

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 959 Session of  
2003

INTRODUCED BY PALLONE, CAPPELLI, CAWLEY, COY, FABRIZIO, GERGELY,  
GRUCELA, HARHAI, HORSEY, LAUGHLIN, MANN, MARKOSEK,  
McILHATTAN, ROONEY, RUFFING, SAINATO, SCRIMENTI, SHANER,  
THOMAS AND WALKO, MARCH 25, 2003

REFERRED TO COMMITTEE ON FINANCE, MARCH 25, 2003

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 and for revocation of licenses  
5 and abrogating regulations.

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

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

12 Section 5. Rules for licensing and operation.

13 \* \* \*

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

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

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

6           (3) Prizes awarded shall not exceed a value of \$250 for  
7           any one game of bingo, except for jackpot games which shall  
8           not exceed a value of \$2,000 for one such game. In addition,  
9           no more than \$4,000 in prizes shall be awarded in any  
10          calendar day.

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

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

30          (6) The association shall own both the premises upon

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

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

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

25       (9) No association shall permit any person [who is not a  
26     bona fide member of the association or] who has been  
27     convicted of a felony or a violation of this act to manage,  
28     set up, supervise or participate in the operation of the  
29     association's bingo games. Nothing contained in this act  
30     shall be construed to prohibit individuals under 18 years of

1 age from participating in the operation of the game and being  
2 compensated therefor if written permission is obtained from  
3 their parent or guardian.

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

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

25 (12) No supplier of merchandise nor any person who has  
26 been convicted of a felony or a violation of this act shall  
27 have a pecuniary interest in the operation or proceeds of the  
28 bingo game.

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

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

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

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

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

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

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

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

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

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

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

\* \* \*

Section 2. Section 6(a) of the act, amended December 15, 1982 (P.L.1299, No.293), is amended to read:

Section 6. Revocation of licenses.

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

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

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

(3) The facility in which any game of bingo is played

1 does not have adequate means of ingress and egress or does  
2 not have adequate sanitary facilities available in the area.

3 (4) [Greater compensation than is herein authorized has  
4 been paid to or received by any person, or that] That a  
5 person or persons other than those authorized in section 5  
6 have been involved in managing, setting up, operating or  
7 running the game.

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

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

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

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

24 (iii) leasing such premises or personal property  
25 from a person who has been convicted of a felony or a  
26 violation of this act.

27 (7) False or erroneous information was provided in the  
28 original notarized application.

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

1 conviction.

2 \* \* \*

3 Section 3. All regulations or parts of regulations are  
4 hereby abrogated insofar as they are inconsistent with this act.

5 Section 4. All other acts and parts of acts are repealed  
6 insofar as they are inconsistent with this act.

7 Section 5. This act shall take effect in 60 days.