

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 212 Session of
2009

INTRODUCED BY ORIE, BROWNE, FOLMER, KASUNIC, ALLOWAY, ERICKSON,
BOSCOLA, BAKER, STOUT, MUSTO, EARLL, RAFFERTY, EICHELBERGER,
COSTA, WAUGH, M. WHITE AND WASHINGTON, FEBRUARY 19, 2009

REFERRED TO FINANCE, FEBRUARY 19, 2009

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. The definition of "bona fide member" in section 3
8 of the act of July 10, 1981 (P.L.214, No.67), known as the Bingo
9 Law, added December 15, 1982 (P.L.1299, No.293), is amended to
10 read:

11 Section 3. Definitions.

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

15 * * *

16 "Bona fide member." Any individual who holds a full
17 membership in the association as defined by the association's
18 constitution, charter, articles of incorporation or bylaws [and

1 has been a member of the association for at least one year]. The
2 term shall also include those individuals who are members of an
3 auxiliary or recognized junior affiliate of the parent
4 association.

5 * * *

6 Section 2. Section 5(a), (c), (d) and (e) of the act,
7 amended December 15, 1982 (P.L.1299, No.293) and February 12,
8 1988 (P.L.76, No.14), are amended and the section is amended by
9 adding subsections to read:

10 Section 5. Rules for licensing and operation.

11 (a) Issuance and fee.--The licensing authority shall
12 license, upon application, any association as defined in section
13 3 to conduct the game of bingo at one location in the county,
14 which, when in a county of the second class, shall only be in
15 the city, borough or township where the main business office or
16 headquarters of the association is located. The county treasurer
17 of a county of the second class shall indicate on each license
18 the city, borough or township where the association may conduct
19 bingo. The single municipal location limitation shall not apply
20 to a group of licensed associations conducting bingo at a
21 central location. The license fee to be charged to each
22 nonprofit association shall be [\$100 per annum] \$300 for a two-
23 year period except to those recognized senior citizens' groups
24 who conduct bingo for their members only the fee shall be [\$50
25 per annum] \$150 for a two-year period. The license fee to be
26 charged to each agricultural association or county fair shall be
27 [\$100 per annum] \$300 for a two-year period. Associations which
28 conduct bingo only one period each year for not more than three
29 consecutive days shall be charged \$15 for the issuance of their
30 license. The fees collected pursuant to this section shall be

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

5 * * *

6 (c) Operation.--Each licensed association shall comply with
7 the following restrictions and rules governing the operation of
8 bingo:

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

11 (2) No association shall conduct bingo more than twice
12 in any one week, except an association shall be permitted to
13 conduct the game of bingo for a period not to exceed ten days
14 at the association's exposition, carnival or fair site in
15 addition to the regularly scheduled games.

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

18 (i) Jackpot games, which shall not exceed a value of
19 \$2,000 for one such game. [In addition, no]

20 (ii) No more than [\$4,000 in prizes] \$8,000 in
21 prizes shall be awarded in any calendar day.

22 (iii) Winner-takes-all games, which shall pay out
23 100% of the gross revenues generated from the bingo game.

24 (4) Only associations licensed to conduct bingo shall be
25 permitted to advertise their bingo games. Such advertisements
26 shall contain the date, time, location, whether cash or
27 merchandise prizes will be awarded and the name of the
28 association licensed to conduct the bingo game and the name
29 of the individual in charge of the operation of the game. [An
30 association shall not advertise the prizes or their dollar

1 value which will be awarded nor shall they advertise a
2 guaranteed prize dollar value.]

3 (5) The association shall own the equipment used in
4 playing bingo or shall sign a written agreement leasing the
5 equipment from another licensed association for a fee which
6 is not determined by the amount of receipts realized from the
7 playing of bingo or the number of people attending bingo
8 games. Joint ownership of bingo equipment shall be permitted
9 only if both owners of the equipment are licensed
10 associations. This paragraph shall not apply to associations
11 contracting charitable organizations or outside operators to
12 conduct bingo at expositions, carnivals or fairs.

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

26 (7) Each association shall keep written records of the
27 moneys and merchandise collected and distributed for each day
28 they conduct bingo. These records shall indicate the total
29 proceeds collected, the total prize money distributed, the
30 total value of all merchandise awarded as a prize and the

1 amount of moneys paid as rentals or wages and to whom such
2 rentals or wages were paid. All prizes awarded having a value
3 greater than [\$250] \$600 shall be specifically described in
4 the association's records. The association shall obtain the
5 signature receipt of any winner of \$600 or more. These
6 records shall be maintained by the association. Each
7 association shall report to the Department of Revenue prizes
8 awarded as required by section 335 of the act of March 4,
9 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

10 (8) Each association shall deposit with a financial
11 institution all proceeds for each day's bingo game in an
12 account in the association's name. This deposit shall be made
13 before any of the proceeds may be used for any other purpose,
14 except for payment of prize money and compensation to members
15 employed in the operation of the game.

