

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 765

Session of
2005

INTRODUCED BY GODSHALL, LaGROTTA, BELFANTI, CALTAGIRONE,
CRAHALLA, FRANKEL, MCGILL, PRESTON, SOLOBAY, BALDWIN,
SAINATO, GRUCELÀ AND YOUNGBLOOD, MARCH 14, 2005

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,
MARCH 14, 2005

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," regulating the lawful
9 conduct of bingo; prescribing penalties; making a related
10 repeal; and making editorial changes.

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- 23 not restricted.
- 24 The General Assembly of the Commonwealth of Pennsylvania
- 25 hereby enacts as follows:
- 26 Section 1. The title of the act of December 19, 1988
- 27 (P.L.1262, No.156), known as the Local Option Small Games of
- 28 Chance Act, amended December 19, 1990 (P.L.812, No.195), is
- 29 amended to read:

30 AN ACT

1 Providing for the licensing of eligible organizations to conduct
2 games of chance, for the licensing of persons to distribute
3 games of chance, for the registration of manufacturers of
4 games of chance, and for suspensions and revocations of
5 licenses and permits; requiring records; providing for local
6 referendum by electorate; regulating the lawful conduct of
7 bingo; and prescribing penalties.

8 Section 2. The act is amended by adding a chapter heading to
9 read:

CHAPTER 1

PRELIMINARY PROVISIONS

12 Section 3. Section 1 of the act is amended to read:

13 Section [1] 101. Short title.

14 This act shall be known and may be cited as the Local Option
15 Small Games of Chance and Bingo Act.

16 Section 4. The act is amended by adding a chapter heading to
17 read:

CHAPTER 3

LOCAL OPTION SMALL GAMES OF CHANCE

20 Section 5. Section 2 of the act is amended to read:

21 Section [2] 301. Legislative intent.

22 The General Assembly hereby declares that the playing of
23 small games of chance for the purpose of raising funds, by
24 certain nonprofit associations, for the promotion of charitable
25 or civic purposes, is in the public interest.

26 It is hereby declared to be the policy of the General
27 Assembly that all phases of licensing, operation and regulation
28 of small games of chance be strictly controlled, and that all
29 laws and regulations with respect thereto as well as all
30 gambling laws should be strictly construed and rigidly enforced.

1 The General Assembly recognizes the possibility of
2 association between commercial gambling and organized crime, and
3 wishes to discourage commercialization of small games of chance,
4 prevent participation by organized crime and prevent the
5 diversion of funds from the purposes herein authorized.

6 Section 6. Section 3 of the act, amended December 19, 1990
7 (P.L.812, No.195) and October 18, 2000 (P.L.602, No.79), is
8 amended to read:

9 Section [3] 302. Definitions.

10 The following words and phrases when used in this [act]
11 chapter shall have the meanings given to them in this section
12 unless the context clearly indicates otherwise:

13 "Bona fide member." Any individual who holds a membership in
14 the eligible organization as defined by that organization's
15 constitution, charter, articles of incorporation or bylaws.

16 "Charitable organization." A not-for-profit group or body of
17 persons which is created and exists for the purpose of
18 performing a humane service; promoting the good and welfare of
19 the aged, poor, infirm or distressed; combating juvenile
20 delinquency; or advancing the spiritual, mental, social and
21 physical improvement of young men and women.

22 "Civic and service associations." Any Statewide or branch,
23 lodge or chapter of a nonprofit national or State organization
24 which is authorized by its written constitution, charter,
25 articles of incorporation or bylaws to engage in a civic or
26 service purpose within this Commonwealth, which shall have
27 existed in this Commonwealth for one year. The term also means a
28 similar local nonprofit organization, not affiliated with a
29 national or State organization, which is recognized by a
30 resolution adopted by the governing body of the municipality in

1 which the organization conducts its principal activities. The
2 term shall include, but not be limited to, bona fide sportsmen's
3 and wildlife associations, federations or clubs, Statewide or
4 local in nature, volunteer fire companies, volunteer rescue
5 squads and volunteer ambulance associations and bona fide senior
6 citizens organizations. In the case of bona fide senior citizens
7 organizations, the licensing authority may accept alternative
8 documentation for proof of purposes when there are no bylaws or
9 articles of incorporation in existence. The term shall also
10 include nonprofit organizations which are established to promote
11 and encourage participation and support for extracurricular
12 activities within the established primary and secondary public,
13 private and parochial school systems. Such organizations must be
14 recognized by a resolution adopted by the appropriate governing
15 body. In the case of organizations associated with the public
16 school system, the governing body shall be the school board of
17 the school district. In the case of private or parochial school
18 organizations, that body shall be either the board of trustees
19 or the Archdiocese.

20 "Club." A club, as defined in section 102 of the act of
21 April 12, 1951 (P.L.90, No.21), known as the Liquor Code, that
22 qualifies as an exempt organization under section 501(c) or 527
23 of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. §
24 501(c) or 527) and is licensed to sell liquor at retail and has
25 a charitable, religious or civic purpose or is organized to
26 benefit a political party.

27 "Daily drawing." A game in which a bona fide member selects
28 or is assigned a number for a chance at a prize with the winner
29 determined by [a] random drawing to take place on the eligible
30 organization's premises [during the same operating day]. The

1 term includes games commonly known as "member sign-in lotteries"
2 and "half-and-half lotteries." Nothing in this [act] chapter
3 shall be construed to prohibit the carrying over of a jackpot
4 where the winning number has not been entered in the game on a
5 particular operating day. Daily drawing winners may be
6 determined with the aid of a passive selection device or
7 reference to drawings conducted by the department pursuant to
8 the act of August 26, 1971 (P.L.351, No.91), known as the State
9 Lottery Law. Daily drawing chances may not be sold for an amount
10 in excess of \$1, and no more than one chance per individual may
11 be sold [to an individual during the same operating day.] per
12 drawing. Nothing in this definition shall restrict an eligible
13 organization from conducting more than one drawing per day.

14 "Department." The Department of Revenue of the Commonwealth.

15 "Dispensing machine." A device designed exclusively for the
16 dispensing of the games of chance authorized by this [act]
17 chapter, including, but not limited to, ticket jars, fish bowls
18 and stamp machines. Nothing in this [act] chapter shall be
19 construed to authorize devices commonly known as "slot machines"
20 or "video poker."

21 "Eligible organizations." Includes qualifying nonprofit
22 charitable, religious, fraternal and veterans organizations,
23 clubs and civic and service associations [as defined by this
24 act]. In order to qualify as an eligible organization for
25 purposes of this [act] chapter, an organization shall have been
26 in existence and fulfilling its purposes for one year prior to
27 the date of application for a license.

28 "Fraternal organizations." A nonprofit organization within
29 this Commonwealth which is created and carried on for the mutual
30 benefit of its members, has a limited membership and a a

1 representative form of government and is a branch, lodge or
2 chapter of a national or State organization. Such organizations
3 shall have been in existence in this Commonwealth and fulfilling
4 their purposes for one year prior to the date of application for
5 a license.

