

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1003 Session of
2009

INTRODUCED BY SAYLOR, BENNINGHOFF, BEYER, J. EVANS, EVERETT,
GINGRICH, GROVE, GRUCELA, HELM, KAUFFMAN, M. KELLER, KORTZ,
MANN, MILLER, MOUL, MURT, PAYNE, PICKETT, RAPP, ROCK,
SIPTROTH, SOLOBAY, SWANGER AND THOMAS, MARCH 19, 2009

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, MARCH 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 defining "bona fide
4 member"; and further providing for rules for licensing and
5 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
18 membership in the association as defined by the association's

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

6 * * *

7 Section 2. Section 5(a), (c) and (d) of the act, amended
8 December 15, 1982 (P.L.1299, No.293) and February 12, 1988
9 (P.L.76, No.14), are amended 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 except to those
23 recognized senior citizens' groups who conduct bingo for their
24 members only the fee shall be \$50 per annum. The license fee to
25 be charged to each agricultural association or county fair shall
26 be \$100 per annum. Associations which conduct bingo only one
27 period each year for not more than [three] seven consecutive
28 days shall be charged \$15 for the issuance of their license. The
29 fees collected pursuant to this section shall be paid by the
30 licensing authority into the general fund of the county and used

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

4 * * *

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

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

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

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

17 (i) Jackpot games which shall not exceed a value of
18 \$2,000 for one such game. [In addition, no more than
19 \$4,000 in prizes]

20 (ii) No more than \$8,000 in prizes shall be awarded
21 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.

23 (7) Each association shall keep written records of the
24 moneys and merchandise collected and distributed for each day
25 they conduct bingo. These records shall indicate the total
26 proceeds collected, the total prize money distributed, the
27 total value of all merchandise awarded as a prize and the
28 amount of moneys paid as rentals or wages and to whom such
29 rentals or wages were paid. All prizes awarded having a value
30 greater than \$250 shall be specifically described in the

1 association's records.

2 (8) Each association shall deposit with a financial
3 institution all proceeds for each day's bingo game in an
4 account in the association's name. This deposit shall be made
5 before any of the proceeds may be used for any other purpose,
6 except for payment of prize money and compensation to members
7 employed in the operation of the game.

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

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

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

8 (12) No supplier of merchandise nor any person who has
9 been convicted of a felony or a violation of this act shall
10 have a pecuniary interest in the operation or proceeds of the
11 bingo game.

12 (d) Application for license.--Each association shall apply
13 to the licensing authority for a license on a form to be
14 prescribed by the Secretary of the Commonwealth. Said form shall
15 contain an affidavit to be affirmed by the executive officer or
16 secretary of the association stating that:

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

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

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

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

13 (5) The association will not conduct the playing of
14 bingo more than twice per week in any one week, except those
15 associations conducting bingo at expositions, carnivals or
16 fairs.

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

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

21 * * *

22 Section 3. This act shall take effect immediately.