

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 169 Session of
2011

INTRODUCED BY DELOZIER, SWANGER, BARRAR, BUXTON, FLECK,
 GINGRICH, GRELL, GROVE, HARKINS, KAUFFMAN, M. K. KELLER,
 LONGIETTI, MATZIE, MILLARD, MILLER, OBERLANDER, QUINN,
 REICHLEY, ROCK, SAINATO, SONNEY, VULAKOVICH, BENNINGHOFF,
 KAVULICH, REESE, KORTZ, HELM, EVERETT, PERRY AND HORNAMAN,
 JANUARY 19, 2011

AS REPORTED FROM COMMITTEE ON GAMING OVERSIGHT, HOUSE OF
 REPRESENTATIVES, AS AMENDED, NOVEMBER 2, 2011

AN ACT

1 Amending the act of December 19, 1988 (P.L.1262, No.156),
 2 entitled, as amended, "An act providing for the licensing of
 3 eligible organizations to conduct games of chance, for the
 4 licensing of persons to distribute games of chance, for the
 5 registration of manufacturers of games of chance, and for
 6 suspensions and revocations of licenses and permits;
 7 requiring records; providing for local referendum by
 8 electorate; and prescribing penalties," ~~further providing for~~ ←
 9 ~~definitions, for permitted games of chance, for prize limits,~~
 10 ~~for insured games, for limited sales, for recordkeeping, for~~
 11 ~~eligible organizations' use of locations for conducting small~~
 12 ~~games of chance, for separate individual prize limitations,~~ ←
 13 ~~for enforcement and for advertising.~~ FURTHER PROVIDING FOR
 14 LEGISLATIVE INTENT, FOR DEFINITIONS, FOR GAMES OF CHANCE
 15 PERMITTED AND FOR PRIZE LIMITS, FOR LIMITS ON SALES, FOR
 16 DISTRIBUTOR LICENSES, FOR REGISTRATION OF MANUFACTURERS, FOR
 17 REGULATIONS, FOR LICENSING OF ELIGIBLE ORGANIZATIONS AND FOR
 18 SPECIAL PERMITS; PROVIDING FOR CLUB LICENSEES; FURTHER
 19 PROVIDING FOR REVOCATION OF LICENSES, FOR LOCAL OPTION, FOR
 20 ADVERTISING AND FOR PENALTIES; AND MAKING EDITORIAL CHANGES.

21 The General Assembly of the Commonwealth of Pennsylvania

22 hereby enacts as follows:

23 ~~Section 1. The definitions of "daily drawing" and "games of~~ ←
 24 ~~chance" in section 3 of the act of December 19, 1988 (P.L.1262,~~

1 ~~No.156), known as the Local Option Small Games of Chance Act,~~
2 ~~amended December 19, 1990 (P.L.812, No.195) and October 18, 2000~~
3 ~~(P.L.602, No.79), are amended and the section is amended by~~
4 ~~adding definitions to read:~~

5 ~~Section 3. Definitions.~~

6 ~~The following words and phrases when used in this act shall~~
7 ~~have the meanings given to them in this section unless the~~
8 ~~context clearly indicates otherwise:~~

9 ~~* * *~~

10 ~~"Daily drawing." A game in which a bona fide member selects~~
11 ~~or is assigned a number for a chance at a prize with the winner~~
12 ~~determined by [a] random drawing to take place on the eligible~~
13 ~~organization's premises [during the same operating day]. The~~
14 ~~term includes games commonly known as "member sign in lotteries"~~
15 ~~and "half and half lotteries." Nothing in this act shall be~~
16 ~~construed to prohibit the carrying over of a jackpot where the~~
17 ~~winning number has not been entered in the game on a particular~~
18 ~~operating day. Daily drawing winners may be determined with the~~
19 ~~aid of a passive selection device or reference to drawings~~
20 ~~conducted by the department pursuant to the act of August 26,~~
21 ~~1971 (P.L.351, No.91), known as the State Lottery Law. Daily~~
22 ~~drawing chances may not be sold for an amount in excess of \$1,~~
23 ~~and no more than one chance per individual may be sold [to an~~
24 ~~individual during the same operating day.] per drawing. Nothing~~
25 ~~in this definition shall restrict an eligible organization from~~
26 ~~conducting more than one drawing per day.~~

27 ~~* * *~~

28 ~~"Games of chance." Punchboards, daily drawings, weekly~~
29 ~~drawings, monthly drawings, raffles and pull tabs, as defined in~~
30 ~~this act, provided that no such game shall be played by or with~~

1 ~~the assistance of any mechanical or electrical devices or media~~
2 ~~other than a dispensing machine or passive selection device and~~
3 ~~further provided that the particular chance taken by any person~~
4 ~~in any such game shall not be made contingent upon any other~~
5 ~~occurrence or the winning of any other contest, but shall be~~
6 ~~determined solely at the discretion of the purchaser. This~~
7 ~~definition shall not be construed to authorize any other form of~~
8 ~~gambling currently prohibited under any provision of Title 18 of~~
9 ~~the Pennsylvania Consolidated Statutes (relating to crimes and~~
10 ~~offenses). Nothing in this act shall be construed to authorize~~
11 ~~games commonly known as "slot machines" or "video poker."~~

12 ~~"General operating expenses." The following operating~~
13 ~~expenses associated with the real property owned or leased by an~~
14 ~~eligible organization and used for public interest purposes or~~
15 ~~for conducting small games of chance:~~

- 16 ~~(1) Real property taxes.~~
- 17 ~~(2) Utilities.~~
- 18 ~~(3) Heating and air conditioning.~~
- 19 ~~(4) Water and sewer.~~
- 20 ~~(5) Property insurance.~~
- 21 ~~(6) Liability insurance.~~
- 22 ~~(7) Mortgage payments.~~
- 23 ~~(8) Interior and exterior repairs, including parking lot~~
24 ~~repairs.~~
- 25 ~~(9) New facility construction.~~
- 26 ~~(10) Any other expense as provided in regulations~~
27 ~~promulgated by the department.~~

28 ~~The term shall not include wages, alcohol purchases or payment~~
29 ~~of any fine levied against the eligible organization.~~

30 * * *

1 ~~"Monthly drawing." A game in which a bona fide member~~
2 ~~selects or receives a number or numbers for chance at a prize~~
3 ~~with the winner determined by a random drawing to take place on~~
4 ~~the eligible organization's premises during any operating month.~~
5 ~~Nothing in this act shall be construed to prohibit the carrying~~
6 ~~over of a jackpot where the winning number has not been entered~~
7 ~~in the game in a particular month. Monthly drawing winners may~~
8 ~~be determined with the aid of a passive selection device or~~
9 ~~reference to drawings conducted by the Department of Revenue~~
10 ~~pursuant to the act of August 26, 1971 (P.L.351, No.91), known~~
11 ~~as the State Lottery Law. Monthly drawing chances may not be~~
12 ~~sold for an amount in excess of \$1.~~

13 * * *

14 Section 2. Section 4 of the act, amended December 19, 1990
15 (P.L.812, No.195), is amended to read:

16 Section 4. Games of chance permitted.

17 Every eligible organization to which a license has been
18 issued under the provisions of this act may conduct games of
19 chance for the purpose of raising funds for general operating
20 expenses and for public interest purposes. [All proceeds of
21 games of chance shall be used exclusively for public interest
22 purposes or for the purchase of games of chance as permitted by
23 this act.] Proceeds of games of chance shall be used as follows:

24 (1) Sixty percent of proceeds shall be used for public
25 interest purposes.

26 (2) Forty percent of proceeds shall be used for general
27 operating expenses.

28 Section 3. Section 5 of the act, amended December 19, 1990
29 (P.L.812, No.195) and October 18, 2000 (P.L.602, No.79), is
30 amended to read:

1 ~~Section 5. Prize limits.~~

2 ~~(a) Individual prize limit. [The] Except as provided for in~~
3 ~~subsection (j), the maximum cash value which may be awarded for~~
4 ~~any single chance shall be [\$500] \$1,000.~~

5 ~~(b) Weekly limit. No more than [\$5,000] \$25,000 in cash or~~
6 ~~merchandise shall be awarded by any eligible organization in any~~
7 ~~seven day period. Payouts of less than \$26 shall not be counted~~
8 ~~toward the weekly limit.~~

9 ~~(c) Limit on raffles. No more than \$5,000 in cash or~~
10 ~~merchandise shall be awarded in raffles in any calendar month.~~

11 ~~(d) Exception. An eligible organization may conduct a~~
12 ~~raffle and award a prize or prizes valued in excess of [\$500]~~
13 ~~\$1,000 each only under the following conditions:~~

14 ~~(1) The licensing authority has issued a special permit~~
15 ~~for the raffle under section 11.~~

16 ~~(2) Eligible organizations shall be eligible to receive~~
17 ~~no more than [two] three special permits in any licensed year~~
18 ~~[except that volunteer fire, ambulance and rescue~~
19 ~~organizations shall be eligible to receive no more than three~~
20 ~~special permits in any licensed year].~~

21 ~~(3) Only one raffle may be conducted under each special~~
22 ~~permit.~~

23 ~~(4) The total cash value of all prizes shall be no more~~
24 ~~than \$100,000 per calendar year.~~

25 ~~(e) Limit on daily drawings. Daily drawings shall be~~
26 ~~governed by the prize [limitations] limitation contained in~~
27 ~~[subsections (a) and (b)] subsection (a). [An eligible~~
28 ~~organization shall not conduct daily drawings during a period~~
29 ~~when a weekly drawing is taking place.]~~

30 ~~(f) Exception. The prize limitation contained in~~

1 ~~[subsections (a) and (b)] subsection (a) may be exceeded by a~~
2 ~~daily drawing under the following circumstances: a daily drawing~~
3 ~~may award a prize where the cash value is in excess of [\$500]~~
4 ~~\$1,000 if such prize is the result of a carryover of a drawing~~
5 ~~or drawings which resulted from the winning number in such~~
6 ~~drawing or drawings not being among the eligible entrants in~~
7 ~~such drawings. Nothing contained herein shall authorize the~~
8 ~~prize [limitations] limitation as contained in [subsections (a)~~
9 ~~and (b)] subsection (a) to be exceeded as a result of a failure~~
10 ~~to conduct a drawing on an operating day during which chances~~
11 ~~were sold for a daily drawing or for a daily drawing for which~~
12 ~~chances were sold in excess of \$1 or for which more than one~~
13 ~~chance was sold to an eligible participant.~~

14 ~~(g) Daily drawing and weekly drawing exception. When a~~
15 ~~daily drawing or weekly drawing is set up or conducted in such a~~
16 ~~manner as to pay out or award 100% of the gross revenues~~
17 ~~generated from such drawing, the limitations contained in~~
18 ~~subsection (b) shall not apply.~~

19 ~~(h) Limit on weekly drawings. Weekly drawings shall be~~
20 ~~governed by the prize limitations contained in subsection (b).~~
21 ~~The prize limitation contained in subsection (b) may be exceeded~~
22 ~~by a weekly drawing under the following circumstances: a weekly~~
23 ~~drawing may award a prize where the cash value is in excess of~~
24 ~~[\$5,000] \$25,000 if such prize is the result of a carryover of a~~
25 ~~drawing or drawings which resulted from the winning number or~~
26 ~~numbers in such drawing or drawings not being among the eligible~~
27 ~~entrants in such drawings. Nothing contained in this act shall~~
28 ~~authorize the prize limitations as contained in subsection (b)~~
29 ~~to be exceeded as a result of a failure to conduct a drawing for~~
30 ~~a week during which chances were sold for a weekly drawing or~~

1 for a weekly drawing for which chances were sold in excess of
2 \$1. [An eligible organization shall not conduct weekly drawings
3 during a period when a daily drawing is taking place.]

4 ~~(i) Limit on monthly drawings. No more than \$50,000 in cash~~
5 ~~or merchandise may be awarded in any calendar month except under~~
6 ~~the following circumstances: a monthly drawing may award a prize~~
7 ~~where the cash value is in excess of \$50,000 if the prize is the~~
8 ~~result of a carryover of a drawing or drawings that resulted~~
9 ~~from the winning number or numbers in the drawing or drawings~~
10 ~~not being among the eligible entrants in the drawing. Nothing~~
11 ~~contained in this act shall authorize the prize limitations to~~
12 ~~be exceeded as a result of a failure to conduct a drawing for a~~
13 ~~month during which chances were sold for a monthly drawing or~~
14 ~~for a monthly drawing for which chances were sold in excess of~~
15 ~~\$1.~~

16 ~~(j) Authorization. Progressive games shall be permitted~~
17 ~~with a maximum cash value of \$5,000. Contributions to the pot~~
18 ~~shall be counted against the limit for the week in which the~~
19 ~~contribution is made except that when the limit is reached the~~
20 ~~amount awarded shall be counted toward the limit only to the~~
21 ~~extent it was not previously counted toward a prior week's~~
22 ~~limit.~~

23 ~~(k) Emergency services fundraiser. Notwithstanding any~~
24 ~~other provision of this section, an eligible organization that~~
25 ~~performs emergency services shall be permitted to conduct one~~
26 ~~drawing per year with an award of \$50,000 for the purpose of~~
27 ~~raising funds to purchase emergency services equipment.~~

28 ~~(l) Definition. As used in this section, the term~~
29 ~~"progressive game" means a game of chance in which a winning~~
30 ~~ticket awards the ticketholder an additional chance at another~~

1 ~~game of chance.~~

2 ~~Section 4. The act is amended by adding a section to read:~~

3 ~~Section 5.1. Insured games.~~

4 ~~(a) Authorization. Notwithstanding any provision of this~~
5 ~~act to the contrary, an eligible organization may conduct small~~
6 ~~games of chance using insured games. Insured games sold by a~~
7 ~~licensed distributor shall be insured by a valid insurance~~
8 ~~contract issued by an insurance company licensed by the~~
9 ~~Insurance Department to do business as an insurance company in~~
10 ~~this Commonwealth. Proof of the insurance contract must be~~
11 ~~provided to the department prior to the game being sold. The~~
12 ~~license of a distributor and an insurance company issuing a~~
13 ~~contract for an insured game may be suspended or revoked for~~
14 ~~failure to pay an award.~~

15 ~~(b) Definition. As used in this section, the term "insured~~
16 ~~game" means a game of chance in which the distributor or other~~
17 ~~licensed third party guarantees making the payment on a win of a~~
18 ~~jackpot.~~

19 ~~Section 5. Section 6 of the act, amended December 19, 1990-~~
20 ~~(P.L.812, No.195), is amended to read:~~

21 ~~Section 6. Sales limited.~~

22 ~~No person shall sell, offer for sale or furnish games of~~
23 ~~chance for use within this Commonwealth except to an eligible~~
24 ~~organization or distributor licensed under this act. No game of~~
25 ~~chance, other than a raffle, sold, offered for sale or furnished~~
26 ~~for use within this Commonwealth shall contain, permit, depict~~
27 ~~or designate a prize having a cash value in excess of [\$500]-~~
28 ~~\$1,000.~~

29 ~~Section 6. Section 9(b) of the act, amended December 19,~~
30 ~~1990 (P.L.812, No.195), is amended to read:~~

1 ~~Section 9. Regulations of department.~~

2 ~~* * *~~

3 ~~(b) Limitation on recordkeeping requirements. This section~~
4 ~~shall not be construed to authorize the department to promulgate~~
5 ~~regulations providing for recordkeeping requirements for~~
6 ~~eligible organizations which require unreasonable or unnecessary~~
7 ~~information or a repetitious listing of information. The~~
8 ~~department shall strive to keep such recordkeeping requirements~~
9 ~~from being an undue hardship or burden on eligible~~
10 ~~organizations. Under no circumstances shall the department~~
11 ~~require the retention of records for a period in excess of [two~~
12 ~~years] one year. Each eligible organization shall report to the~~
13 ~~department prizes awarded as required by section 335 of the act~~
14 ~~of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of~~
15 ~~1971.~~

16 ~~Section 7. Section 10 of the act, amended December 19, 1990-~~
17 ~~(P.L.812, No.195) and October 18, 2000 (P.L.602, No.79), is~~
18 ~~amended to read:~~

19 ~~Section 10. Licensing of eligible organizations to conduct~~
20 ~~games of chance.~~

21 ~~(a) License required. No eligible organization shall~~
22 ~~conduct or operate any games of chance unless such eligible~~
23 ~~organization has obtained and maintains a valid license issued~~
24 ~~pursuant to this section. Auxiliary groups within eligible~~
25 ~~organizations shall be eligible to conduct small games of chance~~
26 ~~using the license issued to the eligible organization provided~~
27 ~~that the auxiliary group or groups are listed on the application~~
28 ~~and license of the eligible organization. No additional~~
29 ~~licensing fee shall be charged for an auxiliary group's~~
30 ~~eligibility under this act. Auxiliary groups shall not include~~

