

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 444 Session of 2011

INTRODUCED BY EARLL, FOLMER, SOLOBAY, CORMAN, ORIE, SCARNATI, BOSCOLA, FONTANA, FERLO, RAFFERTY, ALLOWAY, PICCOLA, COSTA, YAW, HUGHES, KASUNIC, WAUGH, M. WHITE, WASHINGTON, EICHELBERGER, BROWNE, VOGEL, LEACH, YUDICHAK, PIPPY, MENSCH, BREWSTER, WOZNIAK, DINNIMAN AND ARGALL, FEBRUARY 23, 2011

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 31, 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 and for prize limits; providing for insured games ←
10 of chance; further providing for sales limited, for
11 regulations of department, for licensing of eligible ←
12 organizations to conduct games of chance, for revocation of ←
13 licenses, for advertising and for penalties; and making ←
14 editorial changes FURTHER PROVIDING FOR LEGISLATIVE INTENT, ←
15 FOR DEFINITIONS, FOR GAMES OF CHANCE PERMITTED, FOR PRIZE
16 LIMITS, FOR LIMITS ON SALES, FOR DISTRIBUTOR LICENSES, 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 ENFORCEMENT, FOR
20 LOCAL OPTION, FOR ADVERTISING AND FOR PROHIBITED PERSONS;
21 PROVIDING FOR CIVIL PENALTIES; FURTHER PROVIDING FOR
22 PENALTIES; AND MAKING EDITORIAL CHANGES.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. Section 2 of the act of December 19, 1988 ←
26 (P.L.1262, No.156), known as the Local Option Small Games of ←

1 ~~Chance Act, is amended to read:~~

2 ~~Section 2. Legislative intent.~~

3 ~~The General Assembly hereby declares that the playing of~~
4 ~~small games of chance for the purpose of raising funds, by~~
5 ~~certain nonprofit associations, for the promotion of charitable~~
6 ~~or civic purposes, is in the public interest.~~

7 ~~It is hereby declared to be the policy of the General~~
8 ~~Assembly that all phases of licensing, operation and regulation~~
9 ~~of [small] games of chance be strictly controlled, and that all~~
10 ~~laws and regulations with respect thereto as well as all~~
11 ~~gambling laws should be strictly construed and rigidly enforced.~~

12 ~~The General Assembly recognizes the possibility of~~
13 ~~association between commercial gambling and organized crime, and~~
14 ~~wishes to discourage commercialization of [small] games of~~
15 ~~chance, prevent participation by organized crime and prevent the~~
16 ~~diversion of funds from the purposes herein authorized.~~

17 ~~Section 2. The definitions of "daily drawing," "games of~~
18 ~~chance," "raffle" and "weekly drawing" in section 3 of the act,~~
19 ~~amended or added December 19, 1990 (P.L.812, No.195) and October~~
20 ~~18, 2000 (P.L.602, No.79), are amended to read:~~

21 ~~Section 3. Definitions.~~

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

25 ~~* * *~~

26 ~~"Daily drawing." A game of chance in which a bona fide~~
27 ~~member selects or is assigned a number for a chance at a prize~~
28 ~~with the winner determined by [a] random drawing to take place~~
29 ~~on the eligible organization's premises [during the same~~
30 ~~operating day]. The term includes games of chance commonly known~~

1 ~~as "member sign in lotteries" and "half and half lotteries."~~
2 ~~Nothing in this act shall be construed to prohibit the carrying~~
3 ~~over of a jackpot where the winning number has not been entered~~
4 ~~in the game of chance on a particular operating day. Daily~~
5 ~~drawing winners may be determined with the aid of a passive~~
6 ~~selection device or reference to drawings conducted by the~~
7 ~~department pursuant to the act of August 26, 1971 (P.L.351,~~
8 ~~No.91), known as the State Lottery Law. Daily drawing chances~~
9 ~~may not be sold for an amount in excess of \$1, and no more than~~
10 ~~one chance per individual may be sold [to an individual during~~
11 ~~the same operating day.] per drawing. Nothing in this definition~~
12 ~~shall be construed to restrict a licensed eligible organization~~
13 ~~from conducting more than one drawing per day.~~

14 * * *

15 ~~"Games of chance." Punchboards, daily drawings, weekly~~
16 ~~drawings, raffles and pull tabs, as defined in this act,~~
17 ~~provided that no such game shall be played by or with the~~
18 ~~assistance of any mechanical or electrical devices or media~~
19 ~~other than a dispensing machine or passive selection device and~~
20 ~~further provided that the particular chance taken by any person~~
21 ~~in any such game shall not be made contingent upon any other~~
22 ~~occurrence or the winning of any other contest, but shall be~~
23 ~~determined solely at the discretion of the purchaser. This~~
24 ~~definition shall not be construed to authorize any other form of~~
25 ~~gambling currently prohibited under any provision of Title 18 of~~
26 ~~the Pennsylvania Consolidated Statutes (relating to crimes and~~
27 ~~offenses) or authorized under 4 Pa.C.S. (relating to~~
28 ~~amusements). Nothing in this act shall be construed to authorize~~
29 ~~games commonly known as "slot machines" or "video poker."~~

30 * * *

1 ~~"Raffle." A game of chance in which a participant buys a~~
2 ~~ticket for a chance at a prize with the winner determined by a~~
3 ~~random drawing of corresponding ticket stubs to take place at a~~
4 ~~location and date or dates printed upon each ticket. Such games~~
5 ~~of chance shall include lotteries but not daily drawings. Raffle~~
6 ~~winners may be determined by reference to drawings conducted by~~
7 ~~the department pursuant to the act of August 26, 1971 (P.L.351,~~
8 ~~No.91), known as the State Lottery Law.~~

9 ~~* * *~~

10 ~~"Weekly drawing." A game of chance in which a bona fide~~
11 ~~member selects or receives a number or numbers for a chance at a~~
12 ~~prize with the winner determined by a random drawing to take~~
13 ~~place on the licensed eligible organization's premises at the~~
14 ~~end of a seven day period. Nothing in this act shall be~~
15 ~~construed to prohibit the carrying over of a jackpot where the~~
16 ~~winning number has not been entered in the game in a particular~~
17 ~~week. Weekly drawing winners may be determined with the aid of a~~
18 ~~passive selection device or reference to drawings conducted by~~
19 ~~the Department of Revenue pursuant to the act of August 26, 1971~~
20 ~~(P.L.351, No.91), known as the State Lottery Law. Weekly drawing~~
21 ~~chances may not be sold for an amount in excess of \$1.~~

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

25 ~~Section 5. Prize limits.~~

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

29 ~~(b) Weekly limit. No more than [\$5,000] \$20,000 in cash or~~
30 ~~merchandise shall be awarded by any licensed eligible~~