6 "Games of chance." Punchboards, daily drawings, weekly
7 drawings, raffles and pull-tabs, as defined in this [act]
8 chapter, provided that no such game shall be played by or with
9 the assistance of any mechanical or electrical devices or media
10 other than a dispensing machine or passive selection device and
11 further provided that the particular chance taken by any person
12 in any such game shall not be made contingent upon any other
13 occurrence or the winning of any other contest, but shall be
14 determined solely at the discretion of the purchaser. This
15 definition shall not be construed to authorize any other form of
16 gambling currently prohibited under any provision of Title 18 of
17 the Pennsylvania Consolidated Statutes (relating to crimes and
18 offenses). Nothing in this [act] chapter shall be construed to
19 authorize games commonly known as "slot machines" or "video
20 poker."

21 "Law enforcement official." A municipal police officer, a
22 member of the Pennsylvania State Police, the sheriff of a county
23 or a deputy sheriff.

24 "License." A license to conduct games of chance.

25 "Licensing authority." The county treasurer, or in any home
26 rule county or city of the first class, where there is no
27 elected treasurer, the designee of the governing authority.

28 "Municipality." A city, borough, incorporated town or
29 township or a home rule municipality formerly classified as a
30 city, borough, incorporated town or township.

1 "Passive selection device." A device which is used to hold
2 or denote the universe of possible winning numbers or entrants
3 in a daily drawing or raffle. Such a device may not have the
4 capability of being utilized to conduct or aid in the conducting
5 of unauthorized or illegal forms of gambling.

6 "Public interest purposes." One or more of the following:

7 (1) Benefiting persons by enhancing their opportunity
8 for religious or education advancement, by relieving or
9 protecting them from disease, suffering or distress, by
10 contributing to their physical, emotional or social well-
11 being, by assisting them in establishing themselves in life
12 as worthy and useful citizens or by increasing their
13 comprehension of and devotion to the principles upon which
14 this nation was founded.

15 (2) Initiating, performing or fostering worthy public
16 works or enabling or furthering the erection or maintenance
17 of public structures.

18 (3) Lessening the burdens borne by government or
19 voluntarily supporting, augmenting or supplementing services
20 which government would normally render to the people.

21 (4) Improving, expanding, maintaining or repairing real
22 property owned or leased by an eligible organization and used
23 for purposes specified in paragraphs (1), (2) and (3). The
24 term does not include the erection or acquisition of any real
25 property, unless the property will be used exclusively for
26 one or more of the purposes specified in this definition.

27 "Pull-tab." A single folded or banded ticket or a strip
28 ticket or card with a face covered to conceal one or more
29 numbers or symbols, where one or more of each set of tickets or
30 cards has been designated in advance as a winner.

1 "Punchboard." A board, placard or other device marked off in
2 a grid or columns, in which each section contains a hidden
3 number or numbers, or other symbol, which determines the winning
4 chances.

5 "Raffle." A game in which a participant buys a ticket for a
6 chance at a prize with the winner determined by a random drawing
7 of corresponding ticket stubs to take place at a location and
8 date or dates printed upon each ticket. Such games shall include
9 lotteries but not daily drawings. Raffle winners may be
10 determined by reference to drawings conducted by the department
11 pursuant to the act of August 26, 1971 (P.L.351, No.91), known
12 as the State Lottery Law.

13 "Religious organization." A not-for-profit group or body of
14 persons which is created and which exists for the predominant
15 purpose of regularly holding or conducting religious activities
16 or religious education, without pecuniary benefit to any
17 officer, member or shareholder except as reasonable compensation
18 for actual services rendered to the organization.

19 "Veterans organization." Any congressionally chartered
20 organization within this Commonwealth, or any branch or lodge or
21 chapter of a nonprofit national or State organization within
22 this Commonwealth, the membership of which consists of
23 individuals who were members of the armed services or armed
24 forces of the United States. The term shall also include home
25 associations. Such organizations shall have been in existence in
26 this Commonwealth fulfilling their purposes for one year prior
27 to the date of application for a license.

28 "Weekly drawing." A game in which a bona fide member selects
29 or receives a number or numbers for a chance at a prize with the
30 winner determined by a random drawing to take place on the

1 eligible organization's premises at the end of a seven-day
2 period. Nothing in this [act] chapter shall be construed to
3 prohibit the carrying over of a jackpot where the winning number
4 has not been entered in the game in a particular week. Weekly
5 drawing winners may be determined with the aid of a passive
6 selection device or reference to drawings conducted by the
7 Department of Revenue pursuant to the act of August 26, 1971
8 (P.L.351, No.91), known as the State Lottery Law. Weekly drawing
9 chances may not be sold for an amount in excess of \$1.

10 Section 7. Section 4 of the act, amended December 19, 1990
11 (P.L.812, No.195), is amended to read:

12 Section [4] 303. Games of chance permitted.

13 Every eligible organization to which a license has been
14 issued under the provisions of this [act] chapter may conduct
15 games of chance for the purpose of raising funds for public
16 interest purposes. All proceeds of games of chance shall be used
17 exclusively for public interest purposes or for the purchase of
18 games of chance as permitted by this [act] chapter.

19 Section 8. Section 5 of the act, amended December 19, 1990
20 (P.L.812, No.195) and October 18, 2000 (P.L.602, No.79), is
21 amended to read:

22 Section [5] 304. Prize limits.

23 (a) Individual prize limit.--The maximum cash value which
24 may be awarded for any single chance shall be \$500.

25 (b) Weekly limit.--No more than [\$5,000] \$15,000 in cash or
26 merchandise shall be awarded by any eligible organization in any
27 seven-day period.

28 (c) Limit on raffles.--No more than \$5,000 in cash or
29 merchandise shall be awarded in raffles in any calendar month.

30 (d) Exception.--An eligible organization may conduct a

1 raffle and award a prize or prizes valued in excess of \$500 each
2 only under the following conditions:

3 (1) The licensing authority has issued a special permit
4 for the raffle under section [11] 310.

5 (2) Eligible organizations shall be eligible to receive
6 no more than two special permits in any licensed year except
7 that volunteer fire, ambulance and rescue organizations shall
8 be eligible to receive no more than three special permits in
9 any licensed year.

10 (3) Only one raffle may be conducted under each special
11 permit.

12 (4) The total cash value of all prizes shall be no more
13 than \$100,000 per calendar year.

14 (e) Limit on daily drawings.--Daily drawings shall be
15 governed by the prize limitations contained in subsections (a)
16 and (b). [An eligible organization shall not conduct daily
17 drawings during a period when a weekly drawing is taking place.]

18 (f) Exception.--The prize limitation contained in
19 subsections (a) and (b) may be exceeded by a daily drawing under
20 the following circumstances: a daily drawing may award a prize
21 where the cash value is in excess of \$500 if such prize is the
22 result of a carryover of a drawing or drawings which resulted
23 from the winning number in such drawing or drawings not being
24 among the eligible entrants in such drawings. Nothing contained
25 herein shall authorize the prize limitations as contained in
26 subsections (a) and (b) to be exceeded as a result of a failure
27 to conduct a drawing on an operating day during which chances
28 were sold for a daily drawing or for a daily drawing for which
29 chances were sold in excess of \$1 or for which more than one
30 chance was sold to an eligible participant.

1 (g) Daily drawing and weekly drawing exception.--When a
2 daily drawing or weekly drawing is set up or conducted in such a
3 manner as to pay out or award 100% of the gross revenues
4 generated from such drawing, the limitations contained in
5 subsection (b) shall not apply.

