

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 706 Session of 2007

INTRODUCED BY SANTONI, BUXTON, CALTAGIRONE, CARROLL, COHEN, GIBBONS, GRUCELA, HENNESSEY, JAMES, KILLION, KOTIK, KULA, MAHONEY, McILHATTAN, NAILOR, PETRONE, PICKETT, REICHLEY, SOLOBAY, STABACK, STERN, WALKO, ROAE, FABRIZIO, YOUNGBLOOD, SIPTROTH, WANSACZ, KORTZ, GERGELY AND LONGIETTI, MARCH 9, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 12, 2007

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 defining "bona fide
4 member." MEMBER"; AND FURTHER PROVIDING FOR RULES FOR
5 LICENSING AND OPERATION. ←

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 3. Definitions.

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

16 * * *

17 "Bona fide member." Any individual who holds a full

1 membership in the association as defined by the association's
2 constitution, charter, articles of incorporation or bylaws and
3 has been a member of the association for at least [one year] 30
4 days. The term shall also include those individuals who are
5 members of an auxiliary or recognized junior affiliate of the
6 parent association.

7 * * *

8 SECTION 2. SECTION 5(C) AND (D) OF THE ACT, AMENDED DECEMBER <—
9 15, 1982 (P.L.1299, NO.293) AND FEBRUARY 12, 1988 (P.L.76,
10 NO.14), ARE AMENDED TO READ:

11 SECTION 5. RULES FOR LICENSING AND OPERATION.

12 * * *

13 (C) OPERATION.--EACH LICENSED ASSOCIATION SHALL COMPLY WITH
14 THE FOLLOWING RESTRICTIONS AND RULES GOVERNING THE OPERATION OF
15 BINGO:

16 (1) NO PERSON UNDER THE AGE OF 18 SHALL BE PERMITTED TO
17 PLAY BINGO UNLESS ACCOMPANIED BY AN ADULT.

18 (2) NO ASSOCIATION SHALL CONDUCT BINGO MORE THAN TWICE
19 IN ANY ONE WEEK, EXCEPT AN ASSOCIATION SHALL BE PERMITTED TO
20 CONDUCT THE GAME OF BINGO FOR A PERIOD NOT TO EXCEED TEN DAYS
21 AT THE ASSOCIATION'S EXPOSITION, CARNIVAL OR FAIR SITE IN
22 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 MORE THAN
27 \$4,000 IN PRIZES]

28 (II) NO MORE THAN \$8,000 IN PRIZES SHALL BE AWARDED
29 IN ANY CALENDAR DAY.

30 (III) WINNER-TAKES-ALL GAMES WHICH SHALL PAY OUT

1 100% OF THE GROSS REVENUES GENERATED FROM THE BINGO GAME.

2 (4) ONLY ASSOCIATIONS LICENSED TO CONDUCT BINGO SHALL BE
3 PERMITTED TO ADVERTISE THEIR BINGO GAMES. SUCH ADVERTISEMENTS
4 SHALL CONTAIN THE DATE, TIME, LOCATION, WHETHER CASH OR
5 MERCHANDISE PRIZES WILL BE AWARDED AND THE NAME OF THE
6 ASSOCIATION LICENSED TO CONDUCT THE BINGO GAME AND THE NAME
7 OF THE INDIVIDUAL IN CHARGE OF THE OPERATION OF THE GAME. AN
8 ASSOCIATION SHALL NOT ADVERTISE THE PRIZES OR THEIR DOLLAR
9 VALUE WHICH WILL BE AWARDED NOR SHALL THEY ADVERTISE A
10 GUARANTEED PRIZE DOLLAR VALUE.

11 (5) THE ASSOCIATION SHALL OWN THE EQUIPMENT USED IN
12 PLAYING BINGO OR SHALL SIGN A WRITTEN AGREEMENT LEASING THE
13 EQUIPMENT FROM ANOTHER LICENSED ASSOCIATION FOR A FEE WHICH
14 IS NOT DETERMINED BY THE AMOUNT OF RECEIPTS REALIZED FROM THE
15 PLAYING OF BINGO OR THE NUMBER OF PEOPLE ATTENDING BINGO
16 GAMES. JOINT OWNERSHIP OF BINGO EQUIPMENT SHALL BE PERMITTED
17 ONLY IF BOTH OWNERS OF THE EQUIPMENT ARE LICENSED
18 ASSOCIATIONS. THIS PARAGRAPH SHALL NOT APPLY TO ASSOCIATIONS
19 CONTRACTING CHARITABLE ORGANIZATIONS OR OUTSIDE OPERATORS TO
20 CONDUCT BINGO AT EXPOSITIONS, CARNIVALS OR FAIRS.

21 (6) THE ASSOCIATION SHALL OWN BOTH THE PREMISES UPON
22 WHICH BINGO IS PLAYED AND THE PERSONAL PROPERTY USED IN THE
23 CONDUCT OF THE GAME, OR IF IT DOES NOT, THE ASSOCIATION SHALL
24 SIGN A WRITTEN AGREEMENT LEASING SUCH PREMISES OR PERSONAL
25 PROPERTY FROM THE OWNER THEREOF FOR A FEE WHICH IS NOT
26 DETERMINED BY EITHER THE AMOUNT OF RECEIPTS REALIZED FROM THE
27 PLAYING OF BINGO OR THE NUMBER OF PEOPLE ATTENDING BINGO
28 GAMES. AN ASSOCIATION SHALL NOT LEASE SUCH PREMISES OR
29 PERSONAL PROPERTY FROM ANY PERSON WHO HAS BEEN CONVICTED OF A
30 FELONY OR A VIOLATION OF THIS ACT.

1 (7) EACH ASSOCIATION SHALL KEEP WRITTEN RECORDS OF THE
2 MONEYS AND MERCHANDISE COLLECTED AND DISTRIBUTED FOR EACH DAY
3 THEY CONDUCT BINGO. THESE RECORDS SHALL INDICATE THE TOTAL
4 PROCEEDS COLLECTED, THE TOTAL PRIZE MONEY DISTRIBUTED, THE
5 TOTAL VALUE OF ALL MERCHANDISE AWARDED AS A PRIZE AND THE
6 AMOUNT OF MONEYS PAID AS RENTALS OR WAGES AND TO WHOM SUCH
7 RENTALS OR WAGES WERE PAID. ALL PRIZES AWARDED HAVING A VALUE
8 GREATER THAN \$250 SHALL BE SPECIFICALLY DESCRIBED IN THE
9 ASSOCIATION'S RECORDS.

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] \$8,000 IN PRIZES.

27 (7) THE ASSOCIATION IS A NONPROFIT ASSOCIATION AS
28 DEFINED IN THIS ACT.

29 * * *

30 Section ~~2~~ 3. This act shall take effect immediately.

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