1 ~~organization in any seven day period.~~

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

4 ~~(d) Exception. [An] A licensed eligible organization may~~
5 ~~conduct a raffle and award a prize or prizes valued in excess of~~
6 ~~[\$500] \$1,000 each only under the following conditions:~~

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

9 ~~(2) [Eligible organizations] A licensed eligible~~
10 ~~organization shall be eligible to receive no more than two~~
11 ~~special permits in any licensed year except that volunteer~~
12 ~~fire, ambulance and rescue organizations shall be eligible to~~
13 ~~receive no more than three special permits in any licensed~~
14 ~~year.~~

15 ~~(3) Only one raffle may be conducted under each special~~
16 ~~permit.~~

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

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

24 ~~(f) Exception. The prize limitation contained in~~
25 ~~[subsections (a) and (b)] subsection (a) may be exceeded by a~~
26 ~~daily drawing under the following circumstances: a daily drawing~~
27 ~~may award a prize where the cash value is in excess of [\$500]~~
28 ~~\$1,000 if such prize is the result of a carryover of a drawing~~
29 ~~or drawings which resulted from the winning number in such~~
30 ~~drawing or drawings not being among the eligible entrants in~~

1 ~~such drawings. Nothing contained herein shall authorize the~~
2 ~~prize [limitations] limitation as contained in [subsections (a)~~
3 ~~and (b)] subsection (a) to be exceeded as a result of a failure~~
4 ~~to conduct a drawing on an operating day during which chances~~
5 ~~were sold for a daily drawing or for a daily drawing for which~~
6 ~~chances were sold in excess of \$1 or for which more than one~~
7 ~~chance was sold to an eligible participant.~~

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

13 ~~(h) Limit on weekly drawings. Weekly drawings shall be~~
14 ~~governed by the prize limitations contained in subsection (b).~~
15 ~~The prize limitation contained in subsection (b) may be exceeded~~
16 ~~by a weekly drawing under the following circumstances: a weekly~~
17 ~~drawing may award a prize where the cash value is in excess of~~
18 ~~[\$5,000] \$20,000 if such prize is the result of a carryover of a~~
19 ~~drawing or drawings which resulted from the winning number or~~
20 ~~numbers in such drawing or drawings not being among the eligible~~
21 ~~entrants in such drawings. Nothing contained in this act shall~~
22 ~~authorize the prize limitations as contained in subsection (b)~~
23 ~~to be exceeded as a result of a failure to conduct a drawing for~~
24 ~~a week during which chances were sold for a weekly drawing or~~
25 ~~for a weekly drawing for which chances were sold in excess of~~
26 ~~\$1. [An eligible organization shall not conduct weekly drawings~~
27 ~~during a period when a daily drawing is taking place.]~~

28 ~~(i) Progressive games of chance. Progressive games of~~
29 ~~chance shall be permitted with a maximum cash value of \$5,000.~~
30 ~~Contributions to the pot shall be counted against the limit for~~

~~1 the week in which the contribution is made except that when the
2 limit is reached the amount awarded shall be counted toward the
3 limit only to the extent it was not previously counted toward a
4 prior week's limit.~~

~~5 (j) Definitions. For the purpose of this section,
6 progressive games of chance are games of chance in which a
7 winning ticket awards the ticket holder an additional chance at
8 another game of chance or games of chance.~~

~~9 Section 4. The act is amended by adding a section to read:
10 Section 5.1. Insured games of chance.~~

~~11 (a) Authorization. Notwithstanding any provision of this
12 act to the contrary, a licensed eligible organization may
13 conduct games of chance using insured games. Insured games of
14 chance sold by a licensed distributor shall be backed by a valid
15 insurance contract issued by an insurance company licensed to do
16 business in this Commonwealth. Proof of the insurance contract
17 must be provided to the department prior to the game of chance
18 being sold.~~

~~19 (b) Revocation of license. The license of a distributor and
20 an insurance company issuing a contract for an insured game of
21 chance may be suspended or revoked for failure to pay an award.~~

~~22 (c) Definition. For the purposes of this section, an
23 insured game of chance is a game of chance in which the licensed
24 distributor or other licensed third party guarantees making the
25 payment on a win of a jackpot.~~

~~26 Section 5. Sections 6 and 9 of the act, amended December 19,
27 1990 (P.L.812, No.195), are amended to read:~~

~~28 Section 6. Sales limited.~~

~~29 No person shall sell, offer for sale or furnish games of
30 chance for use within this Commonwealth except to [an] a~~

1 ~~licensed eligible organization or distributor licensed under~~
2 ~~this act. No game of chance, other than a raffle, sold, offered~~
3 ~~for sale or furnished for use within this Commonwealth shall~~
4 ~~contain, permit, depict or designate a prize having a cash value~~
5 ~~in excess of [\$500] \$1,000.~~

6 ~~Section 9. Regulations of department.~~

7 ~~(a) Authorization. The department shall promulgate~~
8 ~~regulations to:~~

9 ~~(1) Impose minimum standards and restrictions applicable~~
10 ~~to games of chance manufactured for sale in this~~
11 ~~Commonwealth, which may include standards and restrictions~~
12 ~~which specify the maximum number of chances available to be~~
13 ~~sold for any single game of chance or prize and such other~~
14 ~~standards and restrictions as the department deems necessary~~
15 ~~for the purposes of this act. The department shall consider~~
16 ~~standards adopted by the National Association of Gambling~~
17 ~~Regulatory Agencies and other standards commonly accepted in~~
18 ~~the industry.~~

19 ~~(2) Establish procedures by which manufacturers may~~
20 ~~register and distributors of games of chance may apply for~~
21 ~~licensure on forms which the department shall provide.~~

22 ~~(3) Provide for the suspension or revocation of~~
23 ~~distribution licenses or manufacturer certificates for~~
24 ~~violations of this act or regulations of the department.~~

25 ~~(4) Carry out other provisions of this act.~~

26 ~~(b) Limitation on recordkeeping requirements. This section~~
27 ~~shall not be construed to authorize the department to promulgate~~
28 ~~regulations providing for recordkeeping requirements for~~
29 ~~licensed eligible organizations which require unreasonable or~~
30 ~~unnecessary information or a repetitious listing of information.~~

1 ~~The department shall strive to keep such recordkeeping~~
2 ~~requirements from being an undue hardship or burden on licensed~~
3 ~~eligible organizations. Under no circumstances shall the~~
4 ~~department require the retention of records for a period in~~
5 ~~excess of two years.~~

