

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1840 Session of 2013

INTRODUCED BY D. COSTA, DeLUCA, YOUNGBLOOD, MUSTIO, KOTIK,  
V. BROWN, MILLARD, KORTZ, CALTAGIRONE, COHEN, MOLCHANY,  
MULLERY, WHITE, FARRY AND GROVE, NOVEMBER 18, 2013

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, NOVEMBER 18, 2013

AN ACT

1 Amending the act of July 10, 1981 (P.L.214, No.67), entitled "An  
2 act relating to the lawful conduct of bingo, prescribing  
3 penalties and making a repeal," further defining  
4 "association" and adding definitions; and further providing  
5 for rules for licensing and operation.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. The definition of "association" in section 3 of  
9 the act of July 10, 1981 (P.L.214, No.67), known as the Bingo  
10 Law, amended December 15, 1982 (P.L.1299, No.293), is amended  
11 and the section is amended by adding definitions to read:

12 Section 3. Definitions.

13 The following words and phrases when used in this act shall  
14 have, unless the context clearly indicates otherwise, the  
15 meanings given to them in this section:

16 "Association." A volunteer fire company or an ambulance,  
17 religious, charitable, fraternal, veterans, civic, county fair  
18 or agricultural association, or any separately chartered  
19 auxiliary of any of the above associations, organized as a

1 nonprofit organization which shall have existed, and conducted  
2 business in furtherance of their written constitution, charter,  
3 articles of incorporation or bylaw express purpose, for two  
4 years prior to application for a license: Provided, however,  
5 That an association whose membership consists exclusively of  
6 elderly residents of a senior citizen housing project may apply  
7 for a license immediately upon its being organized as such and  
8 need not meet the two-year waiting requirement[.], and Provided,  
9 further, That the two-year waiting requirement shall not apply  
10 to a bona fide consolidated volunteer fire company, if each  
11 volunteer fire company included in the merger or consolidation  
12 establishing the consolidated entity holds a valid and current  
13 bingo license. A consolidated entity may apply for a bingo  
14 license immediately upon it being determined and verified to be  
15 a bona fide consolidated volunteer fire company. This term  
16 shall not be interpreted to include political organizations as  
17 associations eligible for a bingo license. An association shall  
18 not be denied a bingo license because its name denotes  
19 affiliation with a political organization if in fact the  
20 association is not a political organization as evidenced by its  
21 written constitution, charter, articles of incorporation or  
22 bylaw express purpose.

23 \* \* \*

24 "Consolidated entity." A bona fide consolidated volunteer  
25 fire company.

26 "Consolidated volunteer fire company" or "bona fide  
27 consolidated fire company." Two or more volunteer fire  
28 companies which merge or consolidate their use of facilities,  
29 equipment, firefighters and services to provide fire protection  
30 or rescue services and which may offer other voluntary emergency

services within this Commonwealth. Voluntary emergency services  
provided by a consolidated volunteer fire company may include  
voluntary ambulance and voluntary rescue services.

\* \* \*

Section 2. Section 5(a) and (d) of the act, amended December  
15, 1982 (P.L.1299, No.293) and February 12, 1988 (P.L.76,  
No.14), are amended to read:

Section 5. Rules for licensing and operation.

(a) Issuance and fee.--

(1) The licensing authority shall license, upon  
application, any association as defined in section 3 to  
conduct the game of bingo at one location in the county,  
which, when in a county of the second class, shall only be in  
the city, borough or township where the main business office  
or headquarters of the association is located. The county  
treasurer of a county of the second class shall indicate on  
each license the city, borough or township where the  
association may conduct bingo. The single municipal location  
limitation shall not apply to a group of licensed  
associations conducting bingo at a central location. The  
license fee to be charged to each nonprofit association shall  
be \$100 per annum except to those recognized senior citizens'  
groups who conduct bingo for their members only the fee shall  
be \$50 per annum. The license fee to be charged to each  
agricultural association or county fair shall be \$100 per  
annum. Associations which conduct bingo only one period each  
year for not more than three consecutive days shall be  
charged \$15 for the issuance of their license. The fees  
collected pursuant to this section shall be paid by the  
licensing authority into the general fund of the county and

1 used for county purposes. All records retained by the  
2 licensing authority relating to the issuance of bingo  
3 licenses and bingo permits shall be public information.

4 (2) The municipal location limitation applicable to the  
5 conduct of bingo in a county of the second class shall not  
6 apply to two or more volunteer fire companies that merge or  
7 consolidate their use of facilities, equipment, firefighters  
8 and services, provided that the consolidated entity is in  
9 fact a bona fide consolidated volunteer fire company as  
10 determined and verified in accordance with the requirements  
11 of 35 Pa.C.S. § 7814 (relating to consolidated incentive).

12 (3) Notwithstanding the single municipal location  
13 requirement of paragraph (1), if it is determined that the  
14 applicant is a bona fide consolidated volunteer fire company  
15 operating in a county of the second class, such consolidated  
16 volunteer fire company is hereby authorized to conduct the  
17 game of bingo at two locations in the county of the second  
18 class of which one location shall be in the city, borough or  
19 township where the main business office or headquarters of  
20 the merged or consolidated volunteer fire company is located.  
21 The license fee to be charged a merged or consolidated  
22 volunteer fire company that conducts bingo at two locations  
23 in a county of the second class shall be \$100 per annum for  
24 each such location. The county treasurer of a county of the  
25 second class shall indicate on each license the city, borough  
26 or township where the merged or consolidated volunteer fire  
27 company may conduct bingo.

28 \* \* \*

29 (d) Application for license.--Each association shall apply  
30 to the licensing authority for a license on a form to be

1 prescribed by the Secretary of the Commonwealth. Said form shall  
2 contain an affidavit to be affirmed by the executive officer or  
3 secretary of the association stating that:

4       (1) No person under the age of 18 will be permitted by  
5 the association to play bingo unless accompanied by an adult.

6       (2) The facility in which any game of bingo is to be  
7 played does have adequate means of ingress and egress and  
8 adequate sanitary facilities available in the area.

9       (3) The association is the sole or joint owner with a  
10 licensed association of the equipment used in playing bingo  
11 or it leases the equipment from another licensed association  
12 under a written agreement for a fee which is not determined  
13 by the amount of receipts realized from the playing of bingo  
14 or the number of people attending bingo games. This paragraph  
15 shall not apply to associations contracting with charitable  
16 organizations or outside operators to conduct bingo at  
17 expositions, carnivals or fairs.

18       (4) The association is the owner of both the premises  
19 upon which bingo is played and the personal property used in  
20 the conduct of the game or, if it is not, that the  
21 association is not leasing such premises or personal property  
22 from the owner thereof under an oral agreement, nor is it  
23 leasing such premises or personal property from the owner  
24 thereof under a written agreement at a rental which is  
25 determined by either the amount of receipts realized from the  
26 playing of bingo or the number of people attending bingo  
27 games, nor is it leasing such premises or personal property  
28 from a person who has been convicted of a felony or a  
29 violation of this act.

30       (5) The association will not conduct the playing of

bingo more than twice per week in any one week, except those associations conducting bingo at expositions, carnivals or fairs.

(6) The association in any calendar day will not award a total of more than \$4,000 in prizes.

(7) The association is a nonprofit association as defined in this act.

(8) The association is a merged or consolidated volunteer fire company in a county of the second class and will conduct bingo at two locations in such county.

\* \* \*

Section 3. This act shall take effect in 60 days.