible to conduct small games of chance
4 using the license issued to the eligible organization provided
5 that the auxiliary group or groups are listed on the application
6 and license of the eligible organization. No additional
7 licensing fee shall be charged for an auxiliary group's
8 eligibility under this act. Auxiliary groups shall not include
9 branches, lodges or chapters of a Statewide organization.

10 (b) Issuance and fees.--The licensing authority shall
11 license, upon application, within 30 days any eligible
12 organization meeting the requirements for licensure contained in
13 this act to conduct and operate games of chance at such
14 locations within the county or in such manner as stated on the
15 application as limited by subsection (b.1). The license fee to
16 be charged to each eligible organization shall be \$100, except
17 for limited occasion licenses which shall be \$10. Licenses shall
18 be renewable annually upon the anniversary of the date of issue.

19 (b.1) Location of small games of chance.--Where there exists
20 a location or premises which is the normal business or operating
21 site of the eligible organization and is owned or leased by that
22 eligible organization to conduct its normal business, that site
23 shall be the licensed premises for small games of chance
24 conducted by the eligible organization. If that location
25 consists of more than one building and the eligible organization
26 wishes to conduct its games in a different building at that
27 location from the one that is listed on its application and
28 license, the eligible organization must notify, in writing, the
29 district attorney and the licensing authority of the change in
30 building site and the dates and times that will be affected.

1 When an eligible organization does not own or lease a specific
2 location to conduct its normal business, that eligible
3 organization may use another eligible organization's premises to
4 conduct its games or may make such other arrangements that are
5 consistent with this act, including, but not limited to, leasing
6 a premise under a written agreement for a rental which is not
7 determined by either the amount of receipts realized from the
8 playing of games of chance nor the number of people attending
9 except that an eligible organization may lease a facility for a
10 banquet where a per head charge is applied in connection with
11 the serving of a meal. When such eligible organization changes
12 the site of its games from that which is listed on its
13 application and license, the eligible organization must notify,
14 in writing, the district attorney and licensing authority of the
15 change in their games' site and dates and times that will be
16 affected.

17 (b.2) Off-premises games of chance.--Notwithstanding any
18 other provisions of this section, an eligible organization may
19 conduct small games of chance at a location off its premises
20 when such games are part of an annual carnival, fair, picnic or
21 banquet held or participated in by that eligible organization on
22 a historical basis. The eligible organization must notify, in
23 writing, the district attorney and licensing authority of the
24 location, date and times of such events where it will be
25 conducting small games of chance.

26 (b.3) Limited occasion licenses.--Eligible organizations
27 which do not own their own premises or which do not lease a
28 specific location to conduct their normal business may apply for
29 a limited occasion license to conduct small games of chance on
30 not more than three occasions covering a total of seven days

1 during a licensed year. A limited occasion license entitles
2 eligible organizations holding such a license to conduct no more
3 than two raffles during a licensed year where prizes may not
4 exceed the established limits for regular monthly raffles.
5 Holders of limited occasion licenses may not apply or be granted
6 any other license or special permit under this act. No holder of
7 a regular license or special permit under this act shall apply
8 or be granted a limited occasion license.

9 (b.4) Gambling facility prohibited.--It shall be unlawful
10 for a person, corporation, association, partnership or other
11 business entity to offer for rent or offer for use a building or
12 facility to be used exclusively for the conducting of small
13 games of chance. It shall also be unlawful for any eligible
14 organization to lease under any terms a facility or building
15 which is used exclusively for the conducting of small games of
16 chance.

17 (c) Display.--Licenses issued pursuant to this section shall
18 be publicly displayed at the site of the small games of chance.

19 (d) Operation.--Each licensed eligible organization shall
20 comply with the following restrictions and rules governing the
21 operation of games of chance:

22 (1) No person under 18 years of age shall be permitted
23 to operate or play games of chance.