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

25 (10) Associations which obtain a license for the purpose
26 of conducting bingo at an exposition, carnival or fair for a
27 period not exceeding ten days shall be permitted to contract
28 a charitable organization to manage, set up, supervise or
29 participate in the operation of the bingo game provided only
30 merchandise prizes are awarded. Only bona fide members of the

1 contracted charitable organization shall be permitted to
2 participate in the operation of the bingo game. If no
3 charitable organizations are available, the association may
4 contract an outside operator to conduct the game for
5 merchandise at the exposition, carnival or fair site. The
6 provisions of this paragraph shall not be construed to allow
7 bingo games to be ordinarily carried out on a commercial
8 basis in this Commonwealth.

9 (11) No person shall participate in the operation of
10 bingo games on more than four days in any calendar week,
11 which games may be operated by no more than two different
12 licensed associations. This provision shall not apply to
13 persons engaged in the operation of bingo for merchandise at
14 expositions, carnivals or fairs not exceeding ten days in
15 duration.

16 (12) No supplier of merchandise nor any person who has
17 been convicted of a felony or a violation of this act shall
18 have a pecuniary interest in the operation or proceeds of the
19 bingo game.

20 (d) Application for license.--Each association shall apply
21 to the licensing authority for a license on a form to be
22 prescribed by the Secretary of the Commonwealth. Said form shall
23 contain an affidavit to be affirmed by the executive officer or
24 secretary of the association stating that:

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

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

30 (3) The association is the sole or joint owner with a

1 licensed association of the equipment used in playing bingo
2 or it leases the equipment from another licensed association
3 under a written agreement for a fee which is not determined
4 by the amount of receipts realized from the playing of bingo
5 or the number of people attending bingo games. This paragraph
6 shall not apply to associations contracting with charitable
7 organizations or outside operators to conduct bingo at
8 expositions, carnivals or fairs.

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

21 (5) The association will not conduct the playing of
22 bingo more than twice per week in any one week, except those
23 associations conducting bingo at expositions, carnivals or
24 fairs.

25 (6) The association in any calendar day will not award a
26 total of more than [\$4,000 in prizes] \$8,000 in prizes.

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

29 (8) The association has complied with the annual
30 financial report filing requirements in subsection (g).

1 (9) The association has complied with the educational
2 requirements contained in subsection (h).

3 (e) Limitation on compensation.--No person may be employed
4 in the operation or the actual running of a bingo game for
5 compensation greater than [\$50] \$100 per calendar day, except
6 employees of outside operators under section 5(c)(10), and any
7 person compensated shall be paid individually by check or by
8 cash, in which case the payee shall sign a written receipt
9 therefor. [In addition, no person shall receive compensation
10 from more than one source for services rendered in the operation
11 of a bingo game.]

12 * * *

13 (g) Financial report.--An annual financial report limited to
14 the operation of bingo games detailing gross profit, allowable
15 expenses, rent, staff per diem, cost of supplies, net profit and
16 contributions to charitable causes shall be filed with the
17 licensing authority. This report shall be filed with the
18 application for license and shall be filed by the midterm
19 anniversary date of the license in nonapplication years. This
20 report shall be prepared on a one-page form to be designed by
21 the department. The report shall contain information for the 12-
22 month period immediately preceding a date 60 days prior to the
23 filing of the report. Failure to file the report by the midterm
24 anniversary date of the license shall result in the automatic
25 suspension of the license until the county treasurer certifies
26 the report has been filed in compliance with this act.

27 (h) Education requirements.--A licensed association that
28 conducts bingo 30 or more times in one calendar year must
29 provide evidence to the county treasurer that a bona fide member
30 or designee of the association has completed four hours of

1 education in the corresponding license period. The education
2 program shall include seminars on law applicable to bingo
3 involving reporting requirements, recordkeeping, legal operation
4 of bingo and any other related topics the department may
5 require. An education program shall be provided by any nonprofit
6 association approved by the department.

7 Section 3. Section 7(b) of the act, amended December 15,
8 1982 (P.L.1299, No.293), is amended to read:

9 Section 7. Penalty.

10 * * *

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

19 Section 4. This act shall take effect as follows:

20 (1) The addition of section 5(h) of the act shall take
21 effect in two years.

22 (2) This section shall take effect immediately.

23 (3) The remainder of this act shall take effect in 60
24 days.