

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2410 Session of
2004

INTRODUCED BY SEMMEL, TIGUE, LEH, BELFANTI, BENNINGHOFF,
CAPPELLI, CORRIGAN, GEIST, GRUCELA, HALUSKA, HARHAI, KOTIK,
MARKOSEK, McCALL, PAYNE, SAINATO, SANTONI, SOLOBAY,
WASHINGTON, PALLONE AND MILLARD, MARCH 8, 2004

REFERRED TO COMMITTEE ON FINANCE, MARCH 8, 2004

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 providing for rules
4 for licensing and operation.

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

7 Section 1. Section 5(c) and (d) of the act of July 10, 1981
8 (P.L.214, No.67), known as the Bingo Law, amended December 15,
9 1982 (P.L.1299, No.293) and February 12, 1988 (P.L.76, No.14),
10 are amended to read:

11 Section 5. Rules for licensing and operation.

12 * * *

13 (c) Operation.--Each licensed association shall comply with
14 the following restrictions and rules governing the operation of
15 bingo:

16 (1) No person under the age of 18 shall be permitted to
17 play bingo unless accompanied by an adult.

18 (2) No association shall conduct bingo more than twice

1 in any one week, except an association shall be permitted to
2 conduct the game of bingo for a period not to exceed ten days
3 at the association's exposition, carnival or fair site in
4 addition to the regularly scheduled games.

5 (3) Prizes awarded shall not exceed a value of \$250 for
6 any one game of bingo, except [for jackpot] as follows:

7 (i) Jackpot games, which shall not exceed a value of
8 \$2,000 for one such game.

9 (ii) Mega bingo games, which shall not exceed a
10 value of \$25,000 for one such game, and shall not be
11 conducted more than once in any one month.

12 (iii) Winner-takes-all games, which shall pay out
13 100% of the gross revenues generated from the bingo game.

14 In addition, no more than [\$4,000 in prizes] \$8,000 in
15 prizes, excluding prizes under subparagraphs (ii) or
16 (iii), shall be awarded in any calendar day.

17 [(4) Only associations licensed to conduct bingo shall
18 be permitted to advertise their bingo games. Such
19 advertisements shall contain the date, time, location,
20 whether cash or merchandise prizes will be awarded and the
21 name of the association licensed to conduct the bingo game
22 and the name of the individual in charge of the operation of
23 the game. An association shall not advertise the prizes or
24 their dollar value which will be awarded nor shall they
25 advertise a guaranteed prize dollar value.]

26 (5) The association shall own the equipment used in
27 playing bingo or shall sign a written agreement leasing the
28 equipment from another licensed association for a fee which
29 is not determined by the amount of receipts realized from the
30 playing of bingo or the number of people attending bingo

1 games. Joint ownership of bingo equipment shall be permitted
2 only if both owners of the equipment are licensed
3 associations. This paragraph shall not apply to associations
4 contracting charitable organizations or outside operators to
5 conduct bingo at expositions, carnivals or fairs.

6 (6) The association shall own both the premises upon
7 which bingo is played and the personal property used in the
8 conduct of the game, or if it does not, the association shall
9 sign a written agreement leasing such premises or personal
10 property from the owner thereof for a fee which is not
11 determined by either the amount of receipts realized from the
12 playing of bingo or the number of people attending bingo
13 games. An association shall not lease such premises or
14 personal property from any person who has been convicted of a
15 felony or a violation of this act. More than one association
16 may lease the same premises for the conducting of bingo and
17 each association shall have its own license.

18 (7) Each association shall keep written records of the
19 moneys and merchandise collected and distributed for each day
20 they conduct bingo. These records shall indicate the total
21 proceeds collected, the total prize money distributed, the
22 total value of all merchandise awarded as a prize and the
23 amount of moneys paid as rentals or wages and to whom such
24 rentals or wages were paid. All prizes awarded having a value
25 greater than \$250 shall be specifically described in the
26 association's records. Each association shall report to the
27 Department of Revenue prizes awarded as required by Internal
28 Revenue Service regulations.

29 (8) Each association shall deposit with a financial
30 institution all proceeds for each day's bingo game in an

1 account in the association's name. This deposit shall be made
2 before any of the proceeds may be used for any other purpose,
3 except for payment of prize money and compensation to members
4 employed in the operation of the game.

5 (9) No association shall permit any person who is not a
6 bona fide member of the association or who has been convicted
7 of a felony or a violation of this act to manage, set up,
8 supervise or participate in the operation of the
9 association's bingo games. Nothing contained in this act
10 shall be construed to prohibit individuals under 18 years of
11 age from participating in the operation of the game and being
12 compensated therefor if written permission is obtained from
13 their parent or guardian.

14 (10) Associations which obtain a license for the purpose
15 of conducting bingo at an exposition, carnival or fair for a
16 period not exceeding ten days shall be permitted to contract
17 a charitable organization to manage, set up, supervise or
18 participate in the operation of the bingo game provided only
19 merchandise prizes are awarded. Only bona fide members of the
20 contracted charitable organization shall be permitted to
21 participate in the operation of the bingo game. If no
22 charitable organizations are available, the association may
23 contract an outside operator to conduct the game for
24 merchandise at the exposition, carnival or fair site. The
25 provisions of this paragraph shall not be construed to allow
26 bingo games to be ordinarily carried out on a commercial
27 basis in this Commonwealth.

28 (11) No person shall participate in the operation of
29 bingo games on more than four days in any calendar week,
30 which games may be operated by no more than two different

1 licensed associations. This provision shall not apply to
2 persons engaged in the operation of bingo for merchandise at
3 expositions, carnivals or fairs not exceeding ten days in
4 duration.

5 (12) No supplier of merchandise nor any person who has
6 been convicted of a felony or a violation of this act shall
7 have a pecuniary interest in the operation or proceeds of the
8 bingo game.

9 (d) Application for license.--Each association shall apply
10 to the licensing authority for a license on a form to be
11 prescribed by the Secretary of the Commonwealth. Said form shall
12 contain an affidavit to be affirmed by the executive officer or
13 secretary of the association stating that:

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

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

19 (3) The association is the sole or joint owner with a
20 licensed association of the equipment used in playing bingo
21 or it leases the equipment from another licensed association
22 under a written agreement for a fee which is not determined
23 by the amount of receipts realized from the playing of bingo
24 or the number of people attending bingo games. This paragraph
25 shall not apply to associations contracting with charitable
26 organizations or outside operators to conduct bingo at
27 expositions, carnivals or fairs.

28 (4) The association is the owner of both the premises
29 upon which bingo is played and the personal property used in
30 the conduct of the game or, if it is not, that the

1 association is not leasing such premises or personal property
2 from the owner thereof under an oral agreement, nor is it
3 leasing such premises or personal property from the owner
4 thereof under a written agreement at a rental which is
5 determined by either the amount of receipts realized from the
6 playing of bingo or the number of people attending bingo
7 games, nor is it leasing such premises or personal property
8 from a person who has been convicted of a felony or a
9 violation of this act.

10 (5) The association will not conduct the playing of
11 bingo more than twice per week in any one week, except those
12 associations conducting bingo at expositions, carnivals or
13 fairs.

14 (6) The association in any calendar day will not award a
15 total of more than [\$4,000 in prizes] \$8,000 in prizes,
16 except as provided under section 4(c)(3).

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

19 * * *

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