24 (2) No eligible organization shall permit any person who
25 has been convicted of a felony in a Federal or State court
26 within the past five years or has been convicted in a Federal
27 or State court within the past ten years of a violation of
28 the act of July 10, 1981 (P.L.214, No.67), known as the Bingo
29 Law, or of this act to manage, set up, supervise or
30 participate in the operation of games of chance.

1 (3) No eligible organization shall pay any compensation
2 to any person for conducting any games of chance. Games of
3 chance may only be conducted by managers, officers,
4 directors, bar personnel and bona fide members of the
5 eligible organization.

6 (4) Games shall be conducted only on the licensed
7 premises or as otherwise provided by this act.

8 (5) The eligible organization shall not lease such
9 premises under either an oral or a written agreement for a
10 rental which is determined by either the amount of receipts
11 realized from the playing of games of chance or the number of
12 people attending, except that an eligible organization may
13 lease a facility for a banquet where a per head charge is
14 applied in connection with the serving of a meal. An eligible
15 organization shall not lease such premises from any person
16 who has been convicted of a violation of this act within the
17 past ten years.

18 (6) Games, other than raffles, daily drawings and weekly
19 drawings, shall be purchased only from manufacturers and
20 distributors approved by the department.

21 (7) No licensed eligible organization shall permit its
22 premises to be used for small games of chance by another
23 licensed eligible organization at the same time that it is
24 conducting small games of chance on the premises. When a
25 licensed eligible organization is permitting another licensed
26 eligible organization to use its premises for purposes of
27 small games of chance, it must cease the operation of its own
28 small games of chance during the period that the other
29 licensed eligible organization is conducting its games on the
30 premises.

1 (8) (i) Raffle tickets may be sold off the licensed
2 premise in any municipality in this Commonwealth which
3 has adopted the provisions of this act by an affirmative
4 vote in a municipal referendum. A licensed eligible
5 organization which plans to sell raffle tickets in a
6 municipality located in a county other than the county in
7 which the eligible organization is licensed must notify
8 that county's district attorney and licensing authority
9 as to the location and the dates that the eligible
10 organization plans to sell raffle tickets.

11 (ii) Raffle tickets may be sold off the licensed
12 premises in any licensed eating place, restaurant or
13 retail dispenser as defined under section 102 of the act
14 of April 12, 1951 (P.L.90, No.21), known as the Liquor
15 Code. A licensed eligible organization which plans to
16 sell raffle tickets at any licensed eating place,
17 restaurant or retail dispenser must notify the county's
18 district attorney and licensing authority as to the
19 location of the eating place, restaurant or retail
20 dispenser and the dates that the eligible organization
21 plans to sell raffle tickets at the club.

22 (e) Application for license.--Each eligible organization
23 shall apply to the licensing authority for a license on a form
24 to be prescribed by the Secretary of Revenue. The form shall
25 contain an affidavit to be affirmed by the executive officer or
26 secretary of the eligible organization stating that:

27 (1) No person under 18 years of age will be permitted by
28 the eligible organization to operate or play games of chance.

29 (2) The facility in which the games of chance are to be
30 played has adequate means of ingress and egress and adequate

1 sanitary facilities available in the area.

2 (3) The eligible organization is not leasing such
3 premises from the owner thereof under an oral agreement, nor
4 is it leasing such premises from the owner thereof under a
5 written agreement at a rental which is determined by the
6 amount of receipts realized from the playing of games of
7 chance or by the number of people attending, except that an
8 eligible organization may lease a facility for a banquet
9 where a per head charge is applied in connection with the
10 serving of a meal.

11 (f) List of licensees.--The licensing authority, on a
12 semiannual basis, shall send a copy of all licensees to the
13 Department of Revenue.

14 (g) List of municipalities.--The licensing authority shall
15 include with any license or renewal issued to an eligible
16 organization, an up-to-date listing of those municipalities
17 within the licensing county which have approved the referendum
18 question on small games of chance.

19 Section 2. This act shall take effect in 60 days.