

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

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
SEPTEMBER 24, 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
4 DEFINITIONS, FOR rules for licensing and operation, FOR ←
5 REVOCATION OF LICENSES AND FOR PENALTIES.

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

8 ~~Section 1. The definition of "bona fide member" in section 3 ←~~
9 ~~of the act of July 10, 1981 (P.L.214, No.67), known as the Bingo~~
10 ~~Law, added December 15, 1982 (P.L.1299, No.293), is amended to~~
11 ~~read:~~

12 SECTION 1. THE DEFINITIONS OF "BINGO" AND "BONA FIDE MEMBER" ←
13 IN SECTION 3 OF THE ACT OF JULY 10, 1981 (P.L.214, NO.67), KNOWN
14 AS THE BINGO LAW, AMENDED OR ADDED DECEMBER 15, 1982 (P.L.1299,
15 NO.293), ARE AMENDED AND THE SECTION IS AMENDED BY ADDING
16 DEFINITIONS TO READ:

17 Section 3. Definitions.

18 The following words and phrases when used in this act shall

1 have, unless the context clearly indicates otherwise, the
2 meanings given to them in this section:

3 * * *

4 "BINGO." A GAME IN WHICH EACH PLAYER HAS A CARD [OR BOARD],
5 BOARD OR ELECTRONIC BINGO DEVICE CONTAINING FIVE HORIZONTAL ROWS
6 ALL BUT THE CENTRAL ONE CONTAINING FIVE FIGURES. THE CENTRAL ROW
7 HAS FOUR FIGURES WITH THE WORD "FREE" MARKED IN THE CENTER
8 THEREOF. ANY PREANNOUNCED COMBINATION OF SPACES WHEN COMPLETED
9 BY A PLAYER CONSTITUTES BINGO. IN THE ABSENCE OF A
10 PREANNOUNCEMENT OF A COMBINATION OF SPACES, ANY COMBINATION OF
11 FIVE IN A ROW WHETHER HORIZONTAL OR VERTICAL WHEN COMPLETED BY A
12 PLAYER CONSTITUTES BINGO WHEN ITS NUMBERS ARE ANNOUNCED AND
13 COVERED. A WHEEL OR OTHER MECHANICAL DEVICE MAY BE USED BY ANY
14 PERSON CONDUCTING THE GAME OF BINGO, AND ANY SUCH PERSON MAY
15 AWARD A PRIZE TO ANY PLAYER OR PLAYERS FIRST COMPLETING ANY
16 COMBINATION CONSTITUTING BINGO.

17 "Bona fide member." Any individual who holds a full
18 membership in the association as defined by the association's
19 constitution, charter, articles of incorporation or bylaws [and
20 has been a member of the association for at least one year]. The
21 term shall also include those individuals who are members of an
22 auxiliary or recognized junior affiliate of the parent
23 association.

24 * * *

25 "ELECTRONIC BINGO DEVICE." AN ELECTRONIC OR MECHANICAL
26 DEVICE THAT IS USED BY A BINGO PLAYER TO MARK REPRESENTATIONS OF
27 BINGO CARD FACES STORED IN THE DEVICE AND SHALL NOT INCLUDE ANY
28 DEVICE INTO WHICH COIN, CURRENCY OR TOKENS ARE INSERTED DIRECTLY
29 INTO THE DEVICE TO ACTIVATE PLAY OR WHICH USES WIRELESS
30 COMMUNICATION TECHNOLOGY.

1 * * *

2 "LESSOR." A PERSON THAT PERMITS THE CONDUCT OF BINGO ON A ←
3 PREMISES OWNED BY OR LEASED TO THE PERSON.

4 * * *

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

9 Section 5. Rules for licensing and operation.

10 * * *

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

14 (1) No person under the age of 18 shall be permitted to
15 play bingo unless accompanied by an adult. CHILDREN UNDER 18 ←
16 YEARS OF AGE SHALL NOT BE PERMITTED TO PLAY BINGO USING AN
17 ELECTRONIC BINGO DEVICE.