6 ~~(c) Reporting requirements. Each licensed eligible~~
7 ~~organization shall report to the department prizes awarded as~~
8 ~~required by section 335 of the act of March 4, 1971 (P.L.6,~~
9 ~~No.2), known as the Tax Reform Code of 1971.~~

10 ~~Section 6. Section 10 of the act, amended December 19, 1990~~
11 ~~(P.L.812, No.195) and October 18, 2000 (P.L.602, No.79), is~~
12 ~~amended to read:~~

13 ~~Section 10. Licensing of eligible organizations to conduct~~
14 ~~games of chance.~~

15 ~~(a) License required. No eligible organization shall~~
16 ~~conduct or operate any games of chance unless such eligible~~
17 ~~organization has obtained and maintains a valid license issued~~
18 ~~pursuant to this section. Auxiliary groups within a licensed~~
19 ~~eligible [organizations] organization shall be eligible to~~
20 ~~conduct [small] games of chance using the license issued to the~~
21 ~~eligible organization provided that the auxiliary group or~~
22 ~~groups are listed on the application and license of the eligible~~
23 ~~organization. No additional licensing fee shall be charged for~~
24 ~~an auxiliary group's eligibility under this act. Auxiliary~~
25 ~~groups shall not include branches, lodges or chapters of a~~
26 ~~Statewide organization.~~

27 ~~(b) Issuance and fees. The licensing authority shall~~
28 ~~license, upon application, within 30 days any eligible~~
29 ~~organization meeting the requirements for licensure contained in~~
30 ~~this act to conduct and operate games of chance at such~~

1 ~~locations within the county or in such manner as stated on the~~
2 ~~application as limited by subsection (b.1). The license fee to~~
3 ~~be charged to each eligible organization shall be [\$100] \$300,~~
4 ~~except for limited occasion licenses which shall be [\$10] \$30.~~
5 ~~Licenses shall be renewable [annually] on a biennial basis upon~~
6 ~~the anniversary of the date of issue.~~

7 ~~(b.1) Location of [small] games of chance. Where there~~
8 ~~exists a location or premises which is the normal business or~~
9 ~~operating site of the eligible organization and is owned or~~
10 ~~leased by that eligible organization to conduct its normal~~
11 ~~business, that site shall be the licensed premises for [small]~~
12 ~~games of chance conducted by the licensed eligible organization.~~
13 ~~If that location consists of more than one building and the~~
14 ~~licensed eligible organization wishes to conduct its games in a~~
15 ~~different building at that location from the one that is listed~~
16 ~~on its application for a license and on its license, the~~
17 ~~licensed eligible organization must notify, in writing, the~~
18 ~~district attorney and the licensing authority of the change in~~
19 ~~building site and the dates and times that will be affected.~~
20 ~~When [an] a licensed eligible organization does not own or lease~~
21 ~~a specific location to conduct its normal business, that~~
22 ~~licensed eligible organization may use another licensed eligible~~
23 ~~organization's premises to conduct its games of chance or may~~
24 ~~make such other arrangements that are consistent with this act,~~
25 ~~including, but not limited to, leasing a premise under a written~~
26 ~~agreement for a rental which is not determined by either the~~
27 ~~amount of receipts realized from the playing of games of chance~~
28 ~~nor the number of people attending except that an eligible~~
29 ~~organization may lease a facility for a banquet where a per head~~
30 ~~charge is applied in connection with the serving of a meal. When~~

1 ~~such eligible organization changes the site of its games of~~
2 ~~chance from that which is listed on its application for a~~
3 ~~license and on its license, the licensed eligible organization~~
4 ~~must notify, in writing, the district attorney and licensing~~
5 ~~authority of the change in their [games'] games of chance site~~
6 ~~and dates and times that will be affected. More than one~~
7 ~~licensed eligible organization may use the same location,~~
8 ~~provided that each eligible organization has its own license and~~
9 ~~that the prize limitations of this act shall apply separately to~~
10 ~~each licensed eligible organization.~~

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

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

1 may not apply or be granted any other license or special permit
2 under this act. No holder of a regular license or special permit
3 under this act shall apply or be granted a limited occasion
4 license.

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

13 ~~(c) Display. Licenses issued pursuant to this section shall~~
14 ~~be publicly displayed at the site of the [small] games of~~
15 ~~chance.~~

16 ~~(d) Operation. Each licensed eligible organization shall~~
17 ~~[comply with the following restrictions and rules governing the~~
18 ~~operation of games of chance] be prohibited from the following:~~

19 ~~(1) [No] Permitting any person under 18 years of age~~
20 ~~[shall be permitted] to operate or play games of chance.~~

21 ~~(2) [No eligible organization shall permit] Permitting~~
22 ~~any person who has been convicted of a felony in a Federal or~~
23 ~~State court within the past five years or has been convicted~~
24 ~~in a Federal or State court within the past ten years of a~~
25 ~~violation of the act of July 10, 1981 (P.L.214, No.67), known~~
26 ~~as the Bingo Law, or of this act to manage, set up, supervise~~
27 ~~or participate in the operation of games of chance.~~

28 ~~(3) [No eligible organization shall pay] Paying any~~
29 ~~compensation to any person for conducting any games of~~
30 ~~chance. Games of chance may only be conducted by managers,~~

1 ~~officers, directors, bar personnel and bona fide members of~~
2 ~~the eligible organization.~~

3 ~~(4) [Games shall be conducted only] Conducting games of~~
4 ~~chance on any premises other than on the licensed premises or~~
5 ~~as otherwise provided by this act.~~

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

17 ~~(6) [Games] Purchasing games of chance, other than~~
18 ~~raffles, daily drawings and weekly drawings[, shall be~~
19 ~~purchased only from manufacturers and distributors] from any~~
20 ~~person, other than a manufacturer or distributor approved by~~
21 ~~the department.~~

22 ~~(7) [No licensed eligible organization shall permit]~~
23 ~~Except as provided in subsection (d.1) (1), permitting its~~
24 ~~licensed premises to be used for [small] games of chance by~~
25 ~~another licensed eligible organization at the same time that~~
26 ~~it is conducting [small] games of chance on the licensed~~
27 ~~premises. When a licensed eligible organization is permitting~~
28 ~~another licensed eligible organization to use its licensed~~
29 ~~premises for purposes of [small] games of chance, it must~~
30 ~~cease the operation of its own [small] games of chance during~~

1 ~~the period that the other licensed eligible organization is~~
2 ~~conducting its games of chance on the licensed 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 ~~(d.1) Sale of raffle tickets.~~