1 ~~branches, lodges or chapters of a Statewide organization.~~

2 ~~(b) Issuance and fees. The licensing authority shall~~
3 ~~license, upon application, within 30 days any eligible~~
4 ~~organization meeting the requirements for licensure contained in~~
5 ~~this act to conduct and operate games of chance at such~~
6 ~~locations within the county or in such manner as stated on the~~
7 ~~application as limited by subsection (b.1). The license fee to~~
8 ~~be charged to each eligible organization shall be [\$100] \$300,~~
9 ~~except for limited occasion licenses which shall be [\$10] \$30.~~
10 ~~Licenses shall be renewable [annually] on a biennial basis upon~~
11 ~~the anniversary of the date of issue.~~

12 ~~(b.1) Location of small games of chance. Where there exists~~
13 ~~a location or premises which is the normal business or operating~~
14 ~~site of the eligible organization and is owned or leased by that~~
15 ~~eligible organization to conduct its normal business, that site~~
16 ~~shall be the licensed premises for small games of chance~~
17 ~~conducted by the eligible organization. If that location~~
18 ~~consists of more than one building and the eligible organization~~
19 ~~wishes to conduct its games in a different building at that~~
20 ~~location from the one that is listed on its application and~~
21 ~~license, the eligible organization must notify, in writing, the~~
22 ~~district attorney and the licensing authority of the change in~~
23 ~~building site and the dates and times that will be affected.~~
24 ~~When an eligible organization does not own or lease a specific~~
25 ~~location to conduct its normal business, that eligible~~
26 ~~organization may use another eligible organization's premises to~~
27 ~~conduct its games or may make such other arrangements that are~~
28 ~~consistent with this act, including, but not limited to, leasing~~
29 ~~a premise under a written agreement for a rental which is not~~
30 ~~determined by either the amount of receipts realized from the~~

1 ~~playing of games of chance nor the number of people attending~~
2 ~~except that an eligible organization may lease a facility for a~~
3 ~~banquet where a per head charge is applied in connection with~~
4 ~~the serving of a meal. When such eligible organization changes~~
5 ~~the site of its games from that which is listed on its~~
6 ~~application and license, the eligible organization must notify,~~
7 ~~in writing, the district attorney and licensing authority of the~~
8 ~~change in their games' site and dates and times that will be~~
9 ~~affected. More than one eligible organization may use the same~~
10 ~~location, provided that each eligible organization has a~~
11 ~~separate license. If more than one licensed eligible~~
12 ~~organization uses the same location, the prize limitations of~~
13 ~~this act shall apply to each licensed eligible organization.~~

14 ~~(b.2) Off premises games of chance. Notwithstanding any~~
15 ~~other provisions of this section, an eligible organization may~~
16 ~~conduct small games of chance at a location off its premises~~
17 ~~when such games are part of an annual carnival, fair, picnic or~~
18 ~~banquet held or participated in by that eligible organization on~~
19 ~~a historical basis. The eligible organization must notify, in~~
20 ~~writing, the district attorney and licensing authority of the~~
21 ~~location, date and times of such events where it will be~~
22 ~~conducting small games of chance.~~

23 ~~(b.3) Limited occasion licenses. Eligible organizations~~
24 ~~which do not own their own premises or which do not lease a~~
25 ~~specific location to conduct their normal business may apply for~~
26 ~~a limited occasion license to conduct small games of chance on~~
27 ~~not more than three occasions covering a total of seven days~~
28 ~~during a licensed year. A limited occasion license entitles~~
29 ~~eligible organizations holding such a license to conduct no more~~
30 ~~than two raffles during a licensed year where prizes may not~~

1 ~~exceed the established limits for regular monthly raffles.~~
2 ~~Holders of limited occasion licenses may not apply or be granted~~
3 ~~any other license or special permit under this act. No holder of~~
4 ~~a regular license or special permit under this act shall apply~~
5 ~~or be granted a limited occasion license.~~

6 ~~(b.4) Gambling facility prohibited. It shall be unlawful~~
7 ~~for a person, corporation, association, partnership or other~~
8 ~~business entity to offer for rent or offer for use a building or~~
9 ~~facility to be used exclusively for the conducting of small~~
10 ~~games of chance. It shall also be unlawful for any eligible~~
11 ~~organization to lease under any terms a facility or building~~
12 ~~which is used exclusively for the conducting of small games of~~
13 ~~chance.~~

14 ~~(b.5) Authorization. A licensed eligible organization may~~
15 ~~sell on its licensed premises the raffle tickets of another~~
16 ~~licensed eligible organization that has been issued a limited~~
17 ~~occasion license under subsection (b.3).~~

18 ~~(c) Display. Licenses issued pursuant to this section shall~~
19 ~~be publicly displayed at the site of the small games of chance.~~

20 ~~(d) Operation. Each licensed eligible organization shall~~
21 ~~comply with the following restrictions and rules governing the~~
22 ~~operation of games of chance:~~

23 ~~(1) No person under 18 years of age shall be permitted~~
24 ~~to operate or play games of chance.~~

25 ~~(2) No eligible organization shall permit any person who~~
26 ~~has been convicted of a felony in a Federal or State court~~
27 ~~within the past five years or has been convicted in a Federal~~
28 ~~or State court within the past ten years of a violation of~~
29 ~~the act of July 10, 1981 (P.L.214, No.67), known as the Bingo~~
30 ~~Law, or of this act to manage, set up, supervise or~~

1 ~~participate in the operation of games of chance.~~

2 ~~(3) No eligible organization shall pay any compensation~~
3 ~~to any person for conducting any games of chance. Games of~~
4 ~~chance may only be conducted by managers, officers,~~
5 ~~directors, bar personnel and bona fide members of the~~
6 ~~eligible organization.~~

7 ~~(4) Games shall be conducted only on the licensed~~
8 ~~premises or as otherwise provided by this act.~~

9 ~~(5) The eligible organization shall not lease such~~
10 ~~premises under either an oral or a written agreement for a~~
11 ~~rental which is determined by either the amount of receipts~~
12 ~~realized from the playing of games of chance or the number of~~
13 ~~people attending, except that an eligible organization may~~
14 ~~lease a facility for a banquet where a per head charge is~~
15 ~~applied in connection with the serving of a meal. An eligible~~
16 ~~organization shall not lease such premises from any person~~
17 ~~who has been convicted of a violation of this act within the~~
18 ~~past ten years.~~

19 ~~(6) Games, other than raffles, daily drawings [and],~~
20 ~~weekly drawings and monthly drawings, shall be purchased only~~
21 ~~from manufacturers and distributors approved by the~~
22 ~~department.~~

23 ~~(7) No licensed eligible organization shall permit its~~
24 ~~premises to be used for small games of chance by another~~
25 ~~licensed eligible organization at the same time that it is~~
26 ~~conducting small games of chance on the premises. When a~~
27 ~~licensed eligible organization is permitting another licensed~~
28 ~~eligible organization to use its premises for purposes of~~
29 ~~small games of chance, it must cease the operation of its own~~
30 ~~small games of chance during the period that the other~~

1 ~~licensed eligible organization is conducting its games on the~~
2 ~~premises.~~

3 ~~(8) Raffle tickets may be sold off the licensed premise~~
4 ~~in any municipality in this Commonwealth which has adopted~~
5 ~~the provisions of this act by an affirmative vote in a~~
6 ~~municipal referendum. A licensed eligible organization which~~
7 ~~plans to sell raffle tickets in a municipality located in a~~
8 ~~county other than the county in which the eligible~~
9 ~~organization is licensed must notify that county's district~~
10 ~~attorney and licensing authority as to the location and the~~
11 ~~dates that the eligible organization plans to sell raffle~~
12 ~~tickets.~~

13 ~~(9) The eligible organization shall keep a bank account~~
14 ~~to hold the proceeds of small games of chance, which shall be~~
15 ~~separate from all other funds belonging to the eligible~~
16 ~~organization. Account records shall show all expenditures and~~
17 ~~income, and these records shall be retained by the eligible~~
18 ~~organization for no less than one year in a fire proof~~
19 ~~container.~~

20 ~~(e) Application for license. Each eligible organization~~
21 ~~shall apply to the licensing authority for a license on a form~~
22 ~~to be prescribed by the Secretary of Revenue. The form shall~~
23 ~~contain an affidavit to be affirmed by the executive officer or~~
24 ~~secretary of the eligible organization stating that:~~

25 ~~(1) No person under 18 years of age will be permitted by~~
26 ~~the eligible organization to operate or play games of chance.~~

27 ~~(2) The facility in which the games of chance are to be~~
28 ~~played has adequate means of ingress and egress and adequate~~
29 ~~sanitary facilities available in the area.~~

30 ~~(3) The eligible organization is not leasing such~~

1 ~~premises from the owner thereof under an oral agreement, nor~~
2 ~~is it leasing such premises from the owner thereof under a~~
3 ~~written agreement at a rental which is determined by the~~
4 ~~amount of receipts realized from the playing of games of~~
5 ~~chance or by the number of people attending, except that an~~
6 ~~eligible organization may lease a facility for a banquet~~
7 ~~where a per head charge is applied in connection with the~~
8 ~~serving of a meal.~~

9 ~~(4) The eligible organization has a separate bank~~
10 ~~account to hold all proceeds of small games of chance.~~

11 ~~(c.1) Supplemental materials to accompany application. An~~
12 ~~annual financial report limited to the operation of games of~~
13 ~~chance detailing gross profit, allowable expenses, rent, staff~~
14 ~~per diem, cost of supplies, net profit and contributions to~~
15 ~~charitable causes shall be filed with the licensing authority~~
16 ~~and submitted with the application. This report shall be filed~~
17 ~~with the application for license and shall be filed by the~~
18 ~~midterm anniversary date of the license in nonapplication years.~~
19 ~~This report shall be prepared on a one page form to be designed~~
20 ~~by the department. The report shall contain information for the~~
21 ~~12 month period immediately preceding a date 60 days prior to~~
22 ~~the filing of the report. Failure to file the report by the~~
23 ~~midterm anniversary date of the license shall result in the~~
24 ~~automatic suspension of the license until the licensing~~
25 ~~authority certifies the report has been filed in compliance with~~
26 ~~this act.~~

27 ~~(f) List of licensees. The licensing authority, on a~~
28 ~~semiannual basis, shall send a copy of all licensees to the~~
29 ~~Department of Revenue.~~

30 ~~(g) List of municipalities. The licensing authority shall~~

1 ~~include with any license or renewal issued to an eligible~~
2 ~~organization, an up to date listing of those municipalities~~
3 ~~within the licensing county which have approved the referendum~~
4 ~~question on small games of chance.~~

5 ~~(h) Background checks. Each application shall include~~
6 ~~criminal history records obtained from the Pennsylvania State~~
7 ~~Police for the executive officer or secretary of the eligible~~
8 ~~organization making the application, all other responsible~~
9 ~~persons listed on the application and the eligible~~
10 ~~organization's treasurer.~~

11 ~~Section 8. Section 13 of the act is amended to read:~~
12 ~~Section 13. Enforcement.~~

13 ~~(a) District attorney. The district attorney shall~~
14 ~~investigate alleged violations of this act. If the district~~
15 ~~attorney finds probable cause to believe that a violation has~~
16 ~~occurred, he may file a complaint against the alleged violator~~
17 ~~in the court of common pleas of said county, except in counties~~
18 ~~of the first class where the complaint may be filed in the~~
19 ~~municipal court. In addition, the district attorney shall~~
20 ~~prosecute said complaint in the manner provided by law.~~

21 ~~(b) Other law enforcement officials. Nothing in this act~~
22 ~~shall be interpreted to restrict the power of State, county or~~
23 ~~local law enforcement officials to conduct investigations [and~~
24 ~~enforce the provisions] of this act[.] and provide the results~~
25 ~~of those investigations to the district attorney for enforcement~~
26 ~~pursuant to subsection (a).~~

27 ~~(c) Department. The department shall investigate and~~
28 ~~enforce violations of this act in accordance with the act of~~
29 ~~April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, and~~
30 ~~the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform~~

1 ~~Code of 1971.~~

2 ~~Section 9. Section 15 of the act, amended December 19, 1990~~
3 ~~(P.L.812, No.195), is amended to read:~~

4 ~~Section 15. Advertising.~~

5 ~~[It shall be unlawful for any] An eligible organization or~~
6 ~~person [to] may advertise the prizes or their dollar value to be~~
7 ~~awarded in games of chance, provided that [prizes may be~~
8 ~~identified on raffle tickets. Notwithstanding the prohibition of~~
9 ~~advertising contained within this section, an eligible~~
10 ~~organization may advertise prizes and values thereof in periodic~~
11 ~~publications which are limited in their circulation to members~~
12 ~~of the eligible organization.] such advertisements are limited~~
13 ~~to publications to members of the eligible organization or signs~~
14 ~~located on the eligible organization's premises.~~

15 ~~Section 10. The amendment or addition of section 10(b),~~
16 ~~(e.1) and (h) of the act shall apply to applications filed more~~
17 ~~than two years after the effective date of this section.~~

18 ~~Section 11. This act shall take effect as follows:~~

19 ~~(1) The following provisions shall take effect~~
20 ~~immediately:~~

21 ~~(i) The amendment or addition of section 10(b),~~
22 ~~(e.1) and (h) of the act.~~

23 ~~(ii) Section 10 of this act.~~

24 ~~(iii) This section.~~

25 ~~(2) The remainder of this act shall take effect in 60~~
26 ~~days.~~

27 SECTION 1. THE ACT OF DECEMBER 19, 1988 (P.L.1262, NO.156),
28 KNOWN AS THE LOCAL OPTION SMALL GAMES OF CHANCE ACT, IS AMENDED
29 BY ADDING A CHAPTER HEADING TO READ:

30 CHAPTER 1



PRELIMINARY PROVISIONS

SECTION 2. SECTION 1 OF THE ACT IS RENUMBERED TO READ:

SECTION [1] 101. SHORT TITLE.

THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE LOCAL OPTION
SMALL GAMES OF CHANCE ACT.

SECTION 2.1. SECTION 2 OF THE ACT IS RENUMBERED AND AMENDED
TO READ:

SECTION [2] 102. LEGISLATIVE INTENT.

[THE GENERAL ASSEMBLY HEREBY DECLARES THAT THE PLAYING OF
SMALL GAMES OF CHANCE FOR THE PURPOSE OF RAISING FUNDS, BY
CERTAIN NONPROFIT ASSOCIATIONS, FOR THE PROMOTION OF CHARITABLE
OR CIVIC PURPOSES, IS IN THE PUBLIC INTEREST.]

THE GENERAL ASSEMBLY HEREBY DECLARES THAT THE PLAYING OF
SMALL GAMES OF CHANCE BY CERTAIN NONPROFIT ASSOCIATIONS FOR THE
PRIMARY PURPOSE OF RAISING FUNDS FOR CHARITABLE OR CIVIC
PURPOSES IS IN THE PUBLIC INTEREST.

IT IS HEREBY DECLARED TO BE THE POLICY OF THE GENERAL
ASSEMBLY THAT ALL PHASES OF LICENSING, OPERATION AND REGULATION
OF SMALL GAMES OF CHANCE BE STRICTLY CONTROLLED, AND THAT ALL
LAWS AND REGULATIONS WITH RESPECT THERETO AS WELL AS ALL
GAMBLING LAWS SHOULD BE STRICTLY CONSTRUED AND RIGIDLY ENFORCED.

THE GENERAL ASSEMBLY RECOGNIZES THE POSSIBILITY OF
ASSOCIATION BETWEEN COMMERCIAL GAMBLING AND ORGANIZED CRIME, AND
WISHES TO DISCOURAGE COMMERCIALIZATION OF SMALL GAMES OF CHANCE,
PREVENT PARTICIPATION BY ORGANIZED CRIME AND PREVENT THE
DIVERSION OF FUNDS FROM THE PURPOSES HEREIN AUTHORIZED.

SECTION 3. THE DEFINITIONS OF "CIVIC AND SERVICE
ASSOCIATIONS," "CLUB," "DAILY DRAWING," "ELIGIBLE
ORGANIZATIONS," "FRATERNAL ORGANIZATIONS," "GAMES OF CHANCE,"
"LAW ENFORCEMENT OFFICIAL," "PUBLIC INTEREST PURPOSES," "RAFFLE"

1 AND "WEEKLY DRAWING" IN SECTION 3 OF THE ACT, AMENDED DECEMBER
2 19, 1990 (P.L.812, NO.195) AND OCTOBER 18, 2000 (P.L.602,
3 NO.79), ARE AMENDED AND THE SECTION IS RENUMBERED AND AMENDED BY
4 ADDING DEFINITIONS TO READ:

5 SECTION [3] 103. DEFINITIONS.

6 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
7 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
8 CONTEXT CLEARLY INDICATES OTHERWISE:

9 * * *

10 "CIVIC AND SERVICE [ASSOCIATIONS] ASSOCIATION." ANY
11 STATEWIDE OR BRANCH, LODGE OR CHAPTER OF A NONPROFIT NATIONAL OR
12 STATE ORGANIZATION WHICH IS AUTHORIZED BY ITS WRITTEN
13 CONSTITUTION, CHARTER, ARTICLES OF INCORPORATION OR BYLAWS TO
14 ENGAGE IN A CIVIC OR SERVICE PURPOSE WITHIN THIS COMMONWEALTH,
15 WHICH SHALL HAVE EXISTED IN THIS COMMONWEALTH FOR ONE YEAR. THE
16 TERM ALSO MEANS A SIMILAR LOCAL NONPROFIT ORGANIZATION, NOT
17 AFFILIATED WITH A NATIONAL OR STATE ORGANIZATION, WHICH IS
18 RECOGNIZED BY A RESOLUTION ADOPTED BY THE GOVERNING BODY OF THE
19 MUNICIPALITY IN WHICH THE ORGANIZATION CONDUCTS ITS PRINCIPAL
20 ACTIVITIES. THE TERM SHALL INCLUDE[, BUT NOT BE LIMITED TO,]
21 STATEWIDE OR LOCAL BONA FIDE SPORTSMEN'S AND WILDLIFE
22 ASSOCIATIONS, FEDERATIONS OR CLUBS, [STATEWIDE OR LOCAL IN
23 NATURE,] VOLUNTEER FIRE COMPANIES, VOLUNTEER RESCUE SQUADS AND
24 VOLUNTEER AMBULANCE ASSOCIATIONS AND [BONA FIDE] SENIOR CITIZENS
25 ORGANIZATIONS. IN THE CASE OF [BONA FIDE] SENIOR CITIZENS
26 ORGANIZATIONS, THE LICENSING AUTHORITY MAY ACCEPT ALTERNATIVE
27 DOCUMENTATION FOR PROOF OF PURPOSES WHEN THERE ARE NO BYLAWS OR
28 ARTICLES OF INCORPORATION IN EXISTENCE. THE TERM SHALL ALSO
29 INCLUDE NONPROFIT ORGANIZATIONS WHICH ARE ESTABLISHED TO PROMOTE
30 AND ENCOURAGE PARTICIPATION AND SUPPORT FOR EXTRACURRICULAR

1 ACTIVITIES WITHIN THE ESTABLISHED PRIMARY AND SECONDARY PUBLIC,
2 PRIVATE AND PAROCHIAL SCHOOL SYSTEMS. SUCH ORGANIZATIONS MUST BE
3 RECOGNIZED BY A RESOLUTION ADOPTED BY THE APPROPRIATE GOVERNING
4 BODY. IN THE CASE OF ORGANIZATIONS ASSOCIATED WITH THE PUBLIC
5 SCHOOL SYSTEM, THE GOVERNING BODY SHALL BE THE SCHOOL BOARD OF
6 THE SCHOOL DISTRICT. IN THE CASE OF PRIVATE OR PAROCHIAL SCHOOL
7 ORGANIZATIONS, THAT BODY SHALL BE EITHER THE BOARD OF TRUSTEES
8 OR THE ARCHDIOCESE.

9 "CLUB." [A CLUB, AS DEFINED IN SECTION 102] AN ORGANIZATION
10 THAT:

11 (1) HAS BEEN ISSUED A CLUB LICENSE UNDER ARTICLE 4 OF
12 THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE
13 LIQUOR CODE[, THAT]; AND

14 (2) QUALIFIES AS AN EXEMPT ORGANIZATION UNDER SECTION
15 501(C) OR 527 OF THE INTERNAL REVENUE CODE OF [1954 (68A
16 STAT. 3] 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C) OR 527)
17 [AND IS LICENSED TO SELL LIQUOR AT RETAIL AND HAS A
18 CHARITABLE, RELIGIOUS OR CIVIC PURPOSE OR IS ORGANIZED TO
19 BENEFIT A POLITICAL PARTY].

20 "CLUB LICENSEE." A CLUB THAT HOLDS A LICENSE TO CONDUCT
21 SMALL GAMES OF CHANCE.

22 "DAILY DRAWING." A GAME OF CHANCE IN WHICH A BONA FIDE
23 MEMBER SELECTS OR IS ASSIGNED A NUMBER FOR A CHANCE AT A PRIZE
24 WITH THE WINNER DETERMINED BY [A] RANDOM DRAWING TO TAKE PLACE
25 ON THE LICENSED ELIGIBLE ORGANIZATION'S PREMISES DURING THE SAME
26 OPERATING DAY. THE TERM INCLUDES GAMES OF CHANCE COMMONLY KNOWN
27 AS "MEMBER SIGN-IN LOTTERIES" AND "HALF-AND-HALF LOTTERIES."
28 [NOTHING IN THIS ACT SHALL BE CONSTRUED TO PROHIBIT THE CARRYING
29 OVER OF A JACKPOT WHERE THE WINNING NUMBER HAS NOT BEEN ENTERED
30 IN THE GAME ON A PARTICULAR OPERATING DAY.] DAILY DRAWING

1 WINNERS MAY BE DETERMINED WITH THE AID OF A PASSIVE SELECTION
2 DEVICE OR REFERENCE TO DRAWINGS CONDUCTED BY THE DEPARTMENT
3 PURSUANT TO THE ACT OF AUGUST 26, 1971 (P.L.351, NO.91), KNOWN
4 AS THE STATE LOTTERY LAW. DAILY DRAWING CHANCES MAY NOT BE SOLD
5 FOR AN AMOUNT IN EXCESS OF \$1, AND NO MORE THAN ONE CHANCE MAY
6 BE SOLD TO AN INDIVIDUAL DURING THE SAME OPERATING DAY.

7 * * *

8 "ELIGIBLE [ORGANIZATIONS] ORGANIZATION." INCLUDES QUALIFYING
9 NONPROFIT CHARITABLE, RELIGIOUS, FRATERNAL AND VETERANS
10 ORGANIZATIONS, CLUBS AND CIVIC AND SERVICE ASSOCIATIONS AS
11 DEFINED BY THIS ACT. IN ORDER TO QUALIFY AS AN ELIGIBLE
12 ORGANIZATION FOR PURPOSES OF THIS ACT, AN ORGANIZATION SHALL
13 HAVE BEEN IN EXISTENCE AND FULFILLING ITS PURPOSES FOR ONE YEAR
14 PRIOR TO THE DATE OF APPLICATION FOR A LICENSE.

15 "FRATERNAL [ORGANIZATIONS] ORGANIZATION." A NONPROFIT
16 ORGANIZATION WITHIN THIS COMMONWEALTH WHICH IS CREATED AND
17 CARRIED ON FOR THE MUTUAL BENEFIT OF ITS MEMBERS, HAS A LIMITED
18 MEMBERSHIP AND A REPRESENTATIVE FORM OF GOVERNMENT AND IS A
19 BRANCH, LODGE OR CHAPTER OF A NATIONAL OR STATE ORGANIZATION.
20 SUCH ORGANIZATIONS SHALL HAVE BEEN IN EXISTENCE IN THIS
21 COMMONWEALTH AND FULFILLING THEIR PURPOSES FOR ONE YEAR PRIOR TO
22 THE DATE OF APPLICATION FOR A LICENSE.

23 "GAMES OF CHANCE." PUNCHBOARDS, DAILY DRAWINGS, WEEKLY
24 DRAWINGS, MONTHLY DRAWINGS, VERTICAL WHEELS, RAFFLES AND PULL-
25 TABS, AS DEFINED IN THIS ACT, PROVIDED THAT NO SUCH GAME SHALL
26 BE PLAYED BY OR WITH THE ASSISTANCE OF ANY MECHANICAL OR
27 ELECTRICAL DEVICES OR MEDIA OTHER THAN A DISPENSING MACHINE OR
28 PASSIVE SELECTION DEVICE AND FURTHER PROVIDED THAT THE
29 PARTICULAR CHANCE TAKEN BY ANY PERSON IN ANY SUCH GAME SHALL NOT
30 BE MADE CONTINGENT UPON ANY OTHER OCCURRENCE OR THE WINNING OF

1 ANY OTHER CONTEST, BUT SHALL BE DETERMINED SOLELY AT THE
2 DISCRETION OF THE PURCHASER. THIS DEFINITION SHALL NOT BE
3 CONSTRUED TO AUTHORIZE ANY OTHER FORM OF GAMBLING CURRENTLY
4 PROHIBITED UNDER ANY [PROVISION OF TITLE 18 OF THE PENNSYLVANIA
5 CONSOLIDATED STATUTES (RELATING TO CRIMES AND OFFENSES)] OTHER
6 LAW. NOTHING IN THIS ACT SHALL BE CONSTRUED TO AUTHORIZE GAMES
7 COMMONLY KNOWN AS "TABLE GAMES," "SLOT MACHINES" OR "VIDEO
8 POKER."

9 "GENERAL OPERATING EXPENSES."

10 (1) THE FOLLOWING OPERATING EXPENSES ASSOCIATED WITH THE
11 REAL PROPERTY OWNED OR LEASED BY AN ELIGIBLE ORGANIZATION AND
12 USED FOR PUBLIC INTEREST PURPOSES:

13 (I) REAL PROPERTY TAXES.

14 (II) UTILITIES.

15 (III) HEATING AND AIR CONDITIONING.

16 (IV) WATER AND SEWER.

17 (V) PROPERTY INSURANCE.

18 (VI) LIABILITY INSURANCE.

19 (VII) MORTGAGE PAYMENTS.

20 (VIII) INTERIOR AND EXTERIOR REPAIRS, INCLUDING
21 PARKING LOT REPAIRS.

22 (IX) NEW FACILITY CONSTRUCTION.

23 (X) ANY OTHER EXPENSE AS PROVIDED IN REGULATIONS
24 PROMULGATED BY THE DEPARTMENT.

25 (2) THE TERM SHALL NOT INCLUDE WAGES, ALCOHOL PURCHASES
26 OR PAYMENT OF ANY FINE LEVIED AGAINST THE ELIGIBLE
27 ORGANIZATION.

28 "LAW ENFORCEMENT OFFICIAL." A MUNICIPAL POLICE OFFICER, A
29 MEMBER OF THE PENNSYLVANIA STATE POLICE, INCLUDING THE BUREAU OF
30 LIQUOR CONTROL ENFORCEMENT, THE SHERIFF OF A COUNTY OR A DEPUTY

1 SHERIFF.

2 * * *

3 "LICENSED DISTRIBUTOR." A DISTRIBUTOR OF GAMES OF CHANCE
4 LICENSED UNDER SECTION 304.

5 * * *

6 "MONTHLY DRAWING." A GAME OF CHANCE IN WHICH A BONA FIDE
7 MEMBER SELECTS OR IS ASSIGNED A NUMBER FOR A CHANCE AT A PRIZE
8 WITH THE WINNER DETERMINED BY RANDOM DRAWING TO TAKE PLACE ON
9 THE LICENSED ELIGIBLE ORGANIZATION'S PREMISES DURING AN
10 OPERATING MONTH. A MONTHLY DRAWING WINNER MAY BE DETERMINED WITH
11 THE AID OF A PASSIVE SELECTION DEVICE OR REFERENCE TO DRAWINGS
12 CONDUCTED BY THE DEPARTMENT UNDER THE ACT OF AUGUST 26, 1971
13 (P.L.351, NO.91), KNOWN AS THE STATE LOTTERY LAW. A MONTHLY
14 DRAWING CHANCE MAY NOT BE SOLD FOR MORE THAN \$1 AND NO MORE THAN
15 ONE CHANCE PER INDIVIDUAL MAY BE SOLD PER DRAWING.

16 * * *

17 "PRIZE." CASH OR MERCHANDISE AWARDED FROM A GAME OF CHANCE.

18 "PROCEEDS." THE DIFFERENCE BETWEEN:

19 (1) THE GROSS REVENUE COLLECTED BY A LICENSED ELIGIBLE
20 ORGANIZATION FROM THE CONDUCT OF A GAME OF CHANCE; AND

21 (2) (I) THE AMOUNT OF PRIZES PAID BY A LICENSED
22 ELIGIBLE ORGANIZATION FROM A GAME OF CHANCE; AND

23 (II) THE PURCHASE OF GAMES OF CHANCE.

24 "PUBLIC INTEREST PURPOSES." ONE OR MORE OF THE FOLLOWING:

25 (1) BENEFITING PERSONS, OTHER THAN MEMBERS OF THE
26 ELIGIBLE ORGANIZATION, BY ENHANCING THEIR OPPORTUNITY FOR
27 RELIGIOUS OR EDUCATION ADVANCEMENT, BY RELIEVING OR
28 PROTECTING THEM FROM DISEASE, SUFFERING OR DISTRESS, BY
29 CONTRIBUTING TO THEIR PHYSICAL, EMOTIONAL OR SOCIAL WELL-
30 BEING, BY ASSISTING THEM IN ESTABLISHING THEMSELVES IN LIFE

1 AS WORTHY AND USEFUL CITIZENS OR BY INCREASING THEIR
2 COMPREHENSION OF AND DEVOTION TO THE PRINCIPLES UPON WHICH
3 THIS NATION WAS FOUNDED.

4 (2) INITIATING, PERFORMING OR FOSTERING WORTHY PUBLIC
5 WORKS OR ENABLING OR FURTHERING THE ERECTION OR MAINTENANCE
6 OF PUBLIC STRUCTURES.

7 (3) LESSENING THE BURDENS BORNE BY GOVERNMENT OR
8 VOLUNTARILY SUPPORTING, AUGMENTING OR SUPPLEMENTING SERVICES
9 WHICH GOVERNMENT WOULD NORMALLY RENDER TO THE PEOPLE.

10 (4) IMPROVING, EXPANDING, MAINTAINING OR REPAIRING REAL
11 PROPERTY OWNED OR LEASED BY AN ELIGIBLE ORGANIZATION AND USED
12 EXCLUSIVELY FOR PURPOSES SPECIFIED IN [PARAGRAPHS] PARAGRAPH
13 (1), (2) [AND] OR (3).

14 THE TERM DOES NOT INCLUDE THE ERECTION OR ACQUISITION OF ANY
15 REAL PROPERTY, UNLESS THE PROPERTY WILL BE USED EXCLUSIVELY FOR
16 ONE OR MORE OF THE PURPOSES SPECIFIED IN THIS DEFINITION.

17 * * *

18 "RAFFLE." A GAME OF CHANCE IN WHICH A PARTICIPANT BUYS A
19 TICKET FOR A CHANCE AT A PRIZE WITH THE WINNER DETERMINED BY A
20 RANDOM DRAWING OF CORRESPONDING TICKET STUBS TO TAKE PLACE AT A
21 LOCATION AND DATE OR DATES PRINTED UPON EACH TICKET. SUCH GAMES
22 OF CHANCE SHALL INCLUDE LOTTERIES BUT NOT DAILY DRAWINGS, WEEKLY
23 DRAWINGS OR MONTHLY DRAWINGS. RAFFLE WINNERS MAY BE DETERMINED
24 BY REFERENCE TO DRAWINGS CONDUCTED BY THE DEPARTMENT PURSUANT TO
25 THE ACT OF AUGUST 26, 1971 (P.L.351, NO.91), KNOWN AS THE STATE
26 LOTTERY LAW.

27 * * *

28 "VERTICAL WHEEL GAME." A GAME IN WHICH A PARTICIPANT PLACES
29 A COIN OR CHIP ON A COLOR, NUMBER OR WORD OR PURCHASES A TICKET
30 CONTAINING A COLOR, NUMBER OR WORD AND WATCHES A SPINNING

1 VERTICAL WHEEL UNTIL THE POINTER OF THE WHEEL RESTS ON A SECTION
2 OF THE WHEEL DESIGNATING A WINNER.

3 * * *

4 "WEEKLY DRAWING." A GAME OF CHANCE IN WHICH A BONA FIDE
5 MEMBER SELECTS OR RECEIVES A NUMBER OR NUMBERS FOR A CHANCE AT A
6 PRIZE WITH THE WINNER DETERMINED BY A RANDOM DRAWING TO TAKE
7 PLACE ON THE LICENSED ELIGIBLE ORGANIZATION'S PREMISES AT THE
8 END OF A SEVEN-DAY PERIOD. NOTHING IN THIS ACT SHALL BE
9 CONSTRUED TO PROHIBIT THE CARRYING OVER OF A JACKPOT WHERE THE
10 WINNING NUMBER HAS NOT BEEN ENTERED IN THE GAME IN A PARTICULAR
11 WEEK. WEEKLY DRAWING WINNERS MAY BE DETERMINED WITH THE AID OF A
12 PASSIVE SELECTION DEVICE OR REFERENCE TO DRAWINGS CONDUCTED BY
13 THE DEPARTMENT OF REVENUE PURSUANT TO THE ACT OF AUGUST 26, 1971
14 (P.L.351, NO.91), KNOWN AS THE STATE LOTTERY LAW. WEEKLY DRAWING
15 CHANCES MAY NOT BE SOLD FOR AN AMOUNT IN EXCESS OF \$1.

16 SECTION 4. THE ACT IS AMENDED BY ADDING A CHAPTER HEADING TO
17 READ:

18 CHAPTER 3
19 GAMES OF CHANCE

20 SECTION 5. SECTION 4 OF THE ACT, AMENDED DECEMBER 19, 1990
21 (P.L.812, NO.195), IS RENUMBERED AND AMENDED TO READ:

22 SECTION [4] 301. GAMES OF CHANCE PERMITTED.

23 EVERY ELIGIBLE ORGANIZATION TO WHICH A LICENSE HAS BEEN
24 ISSUED UNDER THE PROVISIONS OF THIS ACT MAY CONDUCT GAMES OF
25 CHANCE FOR THE PURPOSE OF RAISING FUNDS FOR GENERAL OPERATING
26 EXPENSES AND FOR PUBLIC INTEREST PURPOSES. [ALL PROCEEDS OF
27 GAMES OF CHANCE SHALL BE USED EXCLUSIVELY FOR PUBLIC INTEREST
28 PURPOSES OR FOR THE PURCHASE OF GAMES OF CHANCE AS PERMITTED BY
29 THIS ACT.] PROCEEDS OF GAMES OF CHANCE OF AN ELIGIBLE
30 ORGANIZATION SHALL BE USED AS FOLLOWS:

1 (1) NOT LESS THAN 70% OF PROCEEDS SHALL BE USED FOR
2 PUBLIC INTEREST PURPOSES AS PERMITTED BY THIS ACT.

3 (2) UP TO 30% OF PROCEEDS MAY BE USED FOR GENERAL
4 OPERATING EXPENSES.

5 (3) PROCEEDS MAY NOT BE USED FOR WAGES, ALCOHOL OR FOOD
6 PURCHASES OR FOR THE PAYMENT OF ANY FINE LEVIED AGAINST THE
7 ELIGIBLE ORGANIZATION.

8 (4) AMOUNTS RETAINED UNDER PARAGRAPH (1) SHALL BE
9 EXPENDED WITHIN THE SAME CALENDAR YEAR UNLESS THE ELIGIBLE
10 ORGANIZATION NOTIFIES THE DEPARTMENT THAT FUNDS ARE BEING
11 RETAINED FOR A SUBSTANTIAL PURCHASE OR PROJECT. NOTIFICATION
12 SHALL INCLUDE A DESCRIPTION OF THE PURCHASE OR PROJECT, THE
13 COST AND THE ANTICIPATED DATE OF THE PURCHASE OR PROJECT.

14 SECTION 6. SECTION 5 OF THE ACT, AMENDED DECEMBER 19, 1990
15 (P.L.812, NO.195) AND OCTOBER 18, 2000 (P.L.602, NO.79), IS
16 RENUMBERED AND AMENDED TO READ:

17 SECTION [5] 302. PRIZE LIMITS AND REPORTING.

18 [(A) INDIVIDUAL PRIZE LIMIT.--THE MAXIMUM CASH VALUE WHICH
19 MAY BE AWARDED FOR ANY SINGLE CHANCE SHALL BE \$500.

20 (B) WEEKLY LIMIT.--NO MORE THAN \$5,000 IN CASH OR
21 MERCHANDISE SHALL BE AWARDED BY ANY ELIGIBLE ORGANIZATION IN ANY
22 SEVEN-DAY PERIOD.

23 (C) LIMIT ON RAFFLES.--NO MORE THAN \$5,000 IN CASH OR
24 MERCHANDISE SHALL BE AWARDED IN RAFFLES IN ANY CALENDAR MONTH.

25 (D) EXCEPTION.--AN ELIGIBLE ORGANIZATION MAY CONDUCT A
26 RAFFLE AND AWARD A PRIZE OR PRIZES VALUED IN EXCESS OF \$500 EACH
27 ONLY UNDER THE FOLLOWING CONDITIONS:

28 (1) THE LICENSING AUTHORITY HAS ISSUED A SPECIAL PERMIT
29 FOR THE RAFFLE UNDER SECTION 11.

30 (2) ELIGIBLE ORGANIZATIONS SHALL BE ELIGIBLE TO RECEIVE

1 NO MORE THAN TWO SPECIAL PERMITS IN ANY LICENSED YEAR EXCEPT
2 THAT VOLUNTEER FIRE, AMBULANCE AND RESCUE ORGANIZATIONS SHALL
3 BE ELIGIBLE TO RECEIVE NO MORE THAN THREE SPECIAL PERMITS IN
4 ANY LICENSED YEAR.

5 (3) ONLY ONE RAFFLE MAY BE CONDUCTED UNDER EACH SPECIAL
6 PERMIT.

7 (4) THE TOTAL CASH VALUE OF ALL PRIZES SHALL BE NO MORE
8 THAN \$100,000 PER CALENDAR YEAR.

9 (E) LIMIT ON DAILY DRAWINGS.--DAILY DRAWINGS SHALL BE
10 GOVERNED BY THE PRIZE LIMITATIONS CONTAINED IN SUBSECTIONS (A)
11 AND (B). AN ELIGIBLE ORGANIZATION SHALL NOT CONDUCT DAILY
12 DRAWINGS DURING A PERIOD WHEN A WEEKLY DRAWING IS TAKING PLACE.

13 (F) EXCEPTION.--THE PRIZE LIMITATION CONTAINED IN
14 SUBSECTIONS (A) AND (B) MAY BE EXCEEDED BY A DAILY DRAWING UNDER
15 THE FOLLOWING CIRCUMSTANCES: A DAILY DRAWING MAY AWARD A PRIZE
16 WHERE THE CASH VALUE IS IN EXCESS OF \$500 IF SUCH PRIZE IS THE
17 RESULT OF A CARRYOVER OF A DRAWING OR DRAWINGS WHICH RESULTED
18 FROM THE WINNING NUMBER IN SUCH DRAWING OR DRAWINGS NOT BEING
19 AMONG THE ELIGIBLE ENTRANTS IN SUCH DRAWINGS. NOTHING CONTAINED
20 HEREIN SHALL AUTHORIZE THE PRIZE LIMITATIONS AS CONTAINED IN
21 SUBSECTIONS (A) AND (B) TO BE EXCEEDED AS A RESULT OF A FAILURE
22 TO CONDUCT A DRAWING ON AN OPERATING DAY DURING WHICH CHANCES
23 WERE SOLD FOR A DAILY DRAWING OR FOR A DAILY DRAWING FOR WHICH
24 CHANCES WERE SOLD IN EXCESS OF \$1 OR FOR WHICH MORE THAN ONE
25 CHANCE WAS SOLD TO AN ELIGIBLE PARTICIPANT.

26 (G) DAILY DRAWING AND WEEKLY DRAWING EXCEPTION.--WHEN A
27 DAILY DRAWING OR WEEKLY DRAWING IS SET UP OR CONDUCTED IN SUCH A
28 MANNER AS TO PAY OUT OR AWARD 100% OF THE GROSS REVENUES
29 GENERATED FROM SUCH DRAWING, THE LIMITATIONS CONTAINED IN
30 SUBSECTION (B) SHALL NOT APPLY.

1 (H) LIMIT ON WEEKLY DRAWINGS.--WEEKLY DRAWINGS SHALL BE
2 GOVERNED BY THE PRIZE LIMITATIONS CONTAINED IN SUBSECTION (B).
3 THE PRIZE LIMITATION CONTAINED IN SUBSECTION (B) MAY BE EXCEEDED
4 BY A WEEKLY DRAWING UNDER THE FOLLOWING CIRCUMSTANCES: A WEEKLY
5 DRAWING MAY AWARD A PRIZE WHERE THE CASH VALUE IS IN EXCESS OF
6 \$5,000 IF SUCH PRIZE IS THE RESULT OF A CARRYOVER OF A DRAWING
7 OR DRAWINGS WHICH RESULTED FROM THE WINNING NUMBER OR NUMBERS IN
8 SUCH DRAWING OR DRAWINGS NOT BEING AMONG THE ELIGIBLE ENTRANTS
9 IN SUCH DRAWINGS. NOTHING CONTAINED IN THIS ACT SHALL AUTHORIZE
10 THE PRIZE LIMITATIONS AS CONTAINED IN SUBSECTION (B) TO BE
11 EXCEEDED AS A RESULT OF A FAILURE TO CONDUCT A DRAWING FOR A
12 WEEK DURING WHICH CHANCES WERE SOLD FOR A WEEKLY DRAWING OR FOR
13 A WEEKLY DRAWING FOR WHICH CHANCES WERE SOLD IN EXCESS OF \$1. AN
14 ELIGIBLE ORGANIZATION SHALL NOT CONDUCT WEEKLY DRAWINGS DURING A
15 PERIOD WHEN A DAILY DRAWING IS TAKING PLACE.]

16 (A) MAXIMUM LIMITS.--EXCEPT AS PROVIDED UNDER THIS SECTION,
17 THE FOLLOWING LIMITS SHALL APPLY TO PRIZES AWARDED BY A LICENSED
18 ELIGIBLE ORGANIZATION:

19 (1) THE MAXIMUM PRIZE WHICH MAY BE AWARDED FOR ANY
20 SINGLE CHANCE SHALL BE \$1,000.

21 (2) NO MORE THAN \$30,000 IN PRIZES SHALL BE AWARDED FROM
22 ANY GAMES OF CHANCE IN ANY SEVEN-DAY PERIOD.

23 (3) NO MORE THAN \$50,000 IN PRIZES FROM A MONTHLY
24 DRAWING SHALL BE AWARDED BY A LICENSED ELIGIBLE ORGANIZATION
25 IN ANY CALENDAR MONTH.

26 (4) THE TOTAL AMOUNT OF PRIZES AWARDED UNDER PARAGRAPHS
27 (1), (2) AND (3) MAY NOT EXCEED \$100,000 PER CALENDAR MONTH.

28 (B) RAFFLES.--THE FOLLOWING SHALL APPLY TO RAFFLES:

29 (1) NO MORE THAN \$10,000 IN PRIZES SHALL BE AWARDED IN
30 RAFFLES IN ANY CALENDAR MONTH.

1 (2) AN ELIGIBLE ORGANIZATION MAY CONDUCT A RAFFLE AND
2 AWARD A PRIZE VALUED IN EXCESS OF \$1,000 IF ALL OF THE
3 FOLLOWING APPLY:

4 (I) THE LICENSING AUTHORITY HAS ISSUED A SPECIAL
5 PERMIT FOR THE RAFFLE UNDER SECTION 308.

6 (II) A LICENSED ELIGIBLE ORGANIZATION SHALL BE
7 ELIGIBLE TO RECEIVE NO MORE THAN THREE SPECIAL PERMITS IN
8 ANY LICENSED TERM EXCEPT THAT VOLUNTEER FIRE, AMBULANCE
9 AND RESCUE ORGANIZATIONS SHALL BE ELIGIBLE TO RECEIVE NO
10 MORE THAN FIVE SPECIAL PERMITS IN ANY LICENSED TERM.

11 (III) ONLY ONE RAFFLE MAY BE CONDUCTED UNDER EACH
12 SPECIAL PERMIT ISSUED UNDER SECTION 308.

13 (IV) THE TOTAL CASH VALUE OF ALL PRIZES AWARDED
14 UNDER THIS SUBSECTION PARAGRAPH MAY BE NO MORE THAN
15 \$100,000 PER LICENSED TERM.

16 (C) DAILY DRAWINGS.--THE FOLLOWING SHALL APPLY TO DAILY
17 DRAWINGS:

18 (1) A LICENSED ELIGIBLE ORGANIZATION MAY NOT CONDUCT
19 DAILY DRAWINGS DURING A PERIOD WHEN A WEEKLY OR MONTHLY
20 DRAWING IS TAKING PLACE.

21 (2) THE FOLLOWING SHALL APPLY:

22 (I) NOTWITHSTANDING THE PRIZE LIMITATION UNDER
23 SUBSECTION (A) (1) AND (2), A DAILY DRAWING MAY AWARD A
24 PRIZE IN EXCESS OF \$1,000 IF THE PRIZE IS THE RESULT OF A
25 CARRYOVER OF A DRAWING WHICH RESULTED FROM THE WINNING
26 NUMBER IN THE DRAWING NOT BEING AMONG THE ELIGIBLE
27 ENTRANTS IN THE DRAWINGS.

28 (II) NOTHING UNDER THIS PARAGRAPH SHALL AUTHORIZE
29 THE PRIZE LIMITATIONS UNDER SUBSECTION (A) (1) AND (2) TO
30 BE EXCEEDED:

1 (A) AS A RESULT OF A FAILURE TO CONDUCT A
2 DRAWING ON AN OPERATING DAY DURING WHICH CHANCES WERE
3 SOLD FOR A DAILY DRAWING; OR

4 (B) FOR A DAILY DRAWING FOR WHICH CHANCES WERE
5 SOLD IN EXCESS OF \$1 OR FOR WHICH MORE THAN ONE
6 CHANCE WAS SOLD TO AN ELIGIBLE PARTICIPANT.

7 (D) WEEKLY DRAWING.--THE FOLLOWING SHALL APPLY TO WEEKLY
8 DRAWINGS:

9 (1) A LICENSED ELIGIBLE ORGANIZATION MAY NOT CONDUCT
10 WEEKLY DRAWINGS DURING A PERIOD WHEN A DAILY OR MONTHLY
11 DRAWING IS TAKING PLACE.

12 (2) THE FOLLOWING SHALL APPLY:

13 (I) NOTWITHSTANDING THE PRIZE LIMITATION UNDER
14 SUBSECTION (A) (2), A WEEKLY DRAWING MAY AWARD A PRIZE IN
15 EXCESS OF \$30,000 IF THE PRIZE IS THE RESULT OF A
16 CARRYOVER OF A DRAWING WHICH RESULTED FROM THE WINNING
17 NUMBER IN THE DRAWING NOT BEING AMONG THE ELIGIBLE
18 ENTRANTS IN THE DRAWINGS.

19 (II) NOTHING UNDER THIS SUBSECTION SHALL AUTHORIZE
20 THE PRIZE LIMITATION UNDER SUBSECTION (A) (2) TO BE
21 EXCEEDED:

22 (A) AS A RESULT OF A FAILURE TO CONDUCT A
23 DRAWING FOR A WEEK DURING WHICH CHANCES WERE SOLD FOR
24 A WEEKLY DRAWING; OR

25 (B) FOR A WEEKLY DRAWING FOR WHICH CHANCES WERE
26 SOLD IN EXCESS OF \$1.

27 (E) MONTHLY DRAWING.--A LICENSED ELIGIBLE ORGANIZATION MAY
28 NOT CONDUCT A MONTHLY DRAWING DURING A PERIOD WHEN A DAILY OR
29 WEEKLY DRAWING IS TAKING PLACE.

30 (F) FULL PAYOUT.--IF A DAILY DRAWING, WEEKLY DRAWING OR

1 MONTHLY DRAWING IS SET UP OR CONDUCTED IN SUCH A MANNER AS TO
2 PAY OUT OR AWARD 100% OF THE GROSS REVENUES GENERATED FROM THE
3 DRAWING, THE LIMITATIONS CONTAINED UNDER SUBSECTION (A) (2) AND
4 (3) SHALL NOT APPLY.

5 (G) REPORTING REQUIREMENTS.--EACH LICENSED ELIGIBLE
6 ORGANIZATION SHALL REPORT TO THE DEPARTMENT PRIZES AWARDED AS
7 REQUIRED UNDER SECTION 335 OF THE ACT OF MARCH 4, 1971 (P.L.6,
8 NO.2), KNOWN AS THE TAX REFORM CODE OF 1971.

9 SECTION 7. SECTIONS 6 AND 7 OF THE ACT, AMENDED DECEMBER 19,
10 1990 (P.L.812, NO.195), ARE RENUMBERED AND AMENDED TO READ:

11 SECTION [6] 303. SALES LIMITED.

12 (A) GENERAL RULE.--NO PERSON SHALL SELL, OFFER FOR SALE OR
13 FURNISH GAMES OF CHANCE FOR USE WITHIN THIS COMMONWEALTH EXCEPT
14 TO AN ELIGIBLE ORGANIZATION OR [DISTRIBUTOR] LICENSED
15 DISTRIBUTOR UNDER THIS ACT.

16 (B) ORGANIZATIONS.--NO GAME OF CHANCE, OTHER THAN A RAFFLE
17 CONDUCTED UNDER SECTION 302, SOLD, OFFERED FOR SALE OR FURNISHED
18 TO A LICENSED ELIGIBLE ORGANIZATION FOR USE WITHIN THIS
19 COMMONWEALTH SHALL CONTAIN, PERMIT, DEPICT OR DESIGNATE A PRIZE
20 HAVING A CASH VALUE IN EXCESS OF [\$500] \$1,000.

21 SECTION [7] 304. DISTRIBUTOR LICENSES.

22 (A) LICENSE REQUIRED.--NO PERSON SHALL SELL, OFFER FOR SALE
23 OR FURNISH GAMES OF CHANCE TO ELIGIBLE ORGANIZATIONS LICENSED
24 UNDER THIS ACT UNLESS SUCH PERSON SHALL HAVE OBTAINED A
25 DISTRIBUTOR LICENSE AS PROVIDED IN THIS SECTION.

26 (B) APPLICATION.--AN APPLICANT FOR THE GRANT OR RENEWAL OF A
27 DISTRIBUTOR LICENSE ISSUED PURSUANT TO THIS SECTION SHALL
28 PROVIDE TO THE DEPARTMENT, UPON THE FORM PRESCRIBED, ALL OF THE
29 FOLLOWING:

30 (1) THE APPLICANT'S STATE SALES TAX NUMBER.

1 (2) THE APPLICANT'S STATE CORPORATE TAX NUMBER.

2 (3) THE APPLICANT'S STATE EMPLOYER WITHHOLDING TAX
3 NUMBER.

4 (4) THE APPLICANT'S UNEMPLOYMENT COMPENSATION ACCOUNT
5 NUMBER.

6 (5) A STATEMENT THAT:

7 (I) ALL STATE TAX REPORTS HAVE BEEN FILED AND ALL
8 STATE TAXES PAID;

9 (II) ALL STATE TAXES ARE SUBJECT TO A TIMELY
10 ADMINISTRATIVE OR JUDICIAL APPEAL; OR

11 (III) ALL STATE TAXES ARE SUBJECT TO A DULY APPROVED
12 DEFERRED PAYMENT PLAN.

13 (6) THE NAMES AND BUSINESS ADDRESSES OF ALL OWNERS,
14 OFFICERS, DIRECTORS, PARTNERS AND SALES PERSONNEL.

15 (C) WAIVER OF CONFIDENTIALITY.--AN APPLICANT FOR THE GRANT
16 OR RENEWAL OF [ANY] A DISTRIBUTOR LICENSE ISSUED PURSUANT TO
17 THIS SECTION SHALL, BY THE FILING OF AN APPLICATION INsofar AS
18 IT RELATES TO THE DEPARTMENT, WAIVE ANY CONFIDENTIALITY WITH
19 RESPECT TO STATE TAX INFORMATION IN THE POSSESSION OF THE
20 DEPARTMENT, THE OFFICE OF ATTORNEY GENERAL OR THE DEPARTMENT OF
21 LABOR AND INDUSTRY REGARDING THAT APPLICANT, REGARDLESS OF THE
22 SOURCE OF THAT INFORMATION, AND SHALL CONSENT TO THE PROVIDING
23 OF THAT INFORMATION TO THE DEPARTMENT BY THE OFFICE OF ATTORNEY
24 GENERAL OR THE DEPARTMENT OF LABOR AND INDUSTRY.

25 (D) REVIEW OF TAX STATUS.--UPON RECEIPT OF ANY APPLICATION
26 FOR THE GRANT OR RENEWAL OF [ANY] A DISTRIBUTOR LICENSE ISSUED
27 PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL REVIEW THE STATE
28 TAX STATUS OF THE APPLICANT. THE DEPARTMENT SHALL REQUEST STATE
29 TAX INFORMATION REGARDING THE APPLICANT FROM THE OFFICE OF
30 ATTORNEY GENERAL OR THE DEPARTMENT OF LABOR AND INDUSTRY AND

1 THAT INFORMATION SHALL BE PROVIDED.

2 (E) LIMITATION ON APPROVAL.--THE DEPARTMENT SHALL NOT
3 APPROVE ANY APPLICATION FOR THE GRANT OR RENEWAL OF [ANY] A
4 DISTRIBUTOR LICENSE ISSUED PURSUANT TO THIS SECTION WHERE THE
5 APPLICANT HAS FAILED TO:

6 (1) PROVIDE ANY OF THE INFORMATION REQUIRED BY
7 SUBSECTION (B);

8 (2) FILE REQUIRED STATE TAX REPORTS; OR

9 (3) PAY ANY STATE TAXES NOT SUBJECT TO A TIMELY
10 ADMINISTRATIVE OR JUDICIAL APPEAL OR SUBJECT TO A DULY
11 AUTHORIZED DEFERRED PAYMENT PLAN.

12 (F) RECORDS.--[THE] EACH DISTRIBUTOR LICENSEE SHALL KEEP
13 SUCH RECORDS, REPORTS AND BOOKS AS THE DEPARTMENT SHALL
14 PRESCRIBE. [APPLICANTS] ANNUALLY, EACH DISTRIBUTOR LICENSEE
15 SHALL BE REQUIRED TO MAKE SUCH RECORDS, REPORTS AND BOOKS
16 AVAILABLE [AS] TO LAW ENFORCEMENT OFFICIALS AS REQUESTED OR IN A
17 MANNER REQUIRED BY THE DEPARTMENT PURSUANT TO REGULATION.

18 (G) INELIGIBILITY.--THE DEPARTMENT SHALL NOT ISSUE OR RENEW
19 A DISTRIBUTOR LICENSE FOR THE SALE OF GAMES OF CHANCE TO A
20 PERSON, INCLUDING ANY CORPORATION, FIRM OR PARTNERSHIP WHICH HAS
21 AS AN OFFICER, DIRECTOR OR OTHER PERSON IN A SUPERVISORY OR
22 MANAGEMENT POSITION, OR EMPLOYEE ELIGIBLE TO MAKE SALES ON
23 BEHALF OF THE DISTRIBUTOR, WHO:

24 (1) HAS BEEN CONVICTED OF A FELONY IN A STATE OR FEDERAL
25 COURT WITHIN THE PAST FIVE YEARS; OR

26 (2) HAS BEEN CONVICTED WITHIN TEN YEARS OF THE DATE OF
27 APPLICATION IN A STATE OR FEDERAL COURT OF A VIOLATION OF THE
28 ACT OF JULY 10, 1981 (P.L.214, NO.67), KNOWN AS THE BINGO
29 LAW, OR OF THIS ACT OR OF A GAMBLING-RELATED OFFENSE UNDER
30 TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES (RELATING

1 TO CRIMES AND OFFENSES) OR OTHER COMPARABLE STATE OR FEDERAL
2 LAW.

3 (H) LICENSE AND RENEWAL FEES.--THE FEE FOR A DISTRIBUTOR
4 LICENSE SHALL BE [\$1,000] \$2,000. LICENSES SHALL BE RENEWABLE ON
5 AN ANNUAL BASIS.

6 (I) EXCEPTION.--[THIS] EXCEPT AS PROVIDED UNDER SECTION 504,
7 THIS SECTION SHALL NOT APPLY TO THE MANUFACTURE OR DISTRIBUTION
8 OF RAFFLE TICKETS.

9 SECTION 8. SECTION 8 OF THE ACT IS RENUMBERED AND AMENDED TO
10 READ:

11 SECTION [8] 305. REGISTRATION OF MANUFACTURERS.

12 (A) REGISTRATION REQUIRED.--NO MANUFACTURER OF GAMES OF
13 CHANCE SHALL SELL ANY GAMES OF CHANCE TO ANY PERSON UNLESS THE
14 MANUFACTURER HAS REGISTERED WITH THE DEPARTMENT AND HAS BEEN
15 ISSUED A CERTIFICATE OF REGISTRATION.

16 (B) ANNUAL CERTIFICATE; FEE.--A CERTIFICATE UNDER THIS
17 SECTION SHALL BE VALID FOR ONE YEAR. THE ANNUAL FEE FOR
18 REGISTRATION SHALL BE [\$2,000] \$4,000.

19 (C) PROHIBITED SALES.--A MANUFACTURER SHALL NOT SELL GAMES
20 OF CHANCE TO ANY PERSON NOT LICENSED AS A DISTRIBUTOR UNLESS THE
21 MANUFACTURER IS ALSO A LICENSED DISTRIBUTOR.

22 (D) EXCEPTION.--THIS SECTION SHALL NOT APPLY TO THE
23 MANUFACTURE OR DISTRIBUTION OF RAFFLE TICKETS.

24 (E) RECORDS.--THE MANUFACTURER SHALL KEEP RECORDS, REPORTS
25 AND BOOKS AS PRESCRIBED BY THE DEPARTMENT. ANNUALLY,
26 MANUFACTURERS SHALL BE REQUIRED TO MAKE THE RECORDS, REPORTS AND
27 BOOKS AVAILABLE TO THE DEPARTMENT AND LAW ENFORCEMENT OFFICIALS
28 AS REQUESTED OR IN A MANNER REQUIRED BY THE DEPARTMENT BY
29 REGULATION.

30 SECTION 9. SECTION 9 OF THE ACT, AMENDED DECEMBER 19, 1990

1 (P.L.812, NO.195), IS RENUMBERED AND AMENDED TO READ:

2 SECTION [9] 306. REGULATIONS OF DEPARTMENT.

3 (A) AUTHORIZATION.--THE DEPARTMENT SHALL PROMULGATE
4 REGULATIONS TO:

5 (1) IMPOSE MINIMUM STANDARDS AND RESTRICTIONS APPLICABLE
6 TO GAMES OF CHANCE MANUFACTURED FOR SALE IN THIS
7 COMMONWEALTH, WHICH MAY INCLUDE STANDARDS AND RESTRICTIONS
8 WHICH SPECIFY THE MAXIMUM NUMBER OF CHANCES AVAILABLE TO BE
9 SOLD FOR ANY SINGLE GAME OF CHANCE OR PRIZE AND SUCH OTHER
10 STANDARDS AND RESTRICTIONS AS THE DEPARTMENT DEEMS NECESSARY
11 FOR THE PURPOSES OF THIS ACT. THE DEPARTMENT SHALL CONSIDER
12 STANDARDS ADOPTED BY THE NATIONAL ASSOCIATION OF GAMBLING
13 REGULATORY AGENCIES AND OTHER STANDARDS COMMONLY ACCEPTED IN
14 THE INDUSTRY.

15 (2) ESTABLISH PROCEDURES BY WHICH MANUFACTURERS MAY
16 REGISTER AND DISTRIBUTORS OF GAMES OF CHANCE MAY APPLY FOR
17 LICENSURE ON FORMS WHICH THE DEPARTMENT SHALL PROVIDE. FORMS
18 PROVIDED BY THE DEPARTMENT SHALL INCLUDE A REQUIREMENT THAT
19 MANUFACTURER AND DISTRIBUTOR APPLICANTS PROVIDE A CRIMINAL
20 HISTORY RECORD INFORMATION CHECK OBTAINED FROM THE
21 PENNSYLVANIA STATE POLICE AS DEFINED IN 18 PA.C.S. § 9102
22 (RELATING TO DEFINITIONS) AND PERMITTED BY 18 PA.C.S. §
23 9121(B) (RELATING TO GENERAL REGULATIONS) FOR ALL OFFICERS,
24 MANAGERS AND OTHER PERSONS RESPONSIBLE FOR OVERSEEING GAMES
25 OF CHANCE.

26 (3) PROVIDE FOR THE SUSPENSION OR REVOCATION OF
27 DISTRIBUTION LICENSES OR MANUFACTURER CERTIFICATES FOR
28 VIOLATIONS OF THIS ACT OR REGULATIONS OF THE DEPARTMENT.

29 (4) CARRY OUT OTHER PROVISIONS OF THIS ACT.

30 (B) LIMITATION ON RECORDKEEPING REQUIREMENTS.--THIS SECTION

1 SHALL NOT BE CONSTRUED TO AUTHORIZE THE DEPARTMENT TO PROMULGATE
2 REGULATIONS PROVIDING FOR RECORDKEEPING REQUIREMENTS FOR
3 LICENSED ELIGIBLE ORGANIZATIONS WHICH REQUIRE UNREASONABLE OR
4 UNNECESSARY INFORMATION OR A REPETITIOUS LISTING OF INFORMATION.
5 THE DEPARTMENT SHALL STRIVE TO KEEP SUCH RECORDKEEPING
6 REQUIREMENTS FROM BEING AN UNDUE HARDSHIP OR BURDEN ON LICENSED
7 ELIGIBLE ORGANIZATIONS. UNDER NO CIRCUMSTANCES SHALL THE
8 DEPARTMENT REQUIRE THE RETENTION OF RECORDS FOR A PERIOD IN
9 EXCESS OF TWO YEARS.

10 (C) REPORT.--

11 (1) THE DEPARTMENT SHALL, ON A BIENNIAL BASIS, REVIEW
12 THIS ACT AND ANY RULES OR REGULATIONS PROMULGATED UNDER THIS
13 ACT AND SUBMIT A REPORT TO THE GENERAL ASSEMBLY WITH ITS
14 RECOMMENDATIONS. THE RECOMMENDATIONS FOR LEGISLATIVE ACTION
15 MAY INCLUDE:

16 (I) IMPROVEMENTS TO THE ENFORCEMENT PROVISIONS.

17 (II) ADDITIONAL TYPES OF GAMES OF CHANCE AUTHORIZED.

18 (III) CHANGES IN THE PRIZE LIMITATIONS FOR GAMES OF
19 CHANCE.

20 (2) THE DEPARTMENT SHALL CONSULT WITH LAW ENFORCEMENT
21 OFFICIALS IN FORMULATING ITS RECOMMENDATIONS.

22 SECTION 10. SECTION 10 OF THE ACT, AMENDED DECEMBER 19, 1990
23 (P.L.812, NO.195) AND OCTOBER 18, 2000 (P.L.602, NO.79), IS
24 RENUMBERED AND AMENDED TO READ:

25 SECTION [10] 307. LICENSING OF ELIGIBLE ORGANIZATIONS TO
26 CONDUCT GAMES OF CHANCE.

27 (A) LICENSE REQUIRED.--NO ELIGIBLE ORGANIZATION SHALL
28 CONDUCT OR OPERATE ANY GAMES OF CHANCE UNLESS SUCH ELIGIBLE
29 ORGANIZATION HAS OBTAINED AND MAINTAINS A VALID LICENSE OR
30 LIMITED OCCASION LICENSE ISSUED PURSUANT TO THIS SECTION.

1 AUXILIARY GROUPS WITHIN ELIGIBLE ORGANIZATIONS SHALL BE ELIGIBLE
2 TO CONDUCT SMALL GAMES OF CHANCE USING THE LICENSE ISSUED TO THE
3 ELIGIBLE ORGANIZATION PROVIDED THAT THE AUXILIARY GROUP OR
4 GROUPS ARE LISTED ON THE APPLICATION AND LICENSE OF THE ELIGIBLE
5 ORGANIZATION. NO ADDITIONAL LICENSING FEE SHALL BE CHARGED FOR
6 AN AUXILIARY GROUP'S ELIGIBILITY UNDER THIS ACT. AUXILIARY
7 GROUPS SHALL NOT INCLUDE BRANCHES, LODGES OR CHAPTERS OF A
8 STATEWIDE ORGANIZATION.

9 (B) ISSUANCE AND FEES.--THE LICENSING AUTHORITY SHALL
10 LICENSE, UPON APPLICATION, WITHIN 30 DAYS ANY ELIGIBLE
11 ORGANIZATION MEETING THE REQUIREMENTS FOR LICENSURE CONTAINED IN
12 THIS ACT TO CONDUCT AND OPERATE GAMES OF CHANCE AT SUCH
13 LOCATIONS WITHIN THE COUNTY OR IN SUCH MANNER AS STATED ON THE
14 APPLICATION AS LIMITED BY SUBSECTION (B.1). THE LICENSE FEE TO
15 BE CHARGED TO EACH ELIGIBLE ORGANIZATION SHALL BE [~~\$100~~] \$150,
16 EXCEPT FOR LIMITED OCCASION LICENSES WHICH SHALL BE [~~\$10~~] \$15.
17 LICENSES SHALL BE RENEWABLE ANNUALLY UPON THE ANNIVERSARY OF THE
18 DATE OF ISSUE. THE LICENSE FEE SHALL BE USED BY THE LICENSING
19 AUTHORITY FOR THE ADMINISTRATION OF THIS ACT.

20 (B.1) LOCATION OF SMALL GAMES OF CHANCE.--

21 (1) EVERY LICENSED ELIGIBLE ORGANIZATION, EXCEPT A
22 LIMITED OCCASION LICENSEE, SHALL CONDUCT SMALL GAMES OF
23 CHANCE ONLY AT A LICENSED PREMISES. THE LICENSED PREMISES
24 SHALL BE INDICATED ON THE ELIGIBLE ORGANIZATION'S LICENSE
25 APPLICATION. ONLY ONE LICENSE SHALL BE ISSUED PER LICENSED
26 PREMISES. EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (III), A
27 LICENSED ELIGIBLE ORGANIZATION MAY NOT USE ANOTHER LICENSED
28 ELIGIBLE ORGANIZATION'S PREMISES TO CONDUCT ITS GAMES OF
29 CHANCE, AND NO LICENSED ELIGIBLE ORGANIZATION MAY PERMIT ITS
30 PREMISES TO BE USED FOR SMALL GAMES OF CHANCE BY ANOTHER

1 LICENSED ELIGIBLE ORGANIZATION.

2 (I) WHERE THERE EXISTS A LOCATION OR PREMISES WHICH
3 IS THE NORMAL BUSINESS OR OPERATING SITE OF THE ELIGIBLE
4 ORGANIZATION AND THE LOCATION OR PREMISES IS OWNED OR
5 LEASED BY THAT ELIGIBLE ORGANIZATION TO CONDUCT ITS
6 NORMAL BUSINESS, THAT SITE SHALL BE THE ELIGIBLE
7 ORGANIZATION'S LICENSED PREMISES FOR SMALL GAMES OF
8 CHANCE CONDUCTED BY THE ELIGIBLE ORGANIZATION. IF THAT
9 LOCATION CONSISTS OF MORE THAN ONE BUILDING [AND THE
10 ELIGIBLE ORGANIZATION WISHES TO CONDUCT ITS GAMES IN A
11 DIFFERENT BUILDING AT THAT LOCATION FROM THE ONE THAT IS
12 LISTED ON ITS APPLICATION AND LICENSE, THE ELIGIBLE
13 ORGANIZATION MUST NOTIFY, IN WRITING, THE DISTRICT
14 ATTORNEY AND THE LICENSING AUTHORITY OF THE CHANGE IN
15 BUILDING SITE AND THE DATES AND TIMES THAT WILL BE
16 AFFECTED], THE ELIGIBLE ORGANIZATION SHALL DESIGNATE ON
17 ITS APPLICATION THE BUILDING THAT WILL BE THE LICENSED
18 PREMISES.

19 (II) WHEN AN ELIGIBLE ORGANIZATION DOES NOT OWN OR
20 LEASE A SPECIFIC LOCATION TO CONDUCT ITS NORMAL BUSINESS,
21 [THAT] THE ELIGIBLE ORGANIZATION [MAY USE ANOTHER
22 ELIGIBLE ORGANIZATION'S PREMISES TO CONDUCT ITS GAMES OR]
23 MAY MAKE [SUCH OTHER] ARRANGEMENTS THAT ARE CONSISTENT
24 WITH THIS ACT TO ESTABLISH A LICENSED PREMISES,
25 INCLUDING[, BUT NOT LIMITED TO,] LEASING A PREMISE UNDER
26 A WRITTEN AGREEMENT FOR A RENTAL [WHICH IS NOT], EXCEPT
27 THAT THE RENTAL MAY NOT BE DETERMINED BY EITHER THE
28 AMOUNT OF RECEIPTS REALIZED FROM THE [PLAYING] CONDUCT OF
29 GAMES OF CHANCE [NOR] OR THE NUMBER OF PEOPLE ATTENDING
30 [EXCEPT THAT AN]. AN ELIGIBLE ORGANIZATION MAY LEASE A

1 FACILITY FOR A BANQUET [WHERE A PER HEAD CHARGE IS
2 APPLIED] IN CONNECTION WITH THE SERVING OF A MEAL BASED
3 ON A PER-HEAD CHARGE. WHEN SUCH ELIGIBLE ORGANIZATION
4 CHANGES THE SITE OF ITS GAMES FROM THAT WHICH IS LISTED
5 ON ITS APPLICATION AND LICENSE, THE ELIGIBLE ORGANIZATION
6 MUST NOTIFY, IN WRITING, THE DISTRICT ATTORNEY AND
7 LICENSING AUTHORITY OF THE CHANGE IN THEIR GAMES' SITE
8 [AND DATES AND TIMES THAT WILL BE AFFECTED].

9 (III) AN ELIGIBLE ORGANIZATION THAT HAS OBTAINED A
10 LIMITED OCCASION LICENSE UNDER SUBSECTION (B.3) MAY USE
11 ANOTHER ELIGIBLE ORGANIZATION'S LICENSED PREMISES TO
12 CONDUCT ITS GAMES OF CHANCE. WHEN A LICENSED ELIGIBLE
13 ORGANIZATION IS PERMITTING A LIMITED OCCASION LICENSEE TO
14 USE ITS LICENSED PREMISES FOR PURPOSES OF SMALL GAMES OF
15 CHANCE, THE ELIGIBLE ORGANIZATION SHALL CEASE THE
16 OPERATION OF ITS OWN SMALL GAMES OF CHANCE DURING THE
17 PERIOD THAT THE LIMITED OCCASION LICENSEE IS CONDUCTING
18 ITS GAMES ON THE PREMISES.

19 (2) UNLESS OTHERWISE PROVIDED IN THIS CHAPTER, ALL
20 ASPECTS OF THE OPERATION OF GAMES OF CHANCE SHALL BE
21 CONDUCTED ON THE LICENSED PREMISES.

22 (B.2) OFF-PREMISES GAMES OF CHANCE.--NOTWITHSTANDING ANY
23 OTHER PROVISIONS OF THIS SECTION, [AN] ALL OF THE FOLLOWING
24 APPLY:

25 (1) A LICENSED ELIGIBLE ORGANIZATION MAY, ON ONE
26 OCCASION DURING A LICENSE TERM, CONDUCT SMALL GAMES OF CHANCE
27 AT A LOCATION OFF ITS PREMISES WHEN [SUCH GAMES] THE GAMES OF
28 CHANCE ARE PART OF AN ANNUAL CARNIVAL, FAIR, PICNIC OR
29 BANQUET HELD OR PARTICIPATED IN BY THAT LICENSED ELIGIBLE
30 ORGANIZATION ON A HISTORICAL BASIS. THE LICENSED ELIGIBLE

1 ORGANIZATION MUST NOTIFY, IN WRITING, THE DISTRICT ATTORNEY
2 AND LICENSING AUTHORITY OF THE LOCATION, DATE AND TIMES OF
3 [SUCH EVENTS] THE EVENT WHERE IT WILL BE CONDUCTING SMALL
4 GAMES OF CHANCE.

5 (2) RAFFLE TICKETS MAY BE SOLD OFF THE LICENSED PREMISES
6 IN A MUNICIPALITY WHICH HAS ADOPTED THE PROVISIONS OF THIS
7 ACT BY AN AFFIRMATIVE VOTE IN A MUNICIPAL REFERENDUM. A
8 LICENSED ELIGIBLE ORGANIZATION WHICH PLANS TO SELL RAFFLE
9 TICKETS IN A MUNICIPALITY LOCATED IN A COUNTY OTHER THAN THE
10 COUNTY IN WHICH THE ELIGIBLE ORGANIZATION IS LICENSED SHALL
11 NOTIFY THAT COUNTY'S DISTRICT ATTORNEY AND LICENSING
12 AUTHORITY AS TO THE LOCATION AND THE DATES THAT THE ELIGIBLE
13 ORGANIZATION PLANS TO SELL RAFFLE TICKETS.

14 (B.3) LIMITED OCCASION LICENSES.--ELIGIBLE ORGANIZATIONS
15 WHICH DO NOT OWN THEIR OWN PREMISES OR WHICH DO NOT LEASE A
16 SPECIFIC LOCATION TO CONDUCT THEIR NORMAL BUSINESS MAY APPLY FOR
17 A LIMITED OCCASION LICENSE TO CONDUCT SMALL GAMES OF CHANCE ON
18 NOT MORE THAN THREE OCCASIONS COVERING A TOTAL OF SEVEN DAYS
19 DURING A LICENSED YEAR. A LIMITED OCCASION LICENSE ENTITLES
20 ELIGIBLE ORGANIZATIONS HOLDING SUCH A LICENSE TO CONDUCT NO MORE
21 THAN TWO RAFFLES DURING A LICENSED YEAR WHERE PRIZES MAY NOT
22 EXCEED THE ESTABLISHED LIMITS FOR REGULAR MONTHLY RAFFLES.

23 HOLDERS OF A LIMITED OCCASION [LICENSES] LICENSE MAY NOT APPLY
24 OR BE GRANTED ANY OTHER LICENSE OR SPECIAL PERMIT UNDER THIS
25 ACT. NO HOLDER OF A REGULAR LICENSE OR SPECIAL PERMIT UNDER THIS
26 ACT SHALL APPLY OR BE GRANTED A LIMITED OCCASION LICENSE.

27 (B.4) GAMBLING FACILITY PROHIBITED.--IT SHALL BE UNLAWFUL
28 FOR A PERSON, CORPORATION, ASSOCIATION, PARTNERSHIP OR OTHER
29 BUSINESS ENTITY TO OFFER FOR RENT OR OFFER FOR USE A BUILDING OR
30 FACILITY TO BE USED EXCLUSIVELY FOR THE [CONDUCTING] CONDUCT OF

1 SMALL GAMES OF CHANCE. IT SHALL ALSO BE UNLAWFUL FOR ANY
2 ELIGIBLE ORGANIZATION TO RENT OR LEASE UNDER ANY TERMS A
3 [FACILITY OR] BUILDING OR FACILITY WHICH IS USED EXCLUSIVELY FOR
4 THE [CONDUCTING] CONDUCT OF SMALL GAMES OF CHANCE.

5 (C) DISPLAY.--LICENSES ISSUED PURSUANT TO THIS SECTION SHALL
6 BE PUBLICLY DISPLAYED AT THE SITE [OF THE SMALL] WHERE GAMES OF
7 CHANCE WILL BE CONDUCTED.

8 (D) OPERATION.--EACH LICENSED ELIGIBLE ORGANIZATION SHALL
9 [COMPLY WITH THE FOLLOWING RESTRICTIONS AND RULES GOVERNING THE
10 OPERATION OF GAMES OF CHANCE] BE PROHIBITED FROM THE FOLLOWING:

11 (1) [NO] PERMITTING ANY PERSON UNDER 18 YEARS OF AGE
12 [SHALL BE PERMITTED] TO OPERATE OR PLAY GAMES OF CHANCE.

13 (2) [NO ELIGIBLE ORGANIZATION SHALL PERMIT] PERMITTING
14 ANY PERSON WHO HAS BEEN CONVICTED OF A FELONY IN A FEDERAL OR
15 STATE COURT WITHIN THE PAST FIVE YEARS OR HAS BEEN CONVICTED
16 IN A FEDERAL OR STATE COURT WITHIN THE PAST TEN YEARS OF A
17 VIOLATION OF THE ACT OF JULY 10, 1981 (P.L.214, NO.67), KNOWN
18 AS THE BINGO LAW, OR OF THIS ACT TO MANAGE, SET UP, SUPERVISE
19 OR PARTICIPATE IN THE OPERATION OF GAMES OF CHANCE.

20 (3) [NO ELIGIBLE ORGANIZATION SHALL PAY] PAYING ANY
21 COMPENSATION TO ANY PERSON FOR CONDUCTING ANY GAMES OF
22 CHANCE. GAMES OF CHANCE MAY ONLY BE CONDUCTED BY MANAGERS,
23 OFFICERS, DIRECTORS, BAR PERSONNEL AND BONA FIDE MEMBERS OF
24 THE ELIGIBLE ORGANIZATION.

25 (3.1) PERMITTING A MANAGER, OFFICER, DIRECTOR, BAR
26 PERSONNEL OR OTHER OPERATOR OF THE GAME OF CHANCE, EXCEPT FOR
27 A RAFFLE, FROM BEING A PLAYER IN THE GAME OF CHANCE THE
28 INDIVIDUAL IS OPERATING.

29 (4) [GAMES SHALL BE CONDUCTED ONLY] CONDUCTING SMALL
30 GAMES OF CHANCE ON ANY PREMISES OTHER THAN ON THE LICENSED

1 PREMISES OR AS OTHERWISE PROVIDED BY THIS ACT.

2 (5) [THE ELIGIBLE ORGANIZATION SHALL NOT LEASE SUCH]
3 LEASING THE LICENSED PREMISES UNDER EITHER AN ORAL OR A
4 WRITTEN AGREEMENT FOR A RENTAL WHICH IS DETERMINED BY EITHER
5 THE AMOUNT OF RECEIPTS REALIZED FROM THE PLAYING OF GAMES OF
6 CHANCE OR THE NUMBER OF PEOPLE ATTENDING, EXCEPT THAT AN
7 ELIGIBLE ORGANIZATION MAY LEASE A FACILITY FOR A BANQUET
8 WHERE A PER HEAD CHARGE IS APPLIED IN CONNECTION WITH THE
9 SERVING OF A MEAL. AN ELIGIBLE ORGANIZATION SHALL NOT LEASE
10 SUCH PREMISES FROM ANY PERSON WHO HAS BEEN CONVICTED OF A
11 VIOLATION OF THIS ACT OR THE BINGO LAW WITHIN THE PAST TEN
12 YEARS.

13 (6) [GAMES] PURCHASING GAMES OF CHANCE, OTHER THAN
14 RAFFLES, DAILY DRAWINGS [AND] WEEKLY DRAWINGS [, SHALL BE
15 PURCHASED ONLY FROM MANUFACTURERS AND DISTRIBUTORS] AND
16 MONTHLY DRAWINGS FROM ANY PERSON OTHER THAN A LICENSED
17 DISTRIBUTOR APPROVED BY THE DEPARTMENT.

18 [(7) NO LICENSED ELIGIBLE ORGANIZATION SHALL PERMIT ITS
19 PREMISES TO BE USED FOR SMALL GAMES OF CHANCE BY ANOTHER
20 LICENSED ELIGIBLE ORGANIZATION AT THE SAME TIME THAT IT IS
21 CONDUCTING SMALL GAMES OF CHANCE ON THE PREMISES. WHEN A
22 LICENSED ELIGIBLE ORGANIZATION IS PERMITTING ANOTHER LICENSED
23 ELIGIBLE ORGANIZATION TO USE ITS PREMISES FOR PURPOSES OF
24 SMALL GAMES OF CHANCE, IT MUST CEASE THE OPERATION OF ITS OWN
25 SMALL GAMES OF CHANCE DURING THE PERIOD THAT THE OTHER
26 LICENSED ELIGIBLE ORGANIZATION IS CONDUCTING ITS GAMES ON THE
27 PREMISES.

28 (8) RAFFLE TICKETS MAY BE SOLD OFF THE LICENSED PREMISE
29 IN ANY MUNICIPALITY IN THIS COMMONWEALTH WHICH HAS ADOPTED
30 THE PROVISIONS OF THIS ACT BY AN AFFIRMATIVE VOTE IN A

1 MUNICIPAL REFERENDUM. A LICENSED ELIGIBLE ORGANIZATION WHICH
2 PLANS TO SELL RAFFLE TICKETS IN A MUNICIPALITY LOCATED IN A
3 COUNTY OTHER THAN THE COUNTY IN WHICH THE ELIGIBLE
4 ORGANIZATION IS LICENSED MUST NOTIFY THAT COUNTY'S DISTRICT
5 ATTORNEY AND LICENSING AUTHORITY AS TO THE LOCATION AND THE
6 DATES THAT THE ELIGIBLE ORGANIZATION PLANS TO SELL RAFFLE
7 TICKETS.]

8 (7) OPERATING GAMES OF CHANCE ON A LICENSED PREMISES
9 WHEN ANOTHER ELIGIBLE ORGANIZATION IS OPERATING GAMES OF
10 CHANCE.

11 (D.1) BANK ACCOUNT AND RECORDS.--EACH LICENSED ELIGIBLE
12 ORGANIZATION SHALL ESTABLISH AND MAINTAIN A BANK ACCOUNT TO HOLD
13 THE PROCEEDS OF SMALL GAMES OF CHANCE, WHICH SHALL BE SEPARATE
14 FROM ALL OTHER BANK ACCOUNTS BELONGING TO THE LICENSED ELIGIBLE
15 ORGANIZATION. ACCOUNT RECORDS SHALL SHOW ALL EXPENDITURES AND
16 INCOME AND SHALL BE RETAINED BY THE LICENSED ELIGIBLE
17 ORGANIZATION FOR AT LEAST TWO YEARS.

18 (E) APPLICATION FOR LICENSE.--EACH ELIGIBLE ORGANIZATION
19 SHALL APPLY TO THE LICENSING AUTHORITY FOR A LICENSE ON A FORM
20 TO BE PRESCRIBED BY THE SECRETARY OF REVENUE. THE FORM SHALL
21 CONTAIN AN ANNUAL REPORT FILED BY THE ELIGIBLE ORGANIZATION AND
22 AN AFFIDAVIT TO BE AFFIRMED BY THE EXECUTIVE OFFICER OR
23 SECRETARY OF THE ELIGIBLE ORGANIZATION STATING THAT:

24 (1) NO PERSON UNDER 18 YEARS OF AGE WILL BE PERMITTED BY
25 THE ELIGIBLE ORGANIZATION TO OPERATE OR PLAY GAMES OF CHANCE.

26 (2) THE FACILITY IN WHICH THE GAMES OF CHANCE ARE TO BE
27 PLAYED HAS ADEQUATE MEANS OF INGRESS AND EGRESS AND ADEQUATE
28 SANITARY FACILITIES AVAILABLE IN THE AREA.

29 (3) THE ELIGIBLE ORGANIZATION IS NOT LEASING SUCH
30 PREMISES FROM THE OWNER THEREOF UNDER AN ORAL AGREEMENT, NOR

1 IS IT LEASING SUCH PREMISES FROM THE OWNER THEREOF UNDER A
2 WRITTEN AGREEMENT AT A RENTAL WHICH IS DETERMINED BY THE
3 AMOUNT OF RECEIPTS REALIZED FROM THE PLAYING OF GAMES OF
4 CHANCE OR BY THE NUMBER OF PEOPLE ATTENDING, EXCEPT THAT AN
5 ELIGIBLE ORGANIZATION MAY LEASE A FACILITY FOR A BANQUET
6 WHERE A PER HEAD CHARGE IS APPLIED IN CONNECTION WITH THE
7 SERVING OF A MEAL.

8 (4) THE ELIGIBLE ORGANIZATION HAS A SEPARATE BANK
9 ACCOUNT TO HOLD ALL PROCEEDS OF SMALL GAMES OF CHANCE.

10 (5) THE ELIGIBLE ORGANIZATION HAS COMPLIED WITH THE
11 ANNUAL FINANCIAL REPORT FILING.

12 (E.1) ADDITIONAL APPLICATION COMPONENTS.--AS PART OF THE
13 INITIAL OR RENEWAL APPLICATION FILED UNDER SUBSECTION (E), EACH
14 ELIGIBLE ORGANIZATION SHALL FILE AN ANNUAL REPORT WITH THE
15 LICENSING AUTHORITY. THE FIRST ANNUAL REPORT REQUIRED UNDER THIS
16 PARAGRAPH SHALL CONTAIN INFORMATION FOR THE 12-MONTH PERIOD
17 ENDING AT LEAST 60 DAYS, BUT NOT MORE THAN 90 DAYS, PRIOR TO THE
18 SUBMISSION OF THE APPLICATION. SUBSEQUENT ANNUAL REPORTS SHALL
19 CONTAIN INFORMATION FOR THE MOST RECENT 12-MONTH PERIOD ENDING
20 IN THE SAME MONTH AS THE INITIAL REPORT.

21 (F) LIST OF LICENSEES.--THE LICENSING AUTHORITY, ON A
22 SEMIANNUAL BASIS, SHALL SEND A COPY OF ALL LICENSEES TO THE
23 DEPARTMENT OF REVENUE.

24 (G) LIST OF MUNICIPALITIES.--THE LICENSING AUTHORITY SHALL
25 INCLUDE WITH ANY LICENSE OR RENEWAL LICENSE ISSUED TO AN
26 ELIGIBLE ORGANIZATION, AN UP-TO-DATE LISTING OF THOSE
27 MUNICIPALITIES WITHIN THE LICENSING COUNTY WHICH HAVE APPROVED
28 THE REFERENDUM QUESTION ON SMALL GAMES OF CHANCE.

29 (H) BACKGROUND CHECKS.--EACH APPLICATION FOR A LICENSE SHALL
30 INCLUDE THE RESULTS OF A CRIMINAL HISTORY RECORD INFORMATION

1 CHECK OBTAINED FROM THE PENNSYLVANIA STATE POLICE, AS DEFINED IN
2 18 PA.C.S. § 9102 (RELATING TO DEFINITIONS) AND PERMITTED BY 18
3 PA.C.S. § 9121(B) (RELATING TO GENERAL REGULATIONS), FOR THE
4 EXECUTIVE OFFICER OR SECRETARY OF THE ELIGIBLE ORGANIZATION
5 MAKING THE APPLICATION FOR A LICENSE AND ALL OTHER RESPONSIBLE
6 PERSONS LISTED ON THE APPLICATION.

7 SECTION 11. SECTION 11 OF THE ACT, AMENDED DECEMBER 19, 1990
8 (P.L.812, NO.195), IS RENUMBERED AND AMENDED TO READ:

9 SECTION [11] 308. SPECIAL PERMITS.

10 (A) ISSUANCE AND FEE.--THE LICENSING AUTHORITY SHALL ISSUE A
11 SPECIAL PERMIT FOR EACH RAFFLE IN WHICH THE [LICENSEE] LICENSED
12 ELIGIBLE ORGANIZATION PROPOSES TO AWARD INDIVIDUAL PRIZES HAVING
13 A CASH VALUE IN EXCESS OF [\$500] \$1,000. THE LICENSING AUTHORITY
14 MAY ESTABLISH AND COLLECT A FEE NOT TO EXCEED \$25 FOR THE
15 ISSUANCE OF SPECIAL PERMITS UNDER THIS SECTION.

16 (B) PERMIT APPLICATION.--EACH SPECIAL PERMIT APPLICATION
17 SHALL SPECIFY THE LOCATION WHERE THE ACTUAL DRAWING WILL BE
18 HELD, THE NUMBER OF CHANCES TO BE SOLD, THE PRICE PER CHANCE AND
19 THE CASH VALUE OF THE PRIZE OR PRIZES TO BE AWARDED.

20 SECTION 12. THE ACT IS AMENDED BY ADDING A CHAPTER TO READ:

21 CHAPTER 5

22 CLUB LICENSEES

23 SECTION 501. REPORT.

24 THE FOLLOWING SHALL APPLY:

25 (1) BY MARCH 31, 2013, AND BY MARCH 31 OF EACH YEAR
26 THEREAFTER, EACH CLUB LICENSEE SHALL SUBMIT AN ANNUAL REPORT
27 TO THE PENNSYLVANIA STATE POLICE FOR THE PRECEDING CALENDAR
28 YEAR ON A FORM PRESCRIBED BY THE PENNSYLVANIA STATE POLICE.

29 (2) THE REPORT MUST BE FILED UNDER OATH OR AFFIRMATION
30 OF AN AUTHORIZED OFFICER OF THE CLUB LICENSEE.

1 (3) THE REPORT MUST INCLUDE ALL OF THE FOLLOWING
2 INFORMATION FOR THE PRIOR CALENDAR YEAR:

3 (I) THE PROCEEDS RECEIVED BY THE CLUB LICENSEE FROM
4 EACH GAME OF CHANCE CONDUCTED, ITEMIZED BY WEEK.

5 (II) THE DISTRIBUTION OF PROCEEDS UNDER SECTION
6 502(A)(1) AND (2).

7 (III) THE AMOUNT OF PROCEEDS FOR ALL GAMES OF CHANCE
8 NOT PURCHASED FROM A LICENSED DISTRIBUTOR WHICH THE CLUB
9 LICENSEE CONDUCTED, ITEMIZED BY WEEK.

10 (IV) THE AMOUNT OF PRIZES PAID FROM GAMES OF CHANCE
11 AND ITEMIZED COSTS RELATED TO THE CONDUCT OF GAMES OF
12 CHANCE.

13 (V) THE AMOUNTS DISTRIBUTED FOR PUBLIC INTEREST
14 PURPOSES ITEMIZED BY THE RECIPIENT.

15 (VI) AN ITEMIZED LIST OF EXPENDITURES MADE OR
16 AMOUNTS RETAINED FOR GENERAL OPERATING EXPENSES.

17 (VII) THE ADDRESS AND COUNTY IN WHICH THE CLUB
18 LICENSEE IS LOCATED.

19 (VIII) OTHER INFORMATION OR DOCUMENTATION REQUIRED
20 BY THE PENNSYLVANIA STATE POLICE.

21 SECTION 502. PROCEEDS.

22 (A) DISTRIBUTION.--THE PROCEEDS FROM GAMES OF CHANCE
23 RECEIVED BY A CLUB LICENSEE SHALL BE DISTRIBUTED AS FOLLOWS:

24 (1) NOT LESS THAN 70% OF PROCEEDS SHALL BE PAID TO
25 ORGANIZATIONS OTHER THAN THE CLUB LICENSEE FOR PUBLIC
26 INTEREST PURPOSES.

27 (2) UP TO 30% OF PROCEEDS MAY BE USED FOR GENERAL
28 OPERATING EXPENSES.

29 (B) PROHIBITION.--PROCEEDS SHALL NOT BE USED FOR WAGES,
30 ALCOHOL OR FOOD PURCHASES OR FOR THE PAYMENT OF ANY FINE LEVIED

1 AGAINST THE CLUB LICENSEE.

2 (C) PROCEEDS FOR PUBLIC INTEREST PURPOSES.--AMOUNTS RETAINED
3 BY A CLUB LICENSEE UNDER SUBSECTION (A) (2) SHALL BE EXPENDED
4 WITHIN THE SAME CALENDAR YEAR UNLESS THE CLUB LICENSEE NOTIFIES
5 THE DEPARTMENT THAT FUNDS ARE BEING RETAINED FOR A SUBSTANTIAL
6 PURCHASE OR PROJECT. NOTIFICATION SHALL INCLUDE A DESCRIPTION OF
7 THE PURCHASE OR PROJECT, THE COST AND THE ANTICIPATED DATE OF
8 THE PURCHASE OR PROJECT.

9 SECTION 503. DOCUMENTATION.

10 EVERY SALE OF A GAME OF CHANCE BY A LICENSED DISTRIBUTOR TO A
11 CLUB LICENSEE SHALL BE DOCUMENTED BY AN INVOICE LISTING THE
12 NAMES AND TYPES OF GAMES OF CHANCE SOLD, QUANTITIES OF EACH GAME
13 SOLD AND ANY OTHER INFORMATION RELATED TO THE SALE OF GAMES OF
14 CHANCE AS REQUIRED BY THE PENNSYLVANIA STATE POLICE. FAILURE TO
15 PROVIDE CORRECT INVOICES SHALL RESULT IN A PENALTY UNDER SECTION
16 706.

17 SECTION 504. RESTRICTION.

18 NOTWITHSTANDING SECTION 307(D) (6), ALL PUNCHBOARDS, DAILY
19 DRAWINGS, WEEKLY DRAWINGS, MONTHLY DRAWINGS, RAFFLES AND PULL
20 TABS SHALL BE PURCHASED FROM A LICENSED DISTRIBUTOR APPROVED BY
21 THE DEPARTMENT.

22 SECTION 505. FAILURE TO COMPLY.

23 (A) OFFENSE DEFINED.--A CLUB LICENSEE COMMITS A MISDEMEANOR
24 OF THE THIRD DEGREE FOR FAILING TO COMPLY WITH THIS CHAPTER OR
25 FAILING TO PROVIDE THEIR BOOKS, ACCOUNTS AND RECORDS RELATING TO
26 THE CONDUCT OF GAMES OF CHANCE UNDER SECTION 701(B).

27 (B) REPORTING.--THE PENNSYLVANIA STATE POLICE SHALL PROVIDE
28 A LIST OF CLUB LICENSEES THAT FAIL TO FILE REPORTS UNDER THIS
29 CHAPTER BY THE REQUIRED DATES OR FAIL TO COMPLY WITH SECTIONS
30 502 AND 503 TO THE APPLICABLE LICENSING AUTHORITY, DISTRICT

1 ATTORNEY AND THE DEPARTMENT.

2 SECTION 13. THE ACT IS AMENDED BY ADDING A CHAPTER HEADING
3 TO READ:

4 CHAPTER 7
5 ENFORCEMENT

6 SECTION 14. SECTION 12 OF THE ACT, AMENDED DECEMBER 19, 1990
7 (P.L.812, NO.195), IS RENUMBERED AND AMENDED TO READ:

8 SECTION [12] 701. REVOCATION OF LICENSES.

9 (A) GROUNDS.--THE [LICENSING AUTHORITY SHALL REVOKE OR
10 REFUSE TO RENEW THE LICENSE OF ANY ELIGIBLE ORGANIZATION
11 WHENEVER THE DISTRICT ATTORNEY FINDS UPON COMPLAINT AND
12 INVESTIGATION THAT] FOLLOWING SHALL BE GROUNDS FOR THE
13 SUSPENSION, REVOCATION OR NONRENEWAL OF A LICENSE:

14 (1) ANY OF THE FUNDS DERIVED FROM THE OPERATION OF GAMES
15 OF CHANCE ARE USED FOR ANY PURPOSE OTHER THAN [FOR PUBLIC
16 INTEREST PURPOSES OR FOR THE PURCHASE OF GAMES OF CHANCE AS]
17 THOSE PURPOSES PERMITTED BY THIS ACT.

18 (2) ANY PERSON UNDER 18 YEARS OF AGE IS OPERATING OR
19 PLAYING GAMES OF CHANCE [AS DEFINED IN THIS ACT].

20 (3) THE ELIGIBLE ORGANIZATION HAS PERMITTED ANY PERSON
21 WHO HAS BEEN CONVICTED OF A FELONY IN A FEDERAL OR STATE
22 COURT WITHIN THE PAST FIVE YEARS OR HAS BEEN CONVICTED IN A
23 FEDERAL OR STATE COURT WITHIN THE PAST TEN YEARS OF A
24 VIOLATION OF THE ACT OF JULY 10, 1981 (P.L.214, NO.67), KNOWN
25 AS THE BINGO LAW, OR OF THIS ACT, TO MANAGE, SET UP,
26 SUPERVISE OR PARTICIPATE IN THE OPERATION OF GAMES OF CHANCE.

27 (4) THE FACILITY IN WHICH THE GAMES OF CHANCE ARE PLAYED
28 DOES NOT HAVE ADEQUATE MEANS OF INGRESS AND EGRESS AND DOES
29 NOT HAVE ADEQUATE SANITARY FACILITIES AVAILABLE IN THE AREA.

30 (5) ANY PERSON OR PERSONS OTHER THAN A MANAGER, OFFICER,

1 DIRECTOR, BAR PERSONNEL OR A BONA FIDE MEMBER OF AN ELIGIBLE
2 ORGANIZATION HAVE BEEN INVOLVED IN MANAGING, SETTING UP,
3 OPERATING OR RUNNING GAMES OF CHANCE.

4 (5.1) ANY MANAGER, OFFICER, DIRECTOR, BAR PERSONNEL OR
5 OTHER OPERATOR OF THE GAME OF CHANCE, EXCEPT FOR A RAFFLE,
6 HAS BEEN A PLAYER IN THE GAME THE INDIVIDUAL IS OPERATING.

7 (6) ANY PERSON HAS RECEIVED COMPENSATION FOR CONDUCTING
8 GAMES OF CHANCE.

9 (7) ANY PRIZE HAS BEEN AWARDED IN EXCESS OF THE LIMITS
10 PERMITTED UNDER THIS ACT.

11 (8) THE ELIGIBLE ORGANIZATION HAS VIOLATED ANY CONDITION
12 OF A SPECIAL PERMIT ISSUED PURSUANT TO SECTION [11] 308.

13 (9) THE ELIGIBLE ORGANIZATION CONDUCTS THE GAMES OF
14 CHANCE UNDER A LEASE WHICH CALLS FOR:

15 (I) LEASING SUCH PREMISES FROM THE OWNER THEREOF
16 UNDER AN ORAL AGREEMENT; OR

17 (II) LEASING SUCH PREMISES FROM THE OWNER THEREOF
18 UNDER A WRITTEN AGREEMENT AT A RENTAL WHICH IS DETERMINED
19 BY THE AMOUNT OF RECEIPTS REALIZED FROM THE PLAYING OF
20 GAMES OF CHANCE.

21 (10) FALSE OR ERRONEOUS INFORMATION WAS PROVIDED IN THE
22 ORIGINAL APPLICATION OR IN ANY INFORMATION PROVIDED TO THE
23 LICENSING AUTHORITY, THE DEPARTMENT OR THE PENNSYLVANIA STATE
24 POLICE IN ANY APPLICATION, RENEWAL FORM OR REPORT.

25 (11) AN ELIGIBLE ORGANIZATION HAS BEEN CONVICTED OF A
26 VIOLATION OF THIS ACT AS EVIDENCED BY A CERTIFIED RECORD OF
27 THE CONVICTION.

28 (12) THE ELIGIBLE ORGANIZATION HAS PERMITTED ANOTHER
29 ELIGIBLE ORGANIZATION TO CONDUCT SMALL GAMES OF CHANCE ON ITS
30 LICENSED PREMISES WITHOUT SUSPENDING ITS OWN OPERATION OF

1 SMALL GAMES OF CHANCE DURING THE PERIOD THAT THE OTHER
2 LICENSED ELIGIBLE ORGANIZATION IS CONDUCTING ITS GAMES ON THE
3 PREMISES.

4 (13) THE ELIGIBLE ORGANIZATION HAS FAILED TO KEEP AND
5 MAINTAIN THE RECORDS REQUIRED UNDER THIS ACT FOR A PERIOD OF
6 AT LEAST TWO YEARS.

7 (14) A CLUB LICENSEE HAS FAILED TO FILE AN ACCURATE
8 REPORT UNDER SECTION 501.

9 (15) A CLUB LICENSEE HAS FAILED TO COMPLY WITH SECTION
10 501 OR 502.

11 (B) PRODUCTION OF RECORDS.--THE DISTRICT ATTORNEY MAY
12 REQUIRE [LICENSEES] LICENSED ELIGIBLE ORGANIZATIONS, REGISTERED
13 MANUFACTURERS AND LICENSED DISTRIBUTORS TO PRODUCE THEIR BOOKS,
14 ACCOUNTS AND RECORDS RELATING TO THE CONDUCT OF GAMES OF CHANCE
15 IN ORDER TO DETERMINE [WHETHER A LICENSE SHOULD BE REVOKED OR
16 RENEWAL THEREOF DENIED] IF A VIOLATION OF THIS ACT HAS OCCURRED.
17 LICENSEES SHALL ALSO BE REQUIRED UPON REQUEST TO [PRODUCE]
18 PROVIDE THEIR LICENSE, BOOKS, ACCOUNTS AND RECORDS RELATING TO
19 THE CONDUCT OF GAMES OF CHANCE TO OTHER LAW ENFORCEMENT
20 OFFICIALS [UPON PROPER REQUEST].

21 SECTION 15. SECTION 13 OF THE ACT IS RENUMBERED TO READ:
22 SECTION [13] 702. ENFORCEMENT.

23 (A) DISTRICT ATTORNEY.--THE DISTRICT ATTORNEY SHALL
24 INVESTIGATE ALLEGED VIOLATIONS OF THIS ACT. IF THE DISTRICT
25 ATTORNEY FINDS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION HAS
26 OCCURRED, HE MAY FILE A COMPLAINT AGAINST THE ALLEGED VIOLATOR
27 IN THE COURT OF COMMON PLEAS OF SAID COUNTY, EXCEPT IN COUNTIES
28 OF THE FIRST CLASS WHERE THE COMPLAINT MAY BE FILED IN THE
29 MUNICIPAL COURT. IN ADDITION, THE DISTRICT ATTORNEY SHALL
30 PROSECUTE SAID COMPLAINT IN THE MANNER PROVIDED BY LAW.

1 (B) OTHER LAW ENFORCEMENT OFFICIALS.--NOTHING IN THIS ACT
2 SHALL BE INTERPRETED TO RESTRICT THE POWER OF STATE, COUNTY OR
3 LOCAL LAW ENFORCEMENT OFFICIALS TO CONDUCT INVESTIGATIONS AND
4 ENFORCE THE PROVISIONS OF THIS ACT.

5 SECTION 16. SECTION 14 OF THE ACT, AMENDED JULY 11, 1990
6 (P.L.449, NO.108) AND DECEMBER 19, 1990 (P.L.812, NO.195), IS
7 RENUMBERED AND AMENDED TO READ:

8 SECTION [14] 703. LOCAL OPTION.

9 (A) ELECTION TO BE HELD.--IN ANY MUNICIPALITY, AN ELECTION
10 MAY BE HELD ON THE DATE OF THE PRIMARY ELECTION IMMEDIATELY
11 PRECEDING ANY MUNICIPAL ELECTION, BUT NOT MORE THAN ONCE IN FOUR
12 YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO THE
13 ISSUANCE OF LICENSES WITHIN THE LIMITS OF SUCH MUNICIPALITY
14 UNDER THE PROVISIONS OF THIS ACT. WHERE AN ELECTION SHALL HAVE
15 BEEN HELD AT THE PRIMARY ELECTION PRECEDING A MUNICIPAL ELECTION
16 IN ANY YEAR, ANOTHER ELECTION MAY BE HELD UNDER THE PROVISIONS
17 OF THIS ACT AT THE PRIMARY ELECTION OCCURRING THE FOURTH YEAR
18 AFTER SUCH PRIOR ELECTION. WHENEVER ELECTORS EQUAL TO AT LEAST
19 25% OF THE HIGHEST VOTE CAST FOR ANY OFFICE IN THE MUNICIPALITY
20 AT THE LAST PRECEDING GENERAL ELECTION SHALL FILE A PETITION
21 WITH THE COUNTY BOARD OF ELECTIONS OF THE COUNTY, OR THE
22 GOVERNING BODY OF THE MUNICIPALITY ADOPTS, BY A MAJORITY VOTE, A
23 RESOLUTION TO PLACE SUCH A QUESTION ON THE BALLOT AND A COPY OF
24 THE RESOLUTION IS FILED WITH THE BOARD OF ELECTIONS OF THE
25 COUNTY, FOR A REFERENDUM ON THE QUESTION OF ISSUING LICENSES,
26 THE COUNTY BOARD OF ELECTIONS SHALL CAUSE A QUESTION TO BE
27 PLACED ON THE BALLOT OR ON THE VOTING MACHINE BOARD AND
28 SUBMITTED AT THE PRIMARY ELECTION IMMEDIATELY PRECEDING THE
29 MUNICIPAL ELECTION. THE QUESTION SHALL BE IN THE FOLLOWING FORM:

30 DO YOU FAVOR THE ISSUANCE OF LICENSES

1 TO CONDUCT SMALL GAMES OF CHANCE IN THE

2 OF ?

3 (B) VOTE.--IF A MAJORITY OF THE ELECTORS VOTING ON THE
4 QUESTION VOTE "YES," THEN LICENSES SHALL BE ISSUED BY THE
5 LICENSING AUTHORITY IN SUCH MUNICIPALITY, BUT IF A MAJORITY OF
6 THE ELECTORS VOTING ON ANY SUCH QUESTION VOTE "NO," THEN THE
7 LICENSING AUTHORITY SHALL HAVE NO POWER TO ISSUE OR TO RENEW,
8 UPON THEIR EXPIRATION, ANY LICENSES IN SUCH MUNICIPALITY, UNLESS
9 AND UNTIL, AT A LATER ELECTION, A MAJORITY OF THE VOTING
10 ELECTORS VOTE "YES" ON SUCH QUESTION.

11 (C) VOTING PROCEEDINGS.--PROCEEDINGS UNDER THIS SECTION
12 SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE ACT OF JUNE 3,
13 1937 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION
14 CODE.

15 (D) APPLICABILITY.--THIS ACT APPLIES ONLY TO THOSE ELIGIBLE
16 ORGANIZATIONS LOCATED IN MUNICIPALITIES WHICH HAVE ADOPTED THE
17 PROVISIONS OF THIS ACT BY AN AFFIRMATIVE VOTE IN A MUNICIPAL
18 REFERENDUM IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

19 (E) WITHDRAWAL OF APPROVAL.--THE REFERENDUM PROCEDURE
20 CONTAINED IN THIS SECTION SHALL ALSO BE AVAILABLE TO WITHDRAW
21 THE APPROVAL OF THE ISSUANCE OF SUCH LICENSES WITHIN SUCH
22 MUNICIPALITY WHICH WAS GRANTED THROUGH A PRIOR REFERENDUM.

23 (F) SPECIAL EXCEPTION.--NOTWITHSTANDING ANY OTHER PROVISION
24 OF THIS ACT TO THE CONTRARY, IN ANY MUNICIPALITY EXCEPT A CITY
25 OF THE FIRST CLASS WHERE AN ELECTION WAS HELD PURSUANT TO THIS
26 SECTION ON MAY 16, 1989, AND A MAJORITY OF THE ELECTORS VOTED
27 "NO" ON THE QUESTION, THE MUNICIPALITY SHALL BE ABLE TO RESUBMIT
28 THE QUESTION, IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN
29 THIS SECTION, AT THE GENERAL ELECTION IMMEDIATELY FOLLOWING [THE
30 EFFECTIVE DATE OF THIS AMENDATORY ACT] JULY 11, 1990.

1 SECTION 17. SECTION 15 OF THE ACT, AMENDED DECEMBER 19, 1990
2 (P.L.812, NO.195), IS RENUMBERED AND AMENDED TO READ:
3 SECTION [15] 704. ADVERTISING.

4 [IT SHALL BE UNLAWFUL FOR ANY ELIGIBLE ORGANIZATION OR PERSON
5 TO ADVERTISE THE PRIZES OR THEIR DOLLAR VALUE TO BE AWARDED IN
6 GAMES OF CHANCE, PROVIDED THAT PRIZES MAY BE IDENTIFIED ON
7 RAFFLE TICKETS. NOTWITHSTANDING THE PROHIBITION OF ADVERTISING
8 CONTAINED WITHIN THIS SECTION, AN ELIGIBLE ORGANIZATION MAY
9 ADVERTISE PRIZES AND VALUES THEREOF IN PERIODIC PUBLICATIONS
10 WHICH ARE LIMITED IN THEIR CIRCULATION TO MEMBERS OF THE
11 ELIGIBLE ORGANIZATION.] ANY LICENSED ELIGIBLE ORGANIZATION OR
12 PERSON MAY ADVERTISE THE PRIZES TO BE AWARDED IN GAMES OF CHANCE
13 IF THE ADVERTISEMENTS CONTAIN THE DATE, TIME, LOCATION, THE
14 PRIZES THAT WILL BE AWARDED AND THE NAME OF THE LICENSED
15 ELIGIBLE ORGANIZATION. ADVERTISEMENTS TO THE PUBLIC MAY BE NO
16 LARGER THAN 8 1/2 INCHES BY 11 INCHES. AN ELIGIBLE ORGANIZATION
17 MAY ADVERTISE PRIZES IN PERIODIC PUBLICATIONS WHICH ARE LIMITED
18 IN THEIR CIRCULATION TO MEMBERS OF THE ELIGIBLE ORGANIZATION.
19 THIS SECTION SHALL NOT APPLY TO A SIGN DISPLAYED INSIDE THE
20 LICENSED PREMISES.

21 SECTION 18. SECTION 16 OF THE ACT IS RENUMBERED AND AMENDED
22 TO READ:

23 SECTION [16] 705. CERTAIN PERSONS PROHIBITED.

24 NO LICENSED DISTRIBUTOR NOR ANY PERSON WHO HAS BEEN CONVICTED
25 OF A FELONY OR OF A VIOLATION OF THE ACT OF JULY 10, 1981
26 (P.L.214, NO.67), KNOWN AS THE BINGO LAW, OR OF THIS ACT OR OF
27 ANY COMPARABLE STATE OR FEDERAL LAW SHALL HAVE A PECUNIARY
28 INTEREST IN THE OPERATION OR PROCEEDS OF GAMES OF CHANCE.

29 SECTION 19. SECTION 17 OF THE ACT, AMENDED DECEMBER 19, 1990
30 (P.L.812, NO.195), IS RENUMBERED AND AMENDED TO READ:

1 SECTION [17] 706. [PENALTIES] CRIMINAL PENALTIES.

2 (A) ELIGIBLE ORGANIZATIONS.--ANY ELIGIBLE ORGANIZATION
3 VIOLATING THE PROVISIONS OF THIS ACT SHALL BE GUILTY OF A
4 SUMMARY OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE SENTENCED
5 TO PAY A FINE NOT EXCEEDING [\$1,000 AND SHALL] \$2,000 FOR A
6 FIRST OFFENSE[,] AND NOT EXCEEDING \$3,000 FOR A SUBSEQUENT
7 VIOLATION. IN ADDITION, THE FOLLOWING SHALL APPLY:

8 (1) FOR A FIRST OFFENSE, THE ELIGIBLE ORGANIZATION SHALL
9 FORFEIT THE LICENSE TO CONDUCT GAMES OF CHANCE ISSUED TO THE
10 ELIGIBLE ORGANIZATION FOR [THE REMAINDER OF THE LICENSING
11 PERIOD OR SIX MONTHS, WHICHEVER IS LONGER, FOR] A PERIOD OF
12 NOT MORE THAN 30 DAYS.

13 (2) FOR A SECOND OFFENSE[,] WITHIN THREE YEARS OF THE
14 FIRST OFFENSE, THE ELIGIBLE ORGANIZATION SHALL FORFEIT [THE]
15 ITS LICENSE [ISSUED TO THE ELIGIBLE ORGANIZATION FOR THE
16 REMAINDER OF THE CURRENT LICENSING PERIOD AND BE INELIGIBLE
17 TO BE LICENSED FOR THE FOLLOWING LICENSING PERIOD,] FOR A
18 PERIOD OF NOT LESS THAN 30 DAYS NOR MORE THAN 180 DAYS.

19 (3) FOR A THIRD OR SUBSEQUENT OFFENSE[,] WITHIN THREE
20 YEARS OF THE MOST RECENT OFFENSE, THE ELIGIBLE ORGANIZATION
21 SHALL FORFEIT [THE] ITS LICENSE [ISSUED TO THE ELIGIBLE
22 ORGANIZATION] AND BE INELIGIBLE FOR A LICENSE RENEWAL FOR 30
23 MONTHS THEREAFTER.

24 (B) INDIVIDUALS.--ANY PERSON WHO CONDUCTS OR ASSISTS IN THE
25 CONDUCTING OF GAMES OF CHANCE IN VIOLATION OF THE PROVISIONS OF
26 THIS ACT IS GUILTY OF A SUMMARY OFFENSE FOR A FIRST VIOLATION. A
27 SECOND VIOLATION OF THIS ACT SHALL BE PUNISHABLE AS A
28 MISDEMEANOR OF THE THIRD DEGREE. A THIRD OR SUBSEQUENT VIOLATION
29 SHALL BE PUNISHABLE AS A MISDEMEANOR OF THE FIRST DEGREE.

30 (C) DISTRIBUTORS AND MANUFACTURERS.--ANY PERSON WHO

1 DISTRIBUTES GAMES OF CHANCE WITHOUT A LICENSE OR IN VIOLATION OF
2 ANY PROVISION OF THIS ACT OR APPLICABLE REGULATIONS, AND ANY
3 MANUFACTURER OF GAMES OF CHANCE WHO DELIVERS GAMES OF CHANCE FOR
4 SALE OR DISTRIBUTION IN THIS COMMONWEALTH WHO FAILS TO REGISTER
5 AND OBTAIN A PERMIT THEREFOR IS GUILTY OF A MISDEMEANOR OF THE
6 FIRST DEGREE, PROVIDED THAT NO LICENSE OR PERMIT SHALL BE
7 REQUIRED FOR THE MANUFACTURE OR DISTRIBUTION OF RAFFLE TICKETS.

8 (D) RIGGING.--A PERSON COMMITS A MISDEMEANOR OF THE FIRST
9 DEGREE IF, WITH INTENT TO PREVENT A GAME OF CHANCE FROM BEING
10 CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ACT OR THE
11 RULES AND USAGES GOVERNING THE GAME OF CHANCE, HE:

12 (1) CONFERS OR OFFERS OR AGREES TO CONFER ANY BENEFIT
13 UPON OR THREATENS ANY INJURY TO A PARTICIPANT OR OTHER PERSON
14 ASSOCIATED WITH THE GAME OF CHANCE;

15 (2) TAMPERS WITH ANY PERSON ASSOCIATED WITH THE GAME OF
16 CHANCE;

17 [(2)] (3) TAMPERS WITH ANY [PERSON OR GAMES] SMALL GAME
18 OF CHANCE; OR

19 [(3)] (4) SOLICITS, ACCEPTS OR AGREES TO ACCEPT ANY
20 BENEFIT.

21 (E) CONTINGENT FEES.--ANY PERSON WHO DISTRIBUTES,
22 MANUFACTURES OR OPERATES A SMALL GAME OF CHANCE AND WHO
23 REQUIRES, FOR EQUIPMENT FURNISHED OR TO PLAY A GAME OF CHANCE,
24 PAYMENT EQUAL TO A PERCENTAGE OF THE TOTAL WINNINGS OF ANY GAME
25 OF CHANCE COMMITS A MISDEMEANOR OF THE FIRST DEGREE.

26 SECTION 20. THE ACT IS AMENDED BY ADDING A CHAPTER HEADING
27 TO READ:

28 CHAPTER 31

29 MISCELLANEOUS PROVISIONS

30 SECTION 21. SECTION 18 OF THE ACT IS RENUMBERED TO READ:

1 SECTION [18] 3101. EFFECTIVE DATE.

2 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.

3 SECTION 22. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.