18 (2) No association shall conduct bingo more than [twice] ←
19 THREE TIMES in any one week, except an association shall be ←
20 permitted to conduct the game of bingo for a period not to
21 exceed ten days at the association's exposition, carnival or
22 fair site in addition to the regularly scheduled games.

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

25 (i) Jackpot games, which shall not exceed a value of
26 \$2,000 for one such game. [In addition, no]

27 (ii) No more than [\$4,000 in prizes] ~~\$8,000~~ \$10,000 ←
28 in prizes shall be awarded in any calendar day.

29 (iii) Winner-takes-all games, which shall pay out
30 100% of the gross revenues generated from the bingo game.

1 (4) Only associations licensed to conduct bingo shall be
2 permitted to advertise their bingo games. Such advertisements
3 shall contain the date, time, location, whether cash or
4 merchandise prizes will be awarded and the name of the
5 association licensed to conduct the bingo game and the name
6 of the individual in charge of the operation of the game. [An
7 association shall not advertise the prizes or their dollar
8 value which will be awarded nor shall they advertise a
9 guaranteed prize dollar value.]

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

20 (6) The association shall own both the premises upon
21 which bingo is played and the personal property used in the
22 conduct of the game, or if it does not, the association shall
23 sign a written agreement leasing such premises or personal
24 property from the owner thereof for a fee which is not
25 determined by either the amount of receipts realized from the
26 playing of bingo or the number of people attending bingo
27 games. An association shall not lease such premises or
28 personal property from any person who has been convicted of a
29 felony or a violation of this act. More than one association
30 may lease the same premises for the conducting of bingo and

1 each association shall have its own license, subject to the
2 limitations enumerated in section 7(b).

3 (7) Each association shall keep written records of the
4 moneys and merchandise collected and distributed for each day
5 they conduct bingo. These records shall indicate the total
6 proceeds collected, the total prize money distributed, the
7 total value of all merchandise awarded as a prize and the
8 amount of moneys paid as rentals or wages and to whom such
9 rentals or wages were paid. All prizes awarded having a value
10 [greater than \$250] of \$600 or more shall be specifically
11 described in the association's records. The association shall
12 obtain the signature receipt of any winner of \$600 or more.
13 These records shall be maintained by the association. Each
14 association shall report to the Department of Revenue prizes
15 awarded as required by section 335 of the act of March 4,
16 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

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

23 (9) [No association shall permit any person who is not a ←
24 bona fide member of the association or who has been convicted
25 of a felony or a violation of this act to manage, set up,
26 supervise or participate in the operation of the
27 association's bingo games.] AN ASSOCIATION MAY PERMIT ANY ←
28 PERSON WHO IS A BONA FIDE MEMBER OF THE ASSOCIATION OR AN
29 EMPLOYEE OF A LESSOR TO MANAGE, SET UP, SUPERVISE OR
30 PARTICIPATE IN THE OPERATION OF THE ASSOCIATION'S BINGO

1 GAMES. NO ASSOCIATION SHALL PERMIT ANY PERSON WHO HAS BEEN
2 CONVICTED OF A FELONY OR A VIOLATION OF THIS ACT TO MANAGE,
3 SET UP, SUPERVISE OR PARTICIPATE IN THE OPERATION OF THE
4 ASSOCIATION'S BINGO GAMES. Nothing contained in this act
5 shall be construed to prohibit individuals under 18 years of
6 age from participating in the operation of the game and being
7 compensated therefor if written permission is obtained from
8 their parent or guardian.

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

23 (11) No person shall participate in the operation of
24 bingo games on more than ~~four~~ SIX days in any calendar ←
25 week, which games may be operated by no more than two
26 different licensed associations. This provision shall not
27 apply to persons engaged in the operation of bingo for
28 merchandise at expositions, carnivals or fairs not exceeding
29 ten days in duration.

30 (12) No supplier of merchandise nor any person who has

1 been convicted of a felony or a violation of this act shall
2 have a pecuniary interest in the operation or proceeds of the
3 bingo game.

4 (d) Application for license.--Each association shall apply
5 to the licensing authority for a license on a form to be
6 prescribed by the Secretary of the Commonwealth. Said form shall
7 contain an affidavit to be affirmed by the executive officer or
8 secretary of the association stating that:

9 (1) No person under the age of 18 will be permitted by
10 the association to play bingo unless accompanied by an adult.
11 CHILDREN UNDER 18 YEARS OF AGE SHALL NOT BE PERMITTED TO PLAY ←
12 BINGO USING AN ELECTRONIC BINGO DEVICE.

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

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

25 (4) The association is the owner of both the premises
26 upon which bingo is played and the personal property used in
27 the conduct of the game or, if it is not, that the
28 association is not leasing such premises or personal property
29 from the owner thereof under an oral agreement, nor is it
30 leasing such premises or personal property from the owner

1 thereof under a written agreement at a rental which is
2 determined by either the amount of receipts realized from the
3 playing of bingo or the number of people attending bingo
4 games, nor is it leasing such premises or personal property
5 from a person who has been convicted of a felony or a
6 violation of this act.

7 (5) The association will not conduct the playing of
8 bingo more than [~~twice~~] THREE TIMES per week in any one week, ←
9 except those associations conducting bingo at expositions,
10 carnivals or fairs.

11 (6) The association in any calendar day will not award a
12 total of more than [\$4,000 in prizes] ~~\$8,000~~ \$10,000 in ←
13 prizes.

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

16 (8) The association has complied with the annual
17 financial report filing requirements in subsection (d.1)(1).

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

20 (d.1) Additional application components.--As part of the
21 application INITIAL OR RENEWAL APPLICATION FILED under ←
22 subsection (d), each association shall comply with all of the
23 following:

24 (1) An association shall file an annual report with the
25 licensing authority. The following shall apply:

26 (i) The first annual report required under this
27 paragraph shall contain information for the 12-month
28 period ending at least 60 days, but not more than 90
29 days, prior to the submission of the application.

30 Subsequent annual reports shall contain information for

1 the most recent 12-month period ending in the same month
2 as the initial report.

3 (ii) The annual report shall ~~concern the operation~~ ←
4 of bingo games by the association and shall detail gross
5 receipts from the conduct of bingo games, the expenses
6 related to the conduct of bingo games, the prizes paid
7 out for bingo games and the details as to how the
8 proceeds from bingo games were used or disbursed by the
9 association.

10 (iii) The annual report shall be prepared on a one-
11 page form to be designed by the department. Additional
12 schedules shall be included, if necessary, to provide
13 specific details on the use or disbursement of the net
14 proceeds from bingo games by the association.

15 (IV) A COPY OF THE ANNUAL REPORT SHALL BE FILED WITH ←
16 THE APPLICATION TO RENEW THE LIQUOR LICENSE OF AN
17 ELIGIBLE ORGANIZATION.

18 (2) An association shall provide evidence to the
19 licensing authority that bingo games ~~education~~ TRAINING has ←
20 been completed under this paragraph. The following shall
21 apply:

22 (i) ~~Two hours of education~~ A MINIMUM OF TWO HOURS OF ←
23 TRAINING shall have been completed within the 12-month
24 period immediately preceding the date of the application.

25 (ii) The ~~education~~ TRAINING shall have been ←
26 completed by the executive officer, secretary or a
27 responsible person listed on the association's
28 application for a license. The person receiving the
29 training shall be associated with the conduct of bingo
30 games by the association.

1 ~~(iii) The contents of the education program shall be~~ ←
2 ~~determined by the department and shall be designed to~~
3 ~~assist associations in their compliance with statutory~~
4 ~~and regulatory requirements associated with the conduct~~
5 ~~of bingo games.~~

6 ~~(iv) The education program may be conducted by any~~
7 ~~Statewide nonprofit association approved by the~~
8 ~~department.~~

9 ~~(v)~~ ←

10 ~~(III) THE TRAINING SHALL CONSIST OF THE COMPLETION~~
11 ~~OF TRAINING MATERIALS PREPARED BY THE DEPARTMENT. THE~~
12 ~~TRAINING MATERIALS SHALL BE DESIGNED TO ASSIST ELIGIBLE~~
13 ~~ORGANIZATIONS IN THEIR COMPLIANCE WITH STATUTORY AND~~
14 ~~REGULATORY REQUIREMENTS ASSOCIATED WITH THE CONDUCT OF~~
15 ~~GAMES OF CHANCE. THE TRAINING MATERIALS SHALL BE~~
16 ~~AVAILABLE ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE~~
17 ~~INTERNET WEBSITE. UPON REQUEST, THE DEPARTMENT SHALL~~
18 ~~PROVIDE HARD COPIES OF THE TRAINING MATERIALS AT A COST~~
19 ~~NOT TO EXCEED THE ACTUAL COST OF PRINTING AND POSTAGE.~~

20 ~~(IV) This paragraph shall not apply if the~~
21 ~~association submits an affidavit affirmed by the~~
22 ~~executive officer or secretary of the association that~~
23 ~~the association will not conduct bingo games on 30 or~~
24 ~~more days during the licensing period.~~

25 (e) Limitation on compensation.--No person may be employed
26 in the operation or the actual running of a bingo game for
27 compensation greater than [\$50] \$100 per calendar day, except
28 employees of outside operators under section 5(c)(10), and any
29 person compensated shall be paid individually by check or by
30 cash, in which case the payee shall sign a written receipt

1 therefor. [In addition, no person shall receive compensation
2 from more than one source for services rendered in the operation
3 of a bingo game.]

4 * * *

5 SECTION 3. SECTION 6(A) OF THE ACT IS AMENDED BY ADDING A ←
6 PARAGRAPH TO READ:

7 SECTION 6. REVOCATION OF LICENSES.

8 (A) GROUNDS.--THE LICENSING AUTHORITY SHALL REVOKE OR REFUSE
9 TO RENEW THE LICENSE OF ANY ASSOCIATION WHENEVER THE DISTRICT
10 ATTORNEY FINDS UPON INVESTIGATION THAT:

11 * * *

12 (9) THE ASSOCIATION HAS FAILED TO KEEP AND MAINTAIN THE
13 RECORDS REQUIRED UNDER THIS ACT FOR A PERIOD OF TWO YEARS.

14 * * *

15 Section 3 4. Section 7(b) of the act, amended December 15, ←
16 1982 (P.L.1299, No.293), is amended to read:

17 Section 7. Penalty.

18 * * *

19 (b) Misdemeanor.--Any person who conducts or assists in the
20 conducting of bingo in violation of the provisions of this act,
21 is guilty of a misdemeanor of the first degree. Any person who
22 permits the conduct of bingo on the same premises, owned by him
23 or leased to him, on more than [five] SEVEN days in any one week ←
24 or by more than [one association] two THREE associations in any ←
25 calendar day, except for bingo being played at an exposition,
26 carnival or fair, is guilty of a misdemeanor of the first
27 degree.

28 ~~Section 4. This act shall take effect as follows:~~ ←

29 SECTION 5. THIS ACT SHALL APPLY AS FOLLOWS: ←

30 (1) The amendment or addition of section 5(d)(8) and

1 (d.1) (1) of the act shall apply to applications filed more
2 than 60 days after the effective date of this section.

3 (2) The amendment or addition of section 5(d) (9) and
4 (d.1) (2) of the act shall apply to applications filed more
5 than one year after the effective date of this section.

6 SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: ←

7 (1) SECTION 5 OF THIS ACT AND THIS SECTION SHALL TAKE
8 EFFECT IMMEDIATELY.

9 ~~(3)~~ (2) The remainder of this act shall take effect in ←
10 60 days.