6 (h) Limit on weekly drawings.--Weekly drawings shall be
7 governed by the prize limitations contained in subsection (b).
8 The prize limitation contained in subsection (b) may be exceeded
9 by a weekly drawing under the following circumstances: a weekly
10 drawing may award a prize where the cash value is in excess of
11 ~~[\$5,000]~~ \$15,000 if such prize is the result of a carryover of a
12 drawing or drawings which resulted from the winning number or
13 numbers in such drawing or drawings not being among the eligible
14 entrants in such drawings. Nothing contained in this [act]
15 chapter shall authorize the prize limitations as contained in
16 subsection (b) to be exceeded as a result of a failure to
17 conduct a drawing for a week during which chances were sold for
18 a weekly drawing or for a weekly drawing for which chances were
19 sold in excess of \$1. [An eligible organization shall not
20 conduct weekly drawings during a period when a daily drawing is
21 taking place.]

22 Section 9. Sections 6 and 7 of the act, amended December 19,
23 1990 (P.L.812, No.195), are amended to read:

24 Section [6] 305. Sales limited.

25 No person shall sell, offer for sale or furnish games of
26 chance for use within this Commonwealth except to an eligible
27 organization or distributor licensed under this [act] chapter.
28 No game of chance, other than a raffle, sold, offered for sale
29 or furnished for use within this Commonwealth shall contain,
30 permit, depict or designate a prize having a cash value in

1 excess of \$500.

2 Section [7] 306. Distributor licenses.

3 (a) License required.--No person shall sell, offer for sale
4 or furnish games of chance to eligible organizations licensed
5 under this [act] chapter unless such person shall have obtained
6 a distributor license as provided in this section.

7 (b) Application.--An applicant for the grant or renewal of a
8 distributor license issued pursuant to this section shall
9 provide to the department, upon the form prescribed, all of the
10 following:

11 (1) The applicant's State sales tax number.

12 (2) The applicant's State corporate tax number.

13 (3) The applicant's State employer withholding tax
14 number.

15 (4) The applicant's unemployment compensation account
16 number.

17 (5) A statement that:

18 (i) all State tax reports have been filed and all
19 State taxes paid;

20 (ii) all State taxes are subject to a timely
21 administrative or judicial appeal; or

22 (iii) all State taxes are subject to a duly approved
23 deferred payment plan.

24 (6) The names and business addresses of all owners,
25 officers, directors, partners and sales personnel.

26 (c) Waiver of confidentiality.--An applicant for the grant
27 or renewal of any license issued pursuant to this section shall,
28 by the filing of an application insofar as it relates to the
29 department, waive any confidentiality with respect to State tax
30 information in the possession of the department, the Office of

1 Attorney General or the Department of Labor and Industry
2 regarding that applicant, regardless of the source of that
3 information, and shall consent to the providing of that
4 information to the department by the Office of Attorney General
5 or the Department of Labor and Industry.

6 (d) Review of tax status.--Upon receipt of any application
7 for the grant or renewal of any license issued pursuant to this
8 section, the department shall review the State tax status of the
9 applicant. The department shall request State tax information
10 regarding the applicant from the Office of Attorney General or
11 the Department of Labor and Industry and that information shall
12 be provided.

13 (e) Limitation on approval.--The department shall not
14 approve any application for the grant or renewal of any license
15 issued pursuant to this section where the applicant has failed
16 to:

17 (1) provide any of the information required by
18 subsection (b);

19 (2) file required State tax reports; or

20 (3) pay any State taxes not subject to a timely
21 administrative or judicial appeal or subject to a duly
22 authorized deferred payment plan.

23 (f) Records.--The licensee shall keep such records, reports
24 and books as the department shall prescribe. Applicants shall be
25 required to make such records, reports and books available as
26 required by the department pursuant to regulation.

27 (g) Ineligibility.--The department shall not issue or renew
28 a distributor license for the sale of games of chance to a
29 person, including any corporation, firm or partnership which has
30 as an officer, director or other person in a supervisory or

1 management position, or employee eligible to make sales on
2 behalf of the distributor, who:
3 (1) has been convicted of a felony in a state or Federal
4 court within the past five years; or
5 (2) has been convicted within ten years of the date of
6 application in a state or Federal court of a violation of the
7 former act of July 10, 1981 (P.L.214, No.67), known as the
8 Bingo Law, or of this act or of a gambling-related offense
9 under Title 18 of the Pennsylvania Consolidated Statutes
10 (relating to crimes and offenses) or other comparable State
11 or Federal law.

12 (h) License and renewal fees.--The fee for a distributor
13 license shall be \$1,000. Licenses shall be renewable on an
14 annual basis.

15 (i) Exception.--This section shall not apply to the
16 manufacture or distribution of raffle tickets.

17 Section 10. Section 8 of the act is amended to read:

18 Section [8] 307. Registration of manufacturers.

19 (a) Registration required.--No manufacturer of games of
20 chance shall sell any games of chance to any person unless the
21 manufacturer has registered with the department and has been
22 issued a certificate of registration.

23 (b) Annual certificate; fee.--A certificate under this
24 section shall be valid for one year. The annual fee for
25 registration shall be \$2,000.

26 (c) Prohibited sales.--A manufacturer shall not sell games
27 of chance to any person not licensed as a distributor unless the
28 manufacturer is also a licensed distributor.

29 (d) Exception.--This section shall not apply to the
30 manufacture or distribution of raffle tickets.

1 Section 11. Section 9 of the act, amended December 19, 1990
2 (P.L.812, No.195), is amended to read:

3 Section [9] 308. Regulations of department.

4 (a) Authorization.--The department shall promulgate
5 regulations to:

6 (1) Impose minimum standards and restrictions applicable
7 to games of chance manufactured for sale in this
8 Commonwealth, which may include standards and restrictions
9 which specify the maximum number of chances available to be
10 sold for any single game or prize and such other standards
11 and restrictions as the department deems necessary for the
12 purposes of this [act] chapter. The department shall consider
13 standards adopted by the National Association of Gambling
14 Regulatory Agencies and other standards commonly accepted in
15 the industry.

16 (2) Establish procedures by which manufacturers may
17 register and distributors of games of chance may apply for
18 licensure on forms which the department shall provide.

19 (3) Provide for the suspension or revocation of
20 distribution licenses or manufacturer certificates for
21 violations of this [act] chapter or regulations of the
22 department.

23 (4) Carry out other provisions of this [act] chapter.

24 (b) Limitation on recordkeeping requirements.--This section
25 shall not be construed to authorize the department to promulgate
26 regulations providing for recordkeeping requirements for
27 eligible organizations which require unreasonable or unnecessary
28 information or a repetitious listing of information. The
29 department shall strive to keep such recordkeeping requirements
30 from being an undue hardship or burden on eligible

1 organizations. Under no circumstances shall the department
2 require the retention of records for a period in excess of two
3 years.

4 Section 12. Section 10 of the act, amended December 19, 1990
5 (P.L.812, No.195) and October 18, 2000 (P.L.602, No.79), is
6 amended to read:

7 Section [10] 309. Licensing of eligible organizations to
8 conduct games of chance.

9 (a) License required.--No eligible organization shall
10 conduct or operate any games of chance unless such eligible
11 organization has obtained and maintains a valid license issued
12 pursuant to this section. Auxiliary groups within eligible
13 organizations shall be eligible to conduct small games of chance
14 using the license issued to the eligible organization provided
15 that the auxiliary group or groups are listed on the application
16 and license of the eligible organization. No additional
17 licensing fee shall be charged for an auxiliary group's
18 eligibility under this [act] chapter. Auxiliary groups shall not
19 include branches, lodges or chapters of a Statewide
20 organization.

21 (b) Issuance and fees.--The licensing authority shall
22 license, upon application, within 30 days any eligible
23 organization meeting the requirements for licensure contained in
24 this [act] chapter to conduct and operate games of chance at
25 such locations within the county or in such manner as stated on
26 the application as limited by subsection (b.1). The license fee
27 to be charged to each eligible organization shall be \$100,
28 except for limited occasion licenses which shall be \$10.
29 Licenses shall be renewable annually upon the anniversary of the
30 date of issue.

1 (b.1) Location of small games of chance.--Where there exists
2 a location or premises which is the normal business or operating
3 site of the eligible organization and is owned or leased by that
4 eligible organization to conduct its normal business, that site
5 shall be the licensed premises for small games of chance
6 conducted by the eligible organization. If that location
7 consists of more than one building and the eligible organization
8 wishes to conduct its games in a different building at that
9 location from the one that is listed on its application and
10 license, the eligible organization must notify, in writing, the
11 district attorney and the licensing authority of the change in
12 building site and the dates and times that will be affected.

13 When an eligible organization does not own or lease a specific
14 location to conduct its normal business, that eligible
15 organization may use another eligible organization's premises to
16 conduct its games or may make such other arrangements that are
17 consistent with this [act] chapter, including, but not limited
18 to, leasing a premise under a written agreement for a rental
19 which is not determined by either the amount of receipts
20 realized from the playing of games of chance nor the number of
21 people attending except that an eligible organization may lease
22 a facility for a banquet where a per head charge is applied in
23 connection with the serving of a meal. When such eligible
24 organization changes the site of its games from that which is
25 listed on its application and license, the eligible organization
26 must notify, in writing, the district attorney and licensing
27 authority of the change in their games' site and dates and times
28 that will be affected.

29 (b.2) Off-premises games of chance.--Notwithstanding any
30 other provisions of this section, an eligible organization may

1 conduct small games of chance at a location off its premises
2 when such games are part of an annual carnival, fair, picnic or
3 banquet held or participated in by that eligible organization on
4 a historical basis. The eligible organization must notify, in
5 writing, the district attorney and licensing authority of the
6 location, date and times of such events where it will be
7 conducting small games of chance.

8 (b.3) Limited occasion licenses.--Eligible organizations
9 which do not own their own premises or which do not lease a
10 specific location to conduct their normal business may apply for
11 a limited occasion license to conduct small games of chance on
12 not more than three occasions covering a total of seven days
13 during a licensed year. A limited occasion license entitles
14 eligible organizations holding such a license to conduct no more
15 than two raffles during a licensed year where prizes may not
16 exceed the established limits for regular monthly raffles.

17 Holders of limited occasion licenses may not apply or be granted
18 any other license or special permit under this [act] chapter. No
19 holder of a regular license or special permit under this [act]
20 chapter shall apply or be granted a limited occasion license.

21 (b.4) Gambling facility prohibited.--It shall be unlawful
22 for a person, corporation, association, partnership or other
23 business entity to offer for rent or offer for use a building or
24 facility to be used exclusively for the conducting of small
25 games of chance. It shall also be unlawful for any eligible
26 organization to lease under any terms a facility or building
27 which used exclusively for the conducting of small games of
28 chance.

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

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

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

6 (2) No eligible organization shall permit any person who
7 has been convicted of a felony in a Federal or State court
8 within the past five years or has been convicted in a Federal
9 or State court within the past ten years of a violation of
10 the former act of July 10, 1981 (P.L.214, No.67), known as
11 the Bingo Law, or of this act to manage, set up, supervise or
12 participate in the operation of games of chance.

13 (3) No eligible organization shall pay any compensation
14 to any person for conducting any games of chance. Games of
15 chance may only be conducted by managers, officers,
16 directors, bar personnel and bona fide members of the
17 eligible organization.

18 (4) Games shall be conducted only on the licensed
19 premises or as otherwise provided by this [act] chapter.

20 (5) The eligible organization shall not lease such
21 premises under either an oral or a written agreement for a
22 rental which is determined by either the amount of receipts
23 realized from the playing of games of chance or the number of
24 people attending, except that an eligible organization may
25 lease a facility for a banquet where a per head charge is
26 applied in connection with the serving of a meal. An eligible
27 organization shall not lease such premises from any person
28 who has been convicted of a violation of this [act] chapter
29 within the past ten years.

30 (6) Games, other than raffles, daily drawings and weekly

1 drawings, shall be purchased only from manufacturers and
2 distributors approved by the department.

3 (7) No licensed eligible organization shall permit its
4 premises to be used for small games of chance by another
5 licensed eligible organization at the same time that it is
6 conducting small games of chance on the premises. When a
7 licensed eligible organization is permitting another licensed
8 eligible organization to use its premises for purposes of
9 small games of chance, it must cease the operation of its own
10 small games of chance during the period that the other
11 licensed eligible organization is conducting its games on the
12 premises.

13 (8) Raffle tickets may be sold off the licensed premise
14 in any municipality in this Commonwealth which has adopted
15 the provisions of this [act] chapter by an affirmative vote
16 in a municipal referendum. A licensed eligible organization
17 which plans to sell raffle tickets in a municipality located
18 in a county other than the county in which the eligible
19 organization is licensed must notify that county's district
20 attorney and licensing authority as to the location and the
21 dates that the eligible organization plans to sell raffle
22 tickets.

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

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

30 (2) The facility in which the games of chance are to be

1 played has adequate means of ingress and egress and adequate
2 sanitary facilities available in the area.

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

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

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

20 Section 13. Sections 11 and 12 of the act, amended December
21 19, 1990 (P.L.812, No.195), are amended to read:

22 Section [11] 310. Special permits.

23 (a) Issuance and fee.--The licensing authority shall issue a
24 special permit for each raffle in which the licensee proposes to
25 award individual prizes having a cash value in excess of \$500.
26 The licensing authority may establish and collect a fee not to
27 exceed \$25 for the issuance of special permits under this
28 section.

29 (b) Permit application.--Each special permit application
30 shall specify the location where the actual drawing will be

1 held, the number of chances to be sold, the price per chance and
2 the cash value of the prize or prizes to be awarded.

3 Section [12] 311. Revocation of licenses.

4 (a) Grounds.--The licensing authority shall revoke or refuse
5 to renew the license of any eligible organization whenever the
6 district attorney finds upon complaint and investigation that:

7 (1) Any of the funds derived from the operation of games
8 of chance are used for any purpose other than for public
9 interest purposes or for the purchase of games of chance as
10 permitted by this [act] chapter.

11 (2) Any person under 18 years of age is operating or
12 playing games of chance [as defined in this act].

13 (3) The eligible organization has permitted any person
14 who has been convicted of a felony in a Federal or State
15 court within the past five years or has been convicted in a
16 Federal or State court within the past ten years of a
17 violation of the former act of July 10, 1981 (P.L.214,
18 No.67), known as the Bingo Law, or of this act, to manage,
19 set up, supervise or participate in the operation of games of
20 chance.

21 (4) The facility in which the games of chance are played
22 does not have adequate means of ingress and egress and does
23 not have adequate sanitary facilities available in the area.