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

18 ~~(2) Raffle tickets may be sold off the licensed premises~~
19 ~~in any municipality in this Commonwealth which has adopted~~
20 ~~the provisions of this act by an affirmative vote in a~~
21 ~~municipal referendum. A licensed eligible organization which~~
22 ~~plans to sell raffle tickets in a municipality located in a~~
23 ~~county other than the county in which the licensed eligibile~~
24 ~~organization is licensed must notify that county's district~~
25 ~~attorney and licensing authority as to the location and the~~
26 ~~dates that the licensed eligible organization plans to sell~~
27 ~~raffle tickets.~~

28 ~~(d.2) Bank account and records. The licensed eligible~~
29 ~~organization shall keep a bank account to hold the proceeds of~~
30 ~~games of chance, which shall be separate from all other funds~~

1 ~~belonging to the licensed eligible organization. Account records~~
2 ~~shall show all expenditures and income and shall be retained by~~
3 ~~the licensed eligible organization for at least two years.~~

4 ~~(e) Application for license. Each eligible organization~~
5 ~~shall apply to the licensing authority for a license on a form~~
6 ~~to be prescribed by the Secretary of Revenue. The form shall~~
7 ~~contain an affidavit to be affirmed by the executive officer or~~
8 ~~secretary of the eligible organization stating that:~~

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

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

14 ~~(3) The eligible organization is not leasing such~~
15 ~~premises from the owner thereof under an oral agreement, nor~~
16 ~~is it leasing such premises from the owner thereof under a~~
17 ~~written agreement at a rental which is determined by the~~
18 ~~amount of receipts realized from the playing of games of~~
19 ~~chance or by the number of people attending, except that an~~
20 ~~eligible organization may lease a facility for a banquet~~
21 ~~where a per head charge is applied in connection with the~~
22 ~~servicing of a meal.~~

23 ~~(4) The eligible organization has complied with the~~
24 ~~annual financial report filing.~~

25 ~~(5) The eligible organization has a separate bank~~
26 ~~account to hold all proceeds of games of chance.~~

27 ~~(6) The eligible organization has complied with the~~
28 ~~applicable games of chance training requirements.~~

29 ~~(e.1) Financial report and training requirements. Each~~
30 ~~eligible organization shall comply with all of the following:~~

1 ~~(1) An eligible organization shall file an annual~~
2 ~~financial report with the licensing authority. The following~~
3 ~~shall apply:~~

4 ~~(i) The first annual report required under this~~
5 ~~paragraph shall contain information for the 12 month~~
6 ~~period ending at least 60 days, but not more than 90~~
7 ~~days, prior to the submission of the application.~~

8 ~~Subsequent annual reports shall contain information for~~
9 ~~the most recent 12 month period ending in the same month~~
10 ~~as the initial report.~~

11 ~~(ii) The annual report shall detail gross receipts~~
12 ~~from the conduct of games of chance, the expenses related~~
13 ~~to the conduct of the games of chance, the prizes paid~~
14 ~~out for games of chance and the details as to how the net~~
15 ~~proceeds from games of chance were used or disbursed by~~
16 ~~the eligible organization.~~

17 ~~(iii) The annual report shall be prepared on a one~~
18 ~~page form to be designed by the department. Additional~~
19 ~~schedules shall be included, if necessary, to provide~~
20 ~~specific details on the use or disbursement of the net~~
21 ~~proceeds from games of chance by the eligible~~
22 ~~organization.~~

23 ~~(iv) A copy of the most recent annual report shall~~
24 ~~be filed with the application to renew the liquor license~~
25 ~~of an eligible organization.~~

26 ~~(2) An eligible organization shall provide evidence to~~
27 ~~the licensing authority that games of chance training has~~
28 ~~been completed under this paragraph. The following shall~~
29 ~~apply:~~

30 ~~(i) A minimum of four hours of training shall have~~

1 ~~been completed within the 24 month period immediately~~
2 ~~preceding the date of the application.~~

3 ~~(ii) The training shall have been completed by the~~
4 ~~executive officer, secretary or a responsible person~~
5 ~~listed on the application for a license of the eligible~~
6 ~~organization. The person receiving the training shall be~~
7 ~~associated with the conduct of games of chance by the~~
8 ~~eligible organization.~~

9 ~~(iii) The training shall consist of the completion~~
10 ~~of training materials prepared by the department. The~~
11 ~~training materials shall be designed to assist eligible~~
12 ~~organizations in their compliance with statutory and~~
13 ~~regulatory requirements associated with the conduct of~~
14 ~~games of chance. The training materials shall be~~
15 ~~available on the department's publicly accessible~~
16 ~~Internet website. Upon request, the department shall~~
17 ~~provide hard copies of the training materials at a cost~~
18 ~~not to exceed the actual cost of printing and postage.~~

19 ~~(iv) This paragraph shall not apply if the eligible~~
20 ~~organization submits an affidavit affirmed by the~~
21 ~~executive officer or secretary of the eligible~~
22 ~~organization that the eligible organization will not~~
23 ~~conduct games of chance on 60 or more days during the~~
24 ~~licensing period.~~

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

28 ~~(g) List of municipalities. The licensing authority shall~~
29 ~~include with any license or renewal license issued to an~~
30 ~~eligible organization, an up to date listing of those~~

1 municipalities within the licensing county which have approved
2 the referendum question on [small] games of chance.

3 ~~(h) Background checks. Each application for a license shall~~
4 ~~include the results of a criminal history record information~~
5 ~~check obtained from the Pennsylvania State Police, as defined in~~
6 ~~18 Pa.C.S. § 9102 (relating to definitions) and permitted by 18~~
7 ~~Pa.C.S. § 9121(b) (relating to general regulations), for the~~
8 ~~executive officer or secretary of the eligible organization~~
9 ~~making the application for a license and all other responsible~~
10 ~~persons listed on the application.~~

11 Section 7. Section 12(a)(12) of the act, amended December
12 19, 1990 (P.L.812, No.195), is amended and the subsection is
13 amended by adding a paragraph to read:

14 Section 12. Revocation of licenses.

15 (a) Grounds. The licensing authority shall revoke or refuse
16 to renew the license of any eligible organization whenever the
17 district attorney finds upon complaint and investigation that:

18 * * *

19 (12) The licensed eligible organization has permitted
20 another licensed eligible organization to conduct [small]
21 games of chance on its licensed premises without suspending
22 its own operation of [small] games of chance during the
23 period that the other licensed eligible organization is
24 conducting its games of chance on the licensed premises.

25 ~~(13) The licensed eligible organization has failed to~~
26 ~~keep and maintain the records required under this act for a~~
27 ~~period of two years.~~

28 * * *

29 Section 8. Section 14(a) of the act is amended to read:

30 Section 14. Local option.

1 ~~(a) Election to be held. In any municipality, an election~~
2 ~~may be held on the date of the primary election immediately~~
3 ~~preceding any municipal election, but not more than once in four~~
4 ~~years, to determine the will of the electors with respect to the~~
5 ~~issuance of licenses within the limits of such municipality~~
6 ~~under the provisions of this act. Where an election shall have~~
7 ~~been held at the primary election preceding a municipal election~~
8 ~~in any year, another election may be held under the provisions~~
9 ~~of this act at the primary election occurring the fourth year~~
10 ~~after such prior election. Whenever electors equal to at least~~
11 ~~25% of the highest vote cast for any office in the municipality~~
12 ~~at the last preceding general election shall file a petition~~
13 ~~with the county board of elections of the county, or the~~
14 ~~governing body of the municipality adopts, by a majority vote, a~~
15 ~~resolution to place such a question on the ballot and a copy of~~
16 ~~the resolution is filed with the board of elections of the~~
17 ~~county, for a referendum on the question of issuing licenses,~~
18 ~~the county board of elections shall cause a question to be~~
19 ~~placed on the ballot or on the voting machine board and~~
20 ~~submitted at the primary election immediately preceding the~~
21 ~~municipal election. The question shall be in the following form:~~

22 ~~Do you favor the issuance of licenses~~
23 ~~to conduct [small] games of chance in the~~
24 ~~_____ of _____?~~

25 ~~* * *~~

26 ~~Section 9. Sections 15 and 17(a), (d) and (e) of the act,~~
27 ~~amended December 19, 1990 (P.L.812, No.195), are amended to~~
28 ~~read:~~

29 ~~Section 15. Advertising.~~

30 ~~[It shall be unlawful for any eligible organization or person~~

1 ~~to] Any licensed eligible organization or person may advertise~~
2 ~~the prizes or their dollar value to be awarded in games of~~
3 ~~chance, provided that [prizes may be identified on raffle~~
4 ~~tickets. Notwithstanding the prohibition of advertising~~
5 ~~contained within this section, an eligible organization may~~
6 ~~advertise prizes and values thereof in periodic publications~~
7 ~~which are limited in their circulation to members of the~~
8 ~~eligible organization.] such advertisements shall contain the~~
9 ~~date, time, location, whether cash or merchandise prizes will be~~
10 ~~awarded and the name of the licensed eligible organization and~~
11 ~~the name of the person who conducts the games of chance.~~

12 Section 17. Penalties.

13 (a) ~~Eligible organizations. Any eligible organization~~
14 ~~violating the provisions of this act shall be guilty of a~~
15 ~~summary offense and, upon conviction thereof, shall be sentenced~~
16 ~~to pay a fine not exceeding [\$1,000] \$2,000 and shall for a~~
17 ~~first offense, forfeit the license to conduct games of chance~~
18 ~~issued to the eligible organization for the remainder of the~~
19 ~~licensing period or six months, whichever is longer, for a~~
20 ~~second offense, forfeit the license issued to the eligible~~
21 ~~organization for the remainder of the current licensing period~~
22 ~~and be ineligible to be licensed for the following licensing~~
23 ~~period, for a third or subsequent offense, forfeit the license~~
24 ~~issued to the eligible organization and be ineligible for a~~
25 ~~license renewal for 30 months thereafter.~~

26 * * *

27 (d) ~~Rigging. A person commits a misdemeanor of the first~~
28 ~~degree if, with intent to prevent a game of chance from being~~
29 ~~conducted in accordance with the requirements of this act or the~~
30 ~~rules and usages governing the game of chance, he:~~

1 ~~(1) confers or offers or agrees to confer any benefit~~
2 ~~upon or threatens any injury to a participant or other person~~
3 ~~associated with the game of chance;~~

4 ~~(2) tampers with any person or [games] game of chance;~~
5 ~~or~~

6 ~~(3) solicits, accepts or agrees to accept any benefit.~~

7 ~~(e) Contingent fees. Any person who distributes,~~
8 ~~manufactures or operates a [small] game of chance and who~~
9 ~~requires, for equipment furnished or to play a game of chance,~~
10 ~~payment equal to a percentage of the total winnings of any game~~
11 ~~of chance commits a misdemeanor of the first degree.~~

12 ~~Section 10. This act shall apply as follows:~~

13 ~~(1) The amendment or addition of section 10(e) (4) and~~
14 ~~(5), (e.1) (1) and (h) of the act shall apply to an~~
15 ~~application for a license filed more than 60 days after the~~
16 ~~effective date of this section.~~

17 ~~(2) The amendment or addition of section 10(e) (6) and~~
18 ~~(e.1) (2) of the act shall apply to an application for a~~
19 ~~license filed more than one year after the effective date of~~
20 ~~this section.~~

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

22 ~~(1) The following provisions shall take effect~~
23 ~~immediately:~~

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

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

27 ~~(iii) This section.~~

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

30 SECTION 1. THE ACT OF DECEMBER 19, 1988 (P.L.1262, NO.156),



1 KNOWN AS THE LOCAL OPTION SMALL GAMES OF CHANCE ACT, IS AMENDED
2 BY ADDING A CHAPTER HEADING TO READ:

3 CHAPTER 1

4 PRELIMINARY PROVISIONS

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

6 SECTION [1] 101. SHORT TITLE.

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

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

11 SECTION [2] 102. LEGISLATIVE INTENT.

12 THE GENERAL ASSEMBLY HEREBY DECLARES THAT THE PLAYING OF
13 [SMALL] GAMES OF CHANCE FOR THE PURPOSE OF RAISING FUNDS, BY
14 CERTAIN NONPROFIT ASSOCIATIONS, FOR THE PROMOTION OF CHARITABLE
15 OR CIVIC PURPOSES, IS IN THE PUBLIC INTEREST. IN SOME CASES THE
16 PROCEEDS FROM GAMES OF CHANCE MAY BE UTILIZED TO SUPPORT CERTAIN
17 OPERATING EXPENSES OF CERTAIN ORGANIZATIONS.

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

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

28 SECTION 3. THE DEFINITIONS OF "CIVIC AND SERVICE
29 ASSOCIATIONS," "CLUB," "DAILY DRAWING," "ELIGIBLE
30 ORGANIZATIONS," "FRATERNAL ORGANIZATIONS," "GAMES OF CHANCE,"

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

6 SECTION [3] 103. DEFINITIONS.

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

10 * * *

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

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

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

12 (1) IS LICENSED TO SELL LIQUOR UNDER SECTION 404 OF THE
13 ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR
14 CODE[, THAT]; AND

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

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

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

1 BEEN ENTERED IN THE GAME ON A PARTICULAR OPERATING DAY.] DAILY
2 DRAWING WINNERS MAY BE DETERMINED WITH THE AID OF A PASSIVE
3 SELECTION DEVICE OR REFERENCE TO DRAWINGS CONDUCTED BY THE
4 DEPARTMENT PURSUANT TO THE ACT OF AUGUST 26, 1971 (P.L.351,
5 NO.91), KNOWN AS THE STATE LOTTERY LAW. DAILY DRAWING CHANCES
6 MAY NOT BE SOLD FOR AN AMOUNT IN EXCESS OF \$1, AND NO MORE THAN
7 ONE CHANCE PER INDIVIDUAL MAY BE SOLD [TO AN INDIVIDUAL DURING
8 THE SAME OPERATING DAY] PER DRAWING. NOTHING IN THIS DEFINITION
9 SHALL RESTRICT AN ELIGIBLE ORGANIZATION FROM CONDUCTING MORE
10 THAN ONE DRAWING PER DAY.

11 * * *

12 "ELIGIBLE [ORGANIZATIONS." INCLUDES QUALIFYING NONPROFIT
13 CHARITABLE, RELIGIOUS, FRATERNAL AND VETERANS ORGANIZATIONS,
14 CLUBS AND CIVIC AND SERVICE ASSOCIATIONS AS DEFINED BY THIS ACT]
15 ORGANIZATION." A CHARITABLE, RELIGIOUS, FRATERNAL OR VETERANS'
16 ORGANIZATION, CLUB, CLUB LICENSEE OR CIVIC AND SERVICE
17 ASSOCIATION. IN ORDER TO QUALIFY AS AN ELIGIBLE ORGANIZATION FOR
18 PURPOSES OF THIS ACT, AN ORGANIZATION SHALL HAVE BEEN IN
19 EXISTENCE AND FULFILLING ITS PURPOSES FOR ONE YEAR PRIOR TO THE
20 DATE OF APPLICATION FOR A LICENSE.

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

29 "GAMES OF CHANCE." PUNCHBOARDS, DAILY DRAWINGS, WEEKLY
30 DRAWINGS, RAFFLES AND PULL-TABS, AS DEFINED IN THIS ACT,

1 PROVIDED THAT NO SUCH GAME SHALL BE PLAYED BY OR WITH THE
2 ASSISTANCE OF ANY MECHANICAL OR ELECTRICAL DEVICES OR MEDIA
3 OTHER THAN A DISPENSING MACHINE OR PASSIVE SELECTION DEVICE AND
4 FURTHER PROVIDED THAT THE PARTICULAR CHANCE TAKEN BY ANY PERSON
5 IN ANY SUCH GAME SHALL NOT BE MADE CONTINGENT UPON ANY OTHER
6 OCCURRENCE OR THE WINNING OF ANY OTHER CONTEST, BUT SHALL BE
7 DETERMINED SOLELY AT THE DISCRETION OF THE PURCHASER. THIS
8 DEFINITION SHALL NOT BE CONSTRUED TO AUTHORIZE ANY OTHER FORM OF
9 GAMBLING CURRENTLY PROHIBITED UNDER ANY PROVISION OF TITLE 18 OF
10 THE PENNSYLVANIA CONSOLIDATED STATUTES (RELATING TO CRIMES AND
11 OFFENSES) OR AUTHORIZED UNDER 4 PA.C.S. (RELATING TO
12 AMUSEMENTS). NOTHING IN THIS ACT SHALL BE CONSTRUED TO AUTHORIZE
13 GAMES COMMONLY KNOWN AS "SLOT MACHINES" OR "VIDEO POKER."

14 * * *

15 "LICENSED DISTRIBUTOR." A DISTRIBUTOR OF GAMES OF CHANCE
16 LICENSED UNDER SECTION 307.

17 * * *

18 "PRIZE." CASH OR MERCHANDISE AWARDED FOR GAMES OF CHANCE.

19 "PROCEEDS." AS FOLLOWS:

20 (1) FOR GAMES OF CHANCE REQUIRED TO BE PURCHASED FROM A
21 LICENSED DISTRIBUTOR, THE DIFFERENCE BETWEEN:

22 (I) THE FACE VALUE, AS INDICATED BY THE REGISTERED
23 MANUFACTURER, COLLECTIBLE BY A LICENSED ELIGIBLE
24 ORGANIZATION FROM A GAME OF CHANCE; AND

25 (II) THE MAXIMUM AMOUNT OF PRIZES AVAILABLE, AS
26 INDICATED BY THE REGISTERED MANUFACTURER, BY A LICENSED
27 ELIGIBLE ORGANIZATION FROM A GAME OF CHANCE.

28 (2) FOR GAMES OF CHANCE NOT REQUIRED TO BE PURCHASED
29 FROM A LICENSED DISTRIBUTOR, THE DIFFERENCE BETWEEN:

30 (I) THE ACTUAL GROSS REVENUE COLLECTED BY A LICENSED

1 ELIGIBLE ORGANIZATION FROM A GAME OF CHANCE; AND

2 (II) THE ACTUAL AMOUNT OF PRIZES PAID BY A LICENSED

3 ELIGIBLE ORGANIZATION FROM A GAME OF CHANCE.

4 "PUBLIC INTEREST [PURPOSES] PURPOSE." [ONE OR MORE OF THE
5 FOLLOWING:

6 (1) BENEFITING PERSONS BY ENHANCING THEIR OPPORTUNITY
7 FOR RELIGIOUS OR EDUCATION ADVANCEMENT, BY RELIEVING OR
8 PROTECTING THEM FROM DISEASE, SUFFERING OR DISTRESS, BY
9 CONTRIBUTING TO THEIR PHYSICAL, EMOTIONAL OR SOCIAL WELL-
10 BEING, BY ASSISTING THEM IN ESTABLISHING THEMSELVES IN LIFE
11 AS WORTHY AND USEFUL CITIZENS OR BY INCREASING THEIR
12 COMPREHENSION OF AND DEVOTION TO THE PRINCIPLES UPON WHICH
13 THIS NATION WAS FOUNDED.

14 (2) INITIATING, PERFORMING OR FOSTERING WORTHY PUBLIC
15 WORKS OR ENABLING OR FURTHERING THE ERECTION OR MAINTENANCE
16 OF PUBLIC STRUCTURES.

17 (3) LESSENING THE BURDENS BORNE BY GOVERNMENT OR
18 VOLUNTARILY SUPPORTING, AUGMENTING OR SUPPLEMENTING SERVICES
19 WHICH GOVERNMENT WOULD NORMALLY RENDER TO THE PEOPLE.

20 (4) IMPROVING, EXPANDING, MAINTAINING OR REPAIRING REAL
21 PROPERTY OWNED OR LEASED BY AN ELIGIBLE ORGANIZATION AND USED
22 FOR PURPOSES SPECIFIED IN PARAGRAPHS (1), (2) AND (3).

23 THE TERM DOES NOT INCLUDE THE ERECTION OR ACQUISITION OF ANY
24 REAL PROPERTY, UNLESS THE PROPERTY WILL BE USED EXCLUSIVELY FOR
25 ONE OR MORE OF THE PURPOSES SPECIFIED IN THIS DEFINITION.] A
26 NONPROFIT BENEVOLENT, RELIGIOUS, EDUCATIONAL, PHILANTHROPIC,
27 HUMANE, SCIENTIFIC, PATRIOTIC, SOCIAL WELFARE, SOCIAL ADVOCACY,
28 PUBLIC HEALTH, PUBLIC SAFETY, ENVIRONMENTAL OR CIVIC OBJECTIVE.

29 * * *

30 "RAFFLE." A GAME OF CHANCE IN WHICH A PARTICIPANT BUYS A

1 TICKET FOR A CHANCE AT A PRIZE WITH THE WINNER DETERMINED BY A
2 RANDOM DRAWING OF CORRESPONDING TICKET STUBS TO TAKE PLACE AT A
3 LOCATION AND DATE OR DATES PRINTED UPON EACH TICKET. SUCH GAMES
4 OF CHANCE SHALL INCLUDE LOTTERIES BUT NOT DAILY DRAWINGS. RAFFLE
5 WINNERS MAY BE DETERMINED BY REFERENCE TO DRAWINGS CONDUCTED BY
6 THE DEPARTMENT PURSUANT TO THE ACT OF AUGUST 26, 1971 (P.L.351,
7 NO.91), KNOWN AS THE STATE LOTTERY LAW.

8 * * *

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

21 SECTION 4. THE ACT IS AMENDED BY ADDING A CHAPTER HEADING TO
22 READ:

23 CHAPTER 3

24 GAMES OF CHANCE

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

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

28 EVERY ELIGIBLE ORGANIZATION TO WHICH A LICENSE HAS BEEN
29 ISSUED UNDER THE PROVISIONS OF THIS [ACT] CHAPTER MAY CONDUCT
30 GAMES OF CHANCE FOR THE PURPOSE OF RAISING FUNDS FOR PUBLIC

1 INTEREST PURPOSES. [ALL] EXCEPT AS PROVIDED IN CHAPTER 5, ALL
2 PROCEEDS OF [GAMES OF CHANCE] A LICENSED ELIGIBLE ORGANIZATION
3 SHALL BE USED EXCLUSIVELY FOR PUBLIC INTEREST PURPOSES OR FOR
4 THE PURCHASE OF GAMES OF CHANCE AS PERMITTED BY THIS ACT.

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

8 SECTION [5] 302. PRIZE LIMITS.

9 (A) INDIVIDUAL PRIZE LIMIT.--[THE] EXCEPT AS PROVIDED UNDER
10 SUBSECTIONS (C) AND (D), THE MAXIMUM [CASH VALUE] PRIZE WHICH
11 MAY BE AWARDED FOR ANY SINGLE CHANCE SHALL BE [\$500] \$1,000.

12 (B) [WEEKLY] AGGREGATE PRIZE LIMIT.--NO MORE THAN [\$5,000]
13 \$25,000 IN [CASH OR MERCHANDISE] PRIZES SHALL BE AWARDED FROM
14 GAMES OF CHANCE BY [ANY] A LICENSED ELIGIBLE ORGANIZATION IN ANY
15 SEVEN-DAY PERIOD.

16 (C) [LIMIT ON RAFFLES] RAFFLES PRIZE LIMIT.--[NO MORE THAN
17 \$5,000 IN CASH OR MERCHANDISE SHALL] SUBJECT TO THE LIMITATIONS
18 UNDER SUBSECTION (B), UP TO \$10,000 IN PRIZES MAY BE AWARDED IN
19 RAFFLES IN ANY CALENDAR MONTH.

20 (C.1) TOTAL LIMIT.--ALL PRIZES AWARDED UNDER THIS SECTION
21 AND SECTION 301 SHALL BE SUBJECT TO THE AGGREGATE PRIZE LIMITS
22 UNDER SUBSECTION (B).

23 (D) EXCEPTION FOR RAFFLES.--[AN] NOTWITHSTANDING SUBSECTION
24 (B) OR (C), A LICENSED ELIGIBLE ORGANIZATION MAY CONDUCT A
25 RAFFLE AND AWARD A PRIZE OR PRIZES VALUED IN EXCESS OF [\$500]
26 \$1,000 EACH ONLY UNDER THE FOLLOWING CONDITIONS:

27 (1) THE LICENSING AUTHORITY HAS ISSUED A SPECIAL PERMIT
28 FOR THE RAFFLE UNDER SECTION [11] 308.

29 (2) [ELIGIBLE ORGANIZATIONS] A LICENSED ELIGIBLE
30 ORGANIZATION SHALL BE ELIGIBLE TO RECEIVE NO MORE THAN [TWO]

1 EIGHT SPECIAL PERMITS IN ANY LICENSED [YEAR] TERM EXCEPT THAT
2 A VOLUNTEER FIRE, AMBULANCE [AND] OR RESCUE [ORGANIZATIONS]
3 ORGANIZATION THAT IS NOT A CLUB LICENSEE SHALL BE ELIGIBLE TO
4 RECEIVE [NO MORE THAN THREE] TEN SPECIAL PERMITS IN ANY
5 LICENSED [YEAR] TERM.

6 (3) ONLY ONE RAFFLE MAY BE CONDUCTED UNDER EACH SPECIAL
7 PERMIT ISSUED UNDER SECTION 308.

8 (4) [THE] EXCEPT AS PROVIDED UNDER PARAGRAPH (5), THE
9 TOTAL [CASH VALUE] OF ALL PRIZES AWARDED UNDER THIS
10 SUBSECTION SHALL BE NO MORE THAN [\$100,000 PER CALENDAR
11 YEAR.] \$200,000 PER LICENSED TERM.

12 (5) A VOLUNTEER FIRE, AMBULANCE OR RESCUE ORGANIZATION
13 MAY, IN ADDITION TO THE TOTAL UNDER PARAGRAPH (4), AWARD UP
14 TO \$50,000 FROM RAFFLES WHICH SHALL NOT BE SUBJECT TO THE
15 AGGREGATE LIMIT UNDER SUBSECTION (B).

16 [(E) LIMIT ON DAILY DRAWINGS.--DAILY DRAWINGS SHALL BE
17 GOVERNED BY THE PRIZE LIMITATIONS CONTAINED IN SUBSECTIONS (A)
18 AND (B). AN ELIGIBLE ORGANIZATION SHALL NOT CONDUCT DAILY
19 DRAWINGS DURING A PERIOD WHEN A WEEKLY DRAWING IS TAKING PLACE.]

20 (F) [EXCEPTION] DAILY DRAWING CARRYOVER.--THE PRIZE
21 LIMITATION CONTAINED IN SUBSECTIONS (A) AND (B) MAY BE EXCEEDED
22 BY A DAILY DRAWING UNDER THE FOLLOWING CIRCUMSTANCES: A DAILY
23 DRAWING MAY AWARD A PRIZE [WHERE THE CASH VALUE IS] IN EXCESS OF
24 [\$500] \$1,000 IF SUCH PRIZE IS THE RESULT OF A CARRYOVER OF A
25 DRAWING [OR DRAWINGS] WHICH RESULTED FROM THE WINNING NUMBER IN
26 SUCH DRAWING [OR DRAWINGS] NOT BEING AMONG THE ELIGIBLE ENTRANTS
27 IN SUCH DRAWINGS. NOTHING CONTAINED HEREIN SHALL AUTHORIZE THE
28 PRIZE [LIMITATIONS] LIMITATION AS CONTAINED IN SUBSECTIONS (A)
29 AND (B) TO BE EXCEEDED AS A RESULT OF A FAILURE TO CONDUCT A
30 DRAWING ON AN OPERATING DAY DURING WHICH CHANCES WERE SOLD FOR A

1 DAILY DRAWING OR FOR A DAILY DRAWING FOR WHICH CHANCES WERE SOLD
2 IN EXCESS OF \$1 OR FOR WHICH MORE THAN ONE CHANCE WAS SOLD TO AN
3 ELIGIBLE PARTICIPANT.

4 (G) [DAILY DRAWING AND WEEKLY DRAWING] ADDITIONAL
5 EXCEPTION.--WHEN A DAILY DRAWING OR WEEKLY DRAWING IS SET UP OR
6 CONDUCTED IN SUCH A MANNER AS TO PAY OUT OR AWARD 100% OF THE
7 GROSS REVENUES GENERATED FROM SUCH DRAWING, THE [LIMITATIONS]
8 LIMITATION CONTAINED IN SUBSECTION (B) SHALL NOT APPLY.

9 (H) [LIMIT ON WEEKLY DRAWINGS] WEEKLY DRAWING CARRYOVER
10 EXCEPTION.--WEEKLY DRAWINGS SHALL BE GOVERNED BY THE PRIZE
11 [LIMITATIONS] LIMITATION CONTAINED IN SUBSECTION (B). [THE PRIZE
12 LIMITATION CONTAINED IN SUBSECTION (B) MAY BE EXCEEDED BY A
13 WEEKLY DRAWING UNDER THE FOLLOWING CIRCUMSTANCES: A WEEKLY
14 DRAWING MAY AWARD A PRIZE WHERE THE CASH VALUE IS IN EXCESS OF
15 \$5,000 IF SUCH PRIZE IS THE RESULT OF A CARRYOVER OF A DRAWING
16 OR DRAWINGS WHICH RESULTED FROM THE WINNING NUMBER OR NUMBERS IN
17 SUCH DRAWING OR DRAWINGS NOT BEING AMONG THE ELIGIBLE ENTRANTS
18 IN SUCH DRAWINGS.] THE PORTION OF A PRIZE AWARDED IN A WEEKLY
19 DRAWING THAT RESULTS FROM THE CARRYOVER OF A WEEKLY DRAWING IN
20 WHICH THE NUMBER OR NUMBERS WERE NOT AMONG THE ELIGIBLE ENTRANTS
21 IN THE DRAWING SHALL NOT BE INCLUDED WHEN APPLYING THE
22 LIMITATION UNDER SUBSECTION (B). NOTHING CONTAINED IN THIS [ACT]
23 CHAPTER SHALL AUTHORIZE THE PRIZE [LIMITATIONS AS CONTAINED IN]
24 LIMITATION UNDER SUBSECTION (B) TO BE EXCEEDED AS A RESULT OF A
25 FAILURE TO CONDUCT A DRAWING FOR A WEEK DURING WHICH CHANCES
26 WERE SOLD FOR A WEEKLY DRAWING OR FOR A WEEKLY DRAWING FOR WHICH
27 CHANCES WERE SOLD IN EXCESS OF \$1. [AN ELIGIBLE ORGANIZATION
28 SHALL NOT CONDUCT WEEKLY DRAWINGS DURING A PERIOD WHEN A DAILY
29 DRAWING IS TAKING PLACE.]

30 SECTION 7. SECTIONS 6 AND 7 OF THE ACT, AMENDED DECEMBER 19,

1 1990 (P.L.812, NO.195), ARE RENUMBERED AND AMENDED TO READ:

2 SECTION [6] 303. SALES LIMITED.

3 (A) GENERAL RULE.--NO PERSON SHALL SELL, OFFER FOR SALE OR
4 FURNISH GAMES OF CHANCE FOR USE WITHIN THIS COMMONWEALTH EXCEPT
5 TO AN ELIGIBLE ORGANIZATION OR [DISTRIBUTOR] LICENSED
6 DISTRIBUTOR UNDER THIS [ACT] CHAPTER.

7 (B) ORGANIZATIONS.--NO GAME OF CHANCE, OTHER THAN A RAFFLE
8 UNDER SECTION 302(D), SOLD, OFFERED FOR SALE OR FURNISHED TO A
9 LICENSED ELIGIBLE ORGANIZATION FOR USE WITHIN THIS COMMONWEALTH
10 SHALL CONTAIN, PERMIT, DEPICT OR DESIGNATE A PRIZE HAVING A
11 [CASH VALUE] PRIZE LIMIT IN EXCESS OF [\$500] \$1,000.

12 SECTION [7] 304. DISTRIBUTOR LICENSES.

13 (A) LICENSE REQUIRED.--NO PERSON SHALL SELL, OFFER FOR SALE
14 OR FURNISH GAMES OF CHANCE TO ELIGIBLE ORGANIZATIONS LICENSED
15 UNDER THIS [ACT] CHAPTER UNLESS SUCH PERSON SHALL HAVE OBTAINED
16 A DISTRIBUTOR LICENSE AS PROVIDED IN THIS SECTION.

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

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

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

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

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

27 (5) A STATEMENT THAT:

28 (I) ALL STATE TAX REPORTS HAVE BEEN FILED AND ALL
29 STATE TAXES PAID;

30 (II) ALL STATE TAXES ARE SUBJECT TO A TIMELY

1 ADMINISTRATIVE OR JUDICIAL APPEAL; OR
2 (III) ALL STATE TAXES ARE SUBