

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2204 Session of
2008

INTRODUCED BY WALKO, JAMES, DERMODY, SOLOBAY, BELFANTI, BRENNAN,
BUXTON, CALTAGIRONE, CASORIO, DALEY, FABRIZIO, GEIST, GEORGE,
GERGELY, GIBBONS, GOODMAN, GRUCELA, HARHAI, HARKINS, KILLION,
KIRKLAND, KORTZ, KOTIK, KULA, LEACH, MAHONEY, MANN, MYERS,
D. O'BRIEN, PALLONE, PETRARCA, PETRONE, SABATINA, SANTONI,
SEIP, SIPTROTH, THOMAS AND J. WHITE, JANUARY 28, 2008

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, JANUARY 28, 2008

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 and for
5 revocation of licenses.

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

8 Section 1. The definition of "bingo" in section 3 of the act
9 of July 10, 1981 (P.L.214, No.67), known as the Bingo Law,
10 amended December 15, 1982 (P.L.1299, No.293), is amended and the
11 section is amended by adding definitions to 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 ["Bingo." A game in which each player has a card or board

1 containing five horizontal rows all but the central one
2 containing five figures. The central row has four figures with
3 the word "free" marked in the center thereof. Any preannounced
4 combination of spaces when completed by a player constitutes
5 bingo. In the absence of a preannouncement of a combination of
6 spaces, any combination of five in a row whether horizontal or
7 vertical when completed by a player constitutes bingo when its
8 numbers are announced and covered. A wheel or other mechanical
9 device may be used by any person conducting the game of bingo,
10 and any such person may award a prize to any player or players
11 first completing any combination constituting bingo.]

12 "Bingo." A game in which each player has a card or an
13 electronic representation of a card or board which contains
14 numbers and symbols. Any preannounced combination of spaces when
15 completed by a player constitutes bingo if the numbers or
16 symbols are announced and covered. A wheel or other mechanical
17 device, including a random number or symbol generator, may be
18 used by any person physically calling or electronically
19 displaying the game of bingo and any person may award a prize to
20 any player or players first completing any combination
21 constituting bingo.

22 "Bingo session." Authorized bingo games played until the
23 maximum amount of prize money, not including the progressive
24 jackpot, has been given out.

25 "Bingo supplies." Paper, pull tabs or daubers used in
26 conjunction with the game of bingo.

27 * * *

28 "Electronic bingo device." An electronic or mechanical
29 device that is used by a bingo player to mark representations of
30 bingo card faces stored in the device and shall not include any

1 device into which coin, currency or tokens are inserted directly
2 into the device to activate play. An electronic bingo device may
3 be used to participate in any lawful form of bingo.

4 * * *

5 "Lessor." A person that permits the conduct of bingo on a
6 premises owned by or leased to the person.

7 * * *

8 "Prize." The maximum allowed to be paid by an association
9 per bingo session, not including any progressive jackpot. A
10 prize is not considered to be a prize until it is paid to the
11 winning player who must be present during the bingo session the
12 prize was won. The prize must be awarded to the winner in
13 person, either in the form of a check or cash by a bona fide
14 member of the association or an employee of the lessor with whom
15 the association is renting the premises.

16 "Progressive jackpot." An amount given along with the
17 regular prize if a win is obtained in the predetermined number
18 of balls or less. If the win is not obtained in the
19 predetermined number of balls or less, the regular game shall
20 continue.

21 Section 2. Section 5 of the act, amended February 12, 1988
22 (P.L.76, No.14), is amended to read:

23 Section 5. Rules for licensing and operation.

24 (a) Issuance and fee.--The licensing authority shall
25 license, upon application, any association as defined in section
26 3 to conduct the game of bingo at one location in the county,
27 which, when in a county of the second class, shall only be in
28 the city, borough or township where the main business office or
29 headquarters of the association is located. The county treasurer
30 of a county of the second class shall indicate on each license

1 the city, borough or township where the association may conduct
2 bingo. The single municipal location limitation shall not apply
3 to a group of licensed associations conducting bingo at a
4 central location. The license fee to be charged to each
5 nonprofit association shall be \$100 per annum except to those
6 recognized senior citizens' groups who conduct bingo for their
7 members only the fee shall be \$50 per annum. The license fee to
8 be charged to each agricultural association or county fair shall
9 be \$100 per annum. Associations which conduct bingo only one
10 period each year for not more than three consecutive days shall
11 be charged \$15 for the issuance of their license. The fees
12 collected pursuant to this section shall be paid by the
13 licensing authority into the general fund of the county and used
14 for county purposes. All records retained by the licensing
15 authority relating to the issuance of bingo licenses and bingo
16 permits shall be public information.

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

19 (c) Operation.--Each licensed association shall comply with
20 the following restrictions and rules governing the operation of
21 bingo:

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

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

29 (3) Prizes awarded shall not exceed a value of \$250 for
30 any one game of bingo, except for jackpot games which shall

1 not exceed a value of \$2,000 for one such game. In addition,
2 no more than \$4,000 in prizes shall be awarded in any
3 calendar day.

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

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

23 (6) The association shall own both the premises upon
24 which bingo is played and the personal property used in the
25 conduct of the game, or if it does not, the association shall
26 sign a written agreement leasing such premises or personal
27 property from the owner thereof for a fee which is not
28 determined by either the amount of receipts realized from the
29 playing of bingo or the number of people attending bingo
30 games. An association shall not lease such premises or

1 personal property from any person who has been convicted of a
2 felony or a violation of this act.]

3 (1) No person under the age of 18 shall be permitted to
4 play bingo unless accompanied by an adult. Children under 18
5 years of age shall not be permitted to play bingo using an
6 electronic bingo device.

7 (2) No association shall conduct bingo more than four
8 times in any one week, except an association shall be
9 permitted to conduct the game of bingo for a period not to
10 exceed four days at the association's exposition, carnival or
11 fair site in addition to the regularly scheduled games.

12 (3) No more than \$10,000 in prizes shall be awarded in
13 any calendar day. The value of a progressive jackpot shall
14 not be subject to the prize limitation under this paragraph.

15 (4) (Reserved)

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

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

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

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

27 (i) No supplier of equipment, bingo supplies or
28 electronic bingo devices shall sell, offer to sell or
29 deliver any equipment, bingo supplies or electronic bingo
30 devices to any licensed organization in this Commonwealth

1 and no organization shall buy or accept delivery of any
2 equipment, bingo supplies or electronic bingo devices,
3 except on terms of immediate payment or on terms
4 requiring payment no later than the 15th day following
5 that on which actual delivery is made. If any payment is
6 not made when due, the supplier shall immediately notify
7 the district attorney of the county in which the
8 organization is located of the default, after which no
9 person shall sell any equipment, bingo supplies or
10 electronic bingo devices to the organization in default
11 on any other terms than immediate payment, until
12 otherwise authorized by the district attorney. Under
13 penalty of suspension of its license, the organization
14 which is in default shall pay its obligation in full
15 within 30 days from the date it became due.

16 (ii) No supplier of equipment, bingo supplies or
17 electronic bingo devices shall accept payment from a
18 licensed organization for any equipment, bingo supplies
19 or electronic bingo devices unless that payment is in the
20 form of a check bearing the organization's license number
21 and drawn on the organization's separate charitable
22 gaming account.

23 (iii) Any licensee who violates this section may
24 have its license suspended for not more than 60 days for
25 a first or a subsequent offense. Each failure of an
26 organization to make payment for any default before the
27 expiration of the period suspension constitutes a
28 subsequent offense. Additionally, the organization may be
29 required to make payments for all equipment, bingo
30 supplies or electronic bingo devices subsequently

1 purchased.

2 [(9) No association shall permit any person who is not a
3 bona fide member of the association or who has been convicted
4 of a felony or a violation of this act to manage, set up,
5 supervise or participate in the operation of the
6 association's bingo games. Nothing contained in this act
7 shall be construed to prohibit individuals under 18 years of
8 age from participating in the operation of the game and being
9 compensated therefor if written permission is obtained from
10 their parent or guardian.]

11 (9) An association shall permit any person who is a bona
12 fide member of the association or an employee of a lessor to
13 manage, set up, supervise or participate in the operation of
14 the association's bingo games. No association shall permit
15 any person who has been convicted of a felony or a violation
16 of this chapter to manage, set up, supervise or participate
17 in the operation of the association's bingo games. Nothing
18 contained in this chapter shall be construed to prohibit
19 individuals under 18 years of age from participating in the
20 operation of the game and being compensated therefor if
21 written permission is obtained from their parent or guardian.

22 (10) Associations which obtain a license for the purpose
23 of conducting bingo at an exposition, carnival or fair for a
24 period not exceeding ten days shall be permitted to contract
25 a charitable organization to manage, set up, supervise or
26 participate in the operation of the bingo game provided only
27 merchandise prizes are awarded. Only bona fide members of the
28 contracted charitable organization shall be permitted to
29 participate in the operation of the bingo game. If no
30 charitable organizations are available, the association may

1 contract an outside operator to conduct the game for
2 merchandise at the exposition, carnival or fair site. The
3 provisions of this paragraph shall not be construed to allow
4 bingo games to be ordinarily carried out on a commercial
5 basis in this Commonwealth.

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

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

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

22 (1) No person under the age of 18 will be permitted by
23 the association to play bingo unless accompanied by an adult.
24 Children under 18 years of age shall not be permitted to play
25 bingo using an electronic bingo device.

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

29 (3) The association is the sole or joint owner with a
30 licensed association of the equipment used in playing bingo

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

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

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

24 (6) The association in any calendar day will not award a
25 total of more than [\$4,000] \$10,000 in prizes.

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

28 [(e) Limitation on compensation.--No person may be employed
29 in the operation or the actual running of a bingo game for
30 compensation greater than \$50 per day, except employees of

1 outside operators under section 5(c)(10), and any person
2 compensated shall be paid individually by check or by cash, in
3 which case the payee shall sign a written receipt therefor. In
4 addition, no person shall receive compensation from more than
5 one source for services rendered in the operation of a bingo
6 game.]

7 (e) Compensation.--Any person compensated shall be paid
8 individually by check or by cash, in which case the payee shall
9 sign a written receipt.

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

13 Section 3. The act is amended by adding a section to read:
14 Section 5.1. Progressive jackpots.

15 (a) Permitted.--A licensed charitable organization or
16 organizations playing at the same location may deposit a
17 predetermined amount of money before each licensed call bingo
18 session into a special account in order to offer a progressive
19 jackpot prize.

20 (b) Participating organizations.--A participating
21 organization may conduct a progressive jackpot game which shall
22 be in conjunction with the organization's regular bingo games.

23 (c) Contents.--A progressive jackpot shall consist of all
24 contributions made by participating organizations.

25 (d) Method of winning.--A progressive jackpot is won along
26 with a regular jackpot prize when a player achieves a win in a
27 predetermined number of balls or less. If the win is not
28 obtained in the predetermined number of balls or less, the
29 organization's regular game shall continue.

30 (e) Checking account.--A separate checking account shall be

1 opened by the participating organization for the progressive
2 jackpot. The following shall apply:

3 (1) The account shall be in the name of "Charitable
4 Gaming Progressive Jackpot Account" which shall be imprinted
5 on all checks. Checks from this account shall require two
6 signatures.

7 (2) If the organizations are using a lessor, the lessor
8 shall designate a representative who shall make deposits of
9 all funds contributed to the progressive jackpot by 10:00
10 a.m. on the next banking day and who shall be responsible for
11 maintaining the checking account in accordance with generally
12 accepted accounting principles.

13 (3) Designated representatives of the lessor and each
14 participating organization shall be authorized signatories on
15 the account and shall be in attendance at the location at the
16 conclusion of each respective organization's progressive
17 jackpot game for the purpose of issuing a check bearing
18 signatures of the lessor representative and the organization
19 representative from the special account to the winner. If no
20 lessor is involved, the organization shall have two of its
21 representatives at the location to sign and issue a check.

22 (4) All banking fees and costs shall be borne by the
23 lessor or the organization, if no lessor is involved.

24 (f) Contribution.--Each participating organization shall
25 submit a check to the designated lessor representative for the
26 predetermined amount prior to the commencement of the
27 organization's scheduled call bingo session made payable to the
28 charitable gaming progressive jackpot account. The contribution
29 shall be nonrefundable except in the event of premises closure.
30 Each predetermined contribution shall constitute part of the

1 total amount of prizes awarded during that call bingo session.
2 If no lessor is involved, the organization shall make a check
3 payable to its charitable gaming progressive jackpot account.
4 The contribution shall be nonrefundable except in the event of
5 premises closure. Each predetermined contribution shall
6 constitute part of the total amount of prizes awarded during
7 that call bingo session. The following shall apply:

8 (1) The dollar amount of the progressive jackpot shall
9 be continuously and conspicuously displayed during all bingo
10 sessions conducted by participating organizations at the
11 location within view of all patrons purchasing progressive
12 jackpot cards.

13 (2) All checks written to a charitable gaming
14 progressive jackpot account shall be reported as part of the
15 bingo reports when requested by the local district attorney's
16 office.

17 (3) The organization involved in the progressive jackpot
18 may establish a maximum cap. Participating organizations may,
19 prior to the progressive jackpot being won, raise but may not
20 lower the maximum jackpot or cap. The following shall apply:

21 (i) In the event that the maximum progressive
22 jackpot or cap established is reached, the organizations
23 may continue to make contributions to the charitable
24 gaming progressive jackpot account in order to accumulate
25 a second or subsequent jackpot. Once the maximum jackpot
26 or cap is reached, the participating organizations shall
27 not offer any subsequent progressive jackpot prize until
28 the time that the first progressive jackpot prize is won.

29 (ii) The dollar amount of the maximum jackpot or cap
30 as established by the organizations shall be continuously

1 and conspicuously displayed with the current dollar
2 amount of the progressive jackpot.

3 Section 4. Section 6 of the act, amended December 15, 1982
4 (P.L.1299, No.293), is amended to read:

5 Section 6. Revocation of licenses.

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

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

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

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

17 (4) [Greater compensation than is herein authorized has
18 been paid to or received by any person, or that a person or
19 persons other than those authorized in section 5 have been
20 involved in managing, setting up, operating or running the
21 game.] (Reserved).

22 (5) The association conducts bingo using bingo equipment
23 which it does not own solely or jointly with another licensed
24 association or which it leases in violation of the statement
25 contained in its license application provided by section
26 5(d)(3).

27 (6) The association conducts bingo upon premises which
28 it does not own or with personal property it does not own and
29 is either:

30 (i) leasing such premises or personal property used

1 in the conduct of the game from the owner thereof under
2 an oral agreement;

3 (ii) leasing such premises or personal property from
4 the owner thereof under a written agreement at a rental
5 which is determined by either the amount of receipts
6 realized from the playing of bingo or the number of
7 people attending bingo games; or

8 (iii) leasing such premises or personal property
9 from a person who has been convicted of a felony or a
10 violation of this act.

11 (7) False or erroneous information was provided in the
12 original notarized application.

13 (8) An association has been convicted of a violation of
14 this act as evidenced by a certified record of the
15 conviction.

16 (b) Production of records.--The district attorney may
17 require the licensees to produce their books, accounts and
18 records relating to the conduct of bingo in order to determine
19 whether a license should be revoked or renewal thereof denied.
20 Licensees shall also be required to produce their license,
21 books, accounts and records relating to the conduct of bingo to
22 other law enforcement officials upon proper request.

23 (c) Possible revocation.--The licensing authority may revoke
24 the license of any association if he finds that the association
25 has knowingly employed any person in the operation of their
26 bingo game who has been convicted of a violation of this act.

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