24 (5) Any person or persons other than a manager, officer,
25 director, bar personnel or a bona fide member of an eligible
26 organization have been involved in managing, setting up,
27 operating or running games of chance.

28 (6) Any person has received compensation for conducting
29 games of chance.

30 (7) Any prize has been awarded in excess of the limits

1 permitted under this [act] chapter.

2 (8) The eligible organization has violated any condition
3 of a special permit issued pursuant to section [11] 310.

4 (9) The eligible organization conducts the games of
5 chance under a lease which calls for:

6 (i) leasing such premises from the owner thereof
7 under an oral agreement; or

8 (ii) leasing such premises from the owner thereof
9 under a written agreement at a rental which is determined
10 by the amount of receipts realized from the playing of
11 games of chance.

12 (10) False or erroneous information was provided in the
13 original application.

14 (11) An eligible organization has been convicted of a
15 violation of this [act] chapter as evidenced by a certified
16 record of the conviction.

17 (12) The eligible organization has permitted another
18 eligible organization to conduct small games of chance on its
19 licensed premises without suspending its own operation of
20 small games of chance during the period that the other
21 licensed eligible organization is conducting its games on the
22 premises.

23 (b) Production of records.--The district attorney may
24 require licensees to produce their books, accounts and records
25 relating to the conduct of games of chance in order to determine
26 whether a license should be revoked or renewal thereof denied.

27 Licensees shall also be required to produce their license,
28 books, accounts and records relating to the conduct of games of
29 chance to other law enforcement officials upon proper request.

30 Section 14. Section 13 of the act is amended to read:

1 Section [13] 312. Enforcement.

2 (a) District attorney.--The district attorney shall
3 investigate alleged violations of this [act] chapter. If the
4 district attorney finds probable cause to believe that a
5 violation has occurred, he may file a complaint against the
6 alleged violator in the court of common pleas of said county,
7 except in counties of the first class where the complaint may be
8 filed in the municipal court. In addition, the district attorney
9 shall prosecute said complaint in the manner provided by law.

10 (b) Other law enforcement officials.--Nothing in this [act]
11 chapter shall be interpreted to restrict the power of State,
12 county or local law enforcement officials to conduct
13 investigations and enforce the provisions of this [act] chapter.

14 Section 15. Section 14 of the act amended or added July 11,
15 1990 (P.L.449, No.108) and December 19, 1990 (P.L.812, No.195),
16 is amended to read:

17 Section [14] 313. Local option.

18 (a) Election to be held.--In any municipality, an election
19 may be held on the date of the primary election immediately
20 preceding any municipal election, but not more than once in four
21 years, to determine the will of the electors with respect to the
22 issuance of licenses within the limits of such municipality
23 under the provisions of this act. Where an election shall have
24 been held at the primary election preceding a municipal election
25 in any year, another election may be held under the provisions
26 of this [act] chapter at the primary election occurring the
27 fourth year after such prior election. Whenever electors equal
28 to at least 25% of the highest vote cast for any office in the
29 municipality at the last preceding general election shall file a
30 petition with the county board of elections of the county, or

1 the governing body of the municipality adopts, by a majority
2 vote, a resolution to place such a question on the ballot and a
3 copy of the resolution is filed with the board of elections of
4 the county, for a referendum on the question of issuing
5 licenses, the county board of elections shall cause a question
6 to be placed on the ballot or on the voting machine board and
7 submitted at the primary election immediately preceding the
8 municipal election. The question shall be in the following form:

Do you favor the issuance of licenses

10 to conduct small games of chance in the

11 of ?

12 (b) Vote.--If a majority of the electors voting on the
13 question vote "yes," then licenses shall be issued by the
14 licensing authority in such municipality, but if a majority of
15 the electors voting on any such question vote "no," then the
16 licensing authority shall have no power to issue or to renew,
17 upon their expiration, any licenses in such municipality, unless
18 and until, at a later election, a majority of the voting
19 electors vote "yes" on such question.

20 (c) Voting proceedings.--Proceedings under this section
21 shall be in accordance with the provisions of the act of June 3,
22 1937 (P.L.1333, No.320), known as the Pennsylvania Election
23 Code.

24 (d) Applicability.--This act applies only to those eligible
25 organizations located in municipalities which have adopted the
26 provisions of this act by an affirmative vote in a municipal
27 referendum in accordance with the provisions of this section.

28 (e) Withdrawal of approval.--The referendum procedure
29 contained in this section shall also be available to withdraw
30 the approval of the issuance of such licenses within such

1 municipality which was granted through a prior referendum.

2 [(f) Special exception.--Notwithstanding any other provision

3 of this act to the contrary, in any municipality except a city

4 of the first class where an election was held pursuant to this

5 section on May 16, 1989, and a majority of the electors voted

6 "NO" on the question, the municipality shall be able to resubmit

7 the question, in accordance with the procedures set forth in

8 this section, at the general election immediately following the

9 effective date of this amendatory act.]

10 Section 16. Section 15 of the act, amended December 19, 1990
(P.L.812, No.195), is amended to read:

12 Section [15] 314. Advertising.

13 It shall be unlawful for any eligible organization or person
14 to advertise the prizes or their dollar value to be awarded in
15 games of chance, provided that prizes may be identified on
16 raffle tickets. Notwithstanding the prohibition of advertising
17 contained within this section, an eligible organization may
18 advertise prizes and values thereof in periodic publications
19 which are limited in their circulation to members of the
20 eligible organization.

21 Section 17. Section 16 of the act is amended to read:

22 Section [16] 315. Certain persons prohibited.

23 No distributor nor any person who has been convicted of a
24 felony or of a violation of the former act of July 10, 1981
(P.L.214, No.67), known as the Bingo Law, or of this act or of
26 any comparable State or Federal law shall have a pecuniary
27 interest in the operation or proceeds of games of chance.

28 Section 18. Section 17 of the act, amended December 19, 1990
(P.L.812, No.195), is amended to read:

30 Section [17] 316. Penalties.

1 (a) Eligible organizations.--Any eligible organization
2 violating the provisions of this [act] chapter shall be guilty
3 of a summary offense and, upon conviction thereof, shall be
4 sentenced to pay a fine not exceeding \$1,000 and shall for a
5 first offense, forfeit the license to conduct games of chance
6 issued to the eligible organization for the remainder of the
7 licensing period or six months, whichever is longer, for a
8 second offense, forfeit the license issued to the eligible
9 organization for the remainder of the current licensing period
10 and be ineligible to be licensed for the following licensing
11 period, for a third or subsequent offense, forfeit the license
12 issued to the eligible organization and be ineligible for a
13 license renewal for 30 months thereafter.

14 (b) Individuals.--Any person who conducts or assists in the
15 conducting of games of chance in violation of the provisions of
16 this [act] chapter is guilty of a summary offense for a first
17 violation. A second violation of this [act] chapter shall be
18 punishable as a misdemeanor of the third degree. A third or
19 subsequent violation shall be punishable as a misdemeanor of the
20 first degree.

21 (c) Distributors and manufacturers.--Any person who
22 distributes games of chance without a license or in violation of
23 any provision of this [act] chapter or applicable regulations,
24 and any manufacturer of games of chance who delivers games of
25 chance for sale or distribution in this Commonwealth who fails
26 to obtain a permit therefor is guilty of a misdemeanor of the
27 first degree, provided that no license or permit shall be
28 required for the manufacture or distribution of raffle tickets.

29 (d) Rigging.--A person commits a misdemeanor of the first
30 degree if, with intent to prevent a game of chance from being

1 conducted in accordance with the requirements of this [act]
2 chapter or the rules and usages governing the game, he:
3 (1) confers or offers or agrees to confer any benefit
4 upon or threatens any injury to a participant or other person
5 associated with the game;
6 (2) tampers with any person or games; or
7 (3) solicits, accepts or agrees to accept any benefit.
8 (e) Contingent fees.--Any person who distributes,
9 manufactures or operates a small game of chance and who
10 requires, for equipment furnished or to play a game, payment
11 equal to a percentage of the total winnings of any game commits
12 a misdemeanor of the first degree.

13 Section 19. The act is amended by adding a chapter to read:

CHAPTER 5

BINGO REGULATION

16 Section 501. Definitions.

17 The following words and phrases when used in this chapter
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise;

20 "Association." A volunteer fire company or an ambulance,
21 religious, charitable, fraternal, veterans, civic, county fair
22 or agricultural association, or any separately chartered
23 auxiliary of any of the above associations, organized as a
24 nonprofit organization which shall have existed, and conducted
25 business in furtherance of their written constitution, charter,
26 articles of incorporation or bylaw express purpose, for two
27 years prior to application for a license: Provided, however,
28 That an association whose membership consists exclusively of
29 elderly residents of a senior citizen housing project may apply
30 for a license immediately upon its being organized as such and

1 need not meet the two-year waiting requirement. This term shall
2 not be interpreted to include political organizations as
3 associations eligible for a bingo license. An association shall
4 not be denied a bingo license because its name denotes
5 affiliation with a political organization if in fact the
6 association is not a political organization as evidenced by its
7 written constitution, charter, articles of incorporation or
8 bylaw express purpose.

9 "Bingo." A game in which each player has a card or board
10 containing five horizontal rows all but the central one
11 containing five figures, which specifically includes an
12 electronic representation thereof using an electronic dauber or
13 card-minding device. The central row has four figures with the
14 word "free" marked in the center thereof. Any preannounced
15 combination of spaces when completed by a player constitutes
16 bingo. In the absence of a preannouncement of a combination of
17 spaces, any combination of five in a row whether horizontal or
18 vertical when completed by a player constitutes bingo when its
19 numbers are announced and covered. A wheel or other electronic
20 or mechanical device may be used by any person conducting the
21 game of bingo, and any such person may award a prize to any
22 player or players first completing any combination constituting
23 bingo. Bingo may also be played using a pull-tab or scratch-off
24 bingo ticket or electronic pull-tab bingo in conjunction with an
25 electronic pull-tab minding device.

26 "Bona fide member." Any individual who holds a full
27 membership in the association as defined by the association's
28 constitution, charter, articles of incorporation or bylaws and
29 has been a member of the association for at least one year. The
30 term shall also include those individuals who are members of an

1 auxiliary or recognized junior affiliate of the parent
2 association.

3 "Card-minding device." An electronic or mechanical device,
4 either portable or fixed-base, that is used by a bingo player to
5 mark representations of bingo card faces stored in the device. A
6 portable card-minding device refers to a hand-held, custom-built
7 or customized, multipurpose device designed to be used by a
8 player to play bingo and electronic pull-tab bingo. A fixed-base
9 card-minding device refers to a stationary computer on which a
10 manufacturer's propriety software is used by a player to play
11 bingo and electronic pull-tab bingo.

12 "Charitable purpose." Benevolent or philanthropic purpose.
13 "Civic purpose." Community purpose.

14 "Elderly residents of a senior citizen housing project."
15 Persons aged 62 years or older who reside in an elderly housing
16 project receiving rental assistance pursuant to the Housing and
17 Community Development Act of 1974 (Public Law 93-383, 42 U.S.C.
18 §§ 5301 et seq.).

19 "Electronic pull-tab bingo." An electronic version of pull-
20 tab or scratch-off bingo in which a player purchases from a
21 point-of-sale station or from an electronic pull-tab minding
22 device, an electronic face, instead of a ticket made of paper or
23 paper products, that is issued from a finite deal in which some
24 of the outcomes have been designated in advance as winners.

25 "Electronic pull-tab minding device." An electronic device
26 that also functions as an electronic dauber or card-minding
27 device and displays the outcome of an electronic pull-tab bingo
28 purchased by a player.

29 "Equipment." Tables, chairs, cards, microphones, amplifiers,
30 speakers, card-minding devices, electronic pull-tab minding

1 devices, pull-tab or scratch-off bingo tickets and all other
2 machinery and articles used to conduct a game of bingo.

3 "Law enforcement official." A municipal police officer, a
4 member of the Pennsylvania State Police, the sheriff of a county
5 or a deputy sheriff.

6 "Licensing authority." An independent administrative
7 department, board, commission or authority established by an act
8 of the General Assembly and expressly authorized to regulate
9 gaming throughout this Commonwealth.

10 "Progressive jackpot bingo game." A bingo game played
11 wherein the prize is determined by a percentage of the gross
12 receipts derived from the sale of cards to participate in the
13 game. The jackpot prize winner is the player who completes a
14 full-card pattern within a predesignated number of numbers
15 called. The jackpot game shall on occasions be played to a
16 conclusion and except for the occasion upon which the jackpot
17 prize is won, award a consolation prize to the player who
18 completes the full-card pattern notwithstanding the number of
19 calls in excess of the predesignated number of calls permitted
20 to win the jackpot prize.

21 "Progressive jackpot prize." A percentage of the gross
22 receipts derived from the sale of cards to participate in a
23 progressive jackpot bingo game on the occasion it is won and all
24 previous occasions in the particular progression.

25 Section 502. Associations permitted to conduct bingo.

26 Any association, for a charitable or civic purpose, when
27 licensed pursuant to this act, may conduct the game of bingo as
28 herein defined.

29 Section 503. Rules for licensing and operation.

30 (a) Issuance and fee.--The licensing authority shall

1 license, upon application, any association to conduct the game
2 of bingo at one location in a county, which, when in a county of
3 the second class, shall only be in the city, borough or township
4 where the main business office or headquarters of the
5 association is located. The county treasurer of a county of the
6 second class shall indicate on each license the city, borough or
7 township where the association may conduct bingo. The single
8 municipal location limitation shall not apply to a group of
9 licensed associations conducting bingo at a central location.

10 The license fee to be charged to each nonprofit association
11 shall be \$100 per annum except to those recognized senior
12 citizens' groups who conduct bingo for their members only the
13 fee shall be \$50 per annum. The license fee to be charged to
14 each agricultural association or county fair shall be \$100 per
15 annum. Associations which conduct bingo only one period each
16 year for not more than three consecutive days shall be charged
17 \$15 for the issuance of their license. The fees collected
18 pursuant to this section shall be paid by the licensing
19 authority into the general fund of the county for which the
20 license is issued and used for county purposes. All records
21 retained by the licensing authority relating to the issuance of
22 bingo licenses and bingo permits shall be public information.

23 (b) Display.--Licenses issued pursuant to this section shall
24 be publicly displayed at games conducted by licensees.

25 (c) Operation.--Each licensed association shall comply with
26 the following restrictions and rules governing the operation of
27 bingo:

28 (1) No person under 18 years of age shall be permitted
29 to play bingo unless accompanied by an adult.

30 (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 \$500 for
6 any one game of bingo, except for jackpot games which shall
7 not exceed a value of \$2,500 for one such game. In addition,
8 no more than \$5,000 in prizes shall be awarded in any
9 calendar day. Pull-tab bingo prizes awarded shall not exceed
10 \$599 per tab limit. Intrasite progressive jackpot bingo
11 prizes shall not exceed \$10,000 for any one game of bingo.

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

21 (5) The association shall own the equipment used in
22 playing bingo or shall sign a written agreement leasing the
23 equipment from a manufacturer, supplier or another licensed
24 association for a fee which is not determined by the amount
25 of aggregate receipts realized from the playing of bingo or
26 the number of people attending bingo games. Joint ownership
27 of bingo equipment shall be permitted only if both owners of
28 the equipment are licensed associations. This paragraph shall
29 not apply to associations contracting charitable
30 organizations or outside operators to conduct bingo at

1 expositions, carnivals or fairs.

2 (6) The association shall own both the premises upon
3 which bingo is played and the personal property used in the
4 conduct of the game, or if it does not, the association shall
5 sign a written agreement leasing such premises or personal
6 property from the owner thereof for a fee which is not
7 determined by either the amount of receipts realized from the
8 playing of bingo or the number of people attending bingo
9 games. An association shall not lease such premises or
10 personal property from any person who has been convicted of a
11 felony or a violation of this chapter.

12 (7) Each association shall keep written records of the
13 moneys and merchandise collected and distributed for each day
14 they conduct bingo. These records shall indicate the total
15 proceeds collected, the total prize money distributed, the
16 total value of all merchandise awarded as a prize and the
17 amount of moneys paid as rentals or wages and to whom such
18 rentals or wages were paid. All prizes awarded having a value
19 greater than \$250 shall be specifically described in the
20 association's records.

21 (8) Each association shall deposit with a financial
22 institution all proceeds for each day's bingo game in an
23 account in the association's name. This deposit shall be made
24 before any of the proceeds may be used for any other purpose,
25 except for payment of prize money and compensation to members
26 employed in the operation of the game.

27 (9) No association shall permit any person who is not a
28 bona fide member of the association or who has been convicted
29 of a felony or a violation of this act to manage, set up,
30 supervise or participate in the operation of the

1 association's bingo games. Nothing contained in this chapter
2 shall be construed to prohibit individuals under 18 years of
3 age from participating in the operation of the game and being
4 compensated therefor if written permission is obtained from
5 their parent or guardian.

6 (10) (i) Associations which obtain a license for the
7 purpose of conducting bingo at an exposition, carnival or
8 fair for a period not exceeding ten days shall be
9 permitted to contract a charitable organization to
10 manage, set up, supervise or participate in the operation
11 of the bingo game provided only merchandise prizes are
12 awarded. Only bona fide members of the contracted
13 charitable organization shall be permitted to participate
14 in the operation of the bingo game. If no charitable
15 organizations are available, the association may contract
16 an outside operator to conduct the game for merchandise
17 at the exposition, carnival or fair site.

18 (ii) The provisions of this paragraph shall not be
19 construed to allow bingo games to be ordinarily carried
20 out on a commercial basis in this Commonwealth.

21 (11) (i) No person shall participate in the operation
22 of bingo games on more than four days in any calendar
23 week, which games may be operated by no more than two
24 different licensed associations.

25 (ii) This paragraph shall not apply to persons
26 engaged in the operation of bingo for merchandise at
27 expositions, carnivals or fairs not exceeding ten days in
28 duration.

29 (12) No supplier of merchandise nor any person who has
30 been convicted of a felony or a violation of this chapter

1 shall have a pecuniary interest in the operation or proceeds
2 of the bingo game.

3 (13) A player may not use a card-minding device:

4 (i) to generate the random letters, numbers or other
5 symbols used in playing the bingo card played with the
6 device's assistance;

7 (ii) as a receptacle for the deposit of tokens or
8 money in payment for playing the bingo card played with
9 the device's assistance; or

10 (iii) as a dispenser for the payment of a bingo
11 prize, including coins, paper currency or a thing of
12 value for the bingo card played with the device's
13 assistance.

14 (14) A person may use a card-minding device to:

15 (i) account for and track electronic credits
16 purchased at a point-of-sale station or won by playing
17 bingo or electronic pull-tab bingo;

18 (ii) exchange electronic credits through an
19 electronic communication with a point-of-sale station for
20 electronic bingo card faces or electronic pull-tab bingo
21 that may be played by the person during a bingo game; and

22 (iii) exchange on-screen electronic or prepurchased
23 credits for food and drink items or any other items the
24 association may wish to sell to players at a bingo game.

25 (15) A person may not use an electronic pull-tab minding
26 device:

27 (i) to generate random letters, numbers or other
28 symbols used in playing bingo;

29 (ii) to affect the chances of winning at bingo; or

30 (iii) as a dispenser for the payment of a bingo

1 prize, including coins, paper currency or another thing
2 of value.

3 (16) An electronic pull-tab minding device shall be
4 manufactured in accordance with the specifications provided
5 by the licensing authority rule and is subject to testing by
6 the licensing authority. Pursuant to the provisions of this
7 section, the licensing authority has the statutory authority
8 to submit said specifications to an independent testing
9 facility.

10 (17) The licensing authority may audit sales records
11 relating to the sale of electronic pull-tab bingo tickets.
12 The licensing authority may investigate a violation or
13 alleged violation of this section.

14 (18) The licensing authority may, at any time, inspect
15 an electronic pull-tab minding device.

16 (19) The manufacturer of an electronic pull-tab minding
17 device shall maintain a central communications system or
18 facility to provide the licensing authority with the ability
19 to review and audit electronic pull-tab bingo historical
20 session data.

21 (20) An association may hold, operate and conduct an
22 intrasite progressive jackpot bingo game and participate in a
23 multisite progressive jackpot bingo game conducted in
24 accordance with the rules of this chapter.

25 (d) Application for license.--Each association shall apply
26 to the licensing authority for a license on a form to be
27 prescribed by the Secretary of the Commonwealth. The form shall
28 contain an affidavit to be affirmed by the executive officer or
29 secretary of the association stating that:

30 (1) No person under 18 years of age will be permitted by

1 the association to play bingo unless accompanied by an adult.

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

5 (3) (i) The association is the sole or joint owner with
6 a licensed association of the equipment used in playing
7 bingo or it leases the equipment from a manufacturer,
8 supplier or another licensed association under a written
9 agreement for a fee which is not determined by the amount
10 of aggregate receipts realized from the playing of bingo
11 or the number of people attending bingo games.

12 (ii) This paragraph shall not apply to associations
13 contracting with charitable organizations or outside
14 operators to conduct bingo at expositions, carnivals or
15 fairs.

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

28 (5) The association will not conduct the playing of
29 bingo more than twice per week in any one week, except those
30 associations conducting bingo at expositions, carnivals or

1 fairs.

2 (6) The association in any calendar day will not award a
3 total of more than \$5,000 in prizes. Pull-tab bingo prizes
4 awarded shall not exceed \$599 per tab limit.

5 (7) The association is a nonprofit association.

6 (e) Limitation on compensation.--No person may be employed
7 in the operation or the actual running of a bingo game for
8 compensation greater than \$50 per day, except employees of
9 outside operators under subsection (c)(10), and any person
10 compensated shall be paid individually by check or by cash, in
11 which case the payee shall sign a written receipt therefor. In
12 addition, no person shall receive compensation from more than
13 one source for services rendered in the operation of a bingo
14 game.

15 (f) Investigation of association.--The licensing authority
16 may request an investigation to verify the statements made in
17 any application for a license.

18 Section 504. Revocation of licenses.

19 (a) Grounds.--The licensing authority shall revoke or refuse
20 to renew the license of any association whenever the district
21 attorney finds upon investigation that:

22 (1) Any of the funds derived from the operation of the
23 game of bingo are used for any purpose which does not support
24 the nonprofit purposes of the association.

25 (2) Any person under 18 years of age unaccompanied by an
26 adult is playing bingo as herein defined.

27 (3) The facility in which any game of bingo is played
28 does not have adequate means of ingress and egress or does
29 not have adequate sanitary facilities available in the area.

30 (4) Greater compensation than is authorized under this

1 chapter has been paid to or received by any person, or that a
2 person or persons other than those authorized in section 503
3 (relating to rules for licensing and operation) have been
4 involved in managing, setting up, operating or running the
5 game.

6 (5) The association conducts bingo using bingo equipment
7 which it does not own solely or jointly with another licensed
8 association or which it leases in violation of the statement
9 contained in its license application provided by section
10 503(d)(3).

11 (6) The association conducts bingo upon premises which
12 it does not own or with personal property it does not own and
13 is either:

14 (i) leasing such premises or personal property used
15 in the conduct of the game from the owner thereof under
16 an oral agreement;

17 (ii) leasing such premises or personal property from
18 the owner thereof under a written agreement at a rental
19 which is determined by either the amount of receipts
20 realized from the playing of bingo or the number of
21 people attending bingo games; or

22 (iii) leasing such premises or personal property
23 from a person who has been convicted of a felony or a
24 violation of this chapter.

25 (7) False or erroneous information was provided in the
26 original notarized application.

27 (8) An association has been convicted of a violation of
28 this act as evidenced by a certified record of the
29 conviction.

30 (b) Production of records.--The licensing authority may

1 require the licensees to produce their books, accounts and
2 records relating to the conduct of bingo in order to determine
3 whether a license should be revoked or renewal thereof denied.
4 Licensees shall also be required to produce their license,
5 books, accounts and records relating to the conduct of bingo to
6 other law enforcement officials upon proper request.

7 (c) Possible revocation.--The licensing authority may revoke
8 the license of any association if it finds that the association
9 has knowingly employed any person in the operation of the
10 association's bingo game who has been convicted of a violation
11 of this chapter.

12 Section 505. Special permits to conduct bingo for
13 entertainment.

14 (a) Issuance and fee.--Upon application each year, the
15 licensing authority may issue to community recognized nonprofit
16 organizations a special permit to conduct bingo for
17 entertainment purposes only. No fee shall be charged for the
18 issuance of a special permit.

19 (b) Operation.--Organizations issued special permits shall
20 not conduct bingo for the purpose of making a profit. All prizes
21 awarded shall be of nominal value. No person who has been
22 convicted of a felony or a violation of this chapter shall be
23 permitted to manage, set up, supervise or participate in the
24 operation of the bingo game.

25 (c) Application for permit.--Each organization shall apply
26 to the licensing authority on a form to be prescribed by the
27 Secretary of the Commonwealth. The form shall contain an
28 affidavit to be affirmed by the executive officer or secretary
29 of the organization stating that:

30 (1) The organization is a nonprofit community recognized

1 organization.

2 (2) No person under 18 years of age will be permitted by
3 the organization to play bingo unless accompanied by an
4 adult.

5 (3) The organization is conducting bingo for
6 entertainment purposes only and all prizes awarded will be of
7 nominal value.

8 (d) Limitation on compensation.--No person shall be
9 compensated for services rendered in the operation of bingo
10 played for entertainment purposes pursuant to this section.

11 Section 506. Revocation of special permits.

12 (a) Grounds.--The licensing authority shall revoke or refuse
13 to renew the special permit of any organization whenever the
14 licensing authority finds upon investigation that:

15 (1) The organization is conducting bingo for purposes of
16 making a profit.

17 (2) Any person under 18 years of age unaccompanied by an
18 adult is playing bingo.

19 (3) Compensation prohibited by this chapter has been
20 paid to or received by any person.

21 (4) False or erroneous information was provided in the
22 original notarized application.

23 (5) The organization has been convicted of a violation
24 of this chapter as evidenced by a certified record of the
25 conviction.

26 (b) Possible revocation.--The licensing authority may revoke
27 the special permit of any organization if it finds that the
28 organization has knowingly employed any person in the operation
29 of the organization's bingo game who has been convicted of a
30 violation of this chapter.

1 Section 507. Service of food or drink.

2 It shall be unlawful to serve food or drink, with or without
3 charge, at the location of an association's bingo game unless
4 there has been compliance with the health laws and regulations
5 of the Commonwealth and its political subdivisions.

6 Section 508. Penalty.

7 (a) Summary offense.--Any association violating the
8 provisions of this chapter commits a summary offense, and upon
9 conviction thereof shall be sentenced to pay a fine not
10 exceeding \$1,000 and shall forfeit any license issued to the
11 association, and it shall be ineligible for a license renewal
12 for 30 months thereafter.

13 (b) Misdemeanor.--Any person who conducts or assists in the
14 conducting of bingo in violation of the provisions of this
15 chapter, commits a misdemeanor of the first degree. Any person
16 who permits the conduct of bingo on the same premises, owned by
17 him or leased to him, on more than five days in any one week or
18 by more than one association in any calendar day, except for
19 bingo being played at an exposition, carnival or fair, commits a
20 misdemeanor of the first degree.

21 Section 509. Additional powers of licensing authority.

22 The licensing authority shall investigate alleged violations
23 of this chapter. If the licensing authority finds probable cause
24 to believe that a violation has occurred, it may file a
25 complaint against the alleged violator in the court of common
26 pleas in the court of the county in which the violation
27 occurred, except in counties of the first class where the
28 complaint may be filed in the municipal court. In addition, the
29 licensing authority shall prosecute said complaint in the manner
30 provided by law.

1 Section 510. Enforcement powers of law enforcement officials
2 not restricted.

3 Nothing in this chapter shall be interpreted to restrict the
4 power of State, county or local law enforcement officials to
5 conduct investigations and enforce the provisions of this
6 chapter.

7 Section 20. The act of July 10, 1981 (P.L.214, No.67), known
8 as the Bingo Law, is repealed.

9 Section 21. This act shall take effect as follows:

10 (1) The following provisions shall take effect 60 days
11 after the licensing authority, as defined in section 302 of
12 the act, is established:

13 (i) The addition of Chapter 5 of the act.

14 (ii) Section 20 of this act.

15 (2) The following provisions shall take effect
16 immediately:

17 (i) The amendment of the definition of "daily
18 drawing" in section 302 of the act.

19 (ii) The amendment of section 5(b), (c) and (e) of
20 the act.

21 (3) This section shall take effect immediately.

22 (4) The remainder of this act shall take effect in 60
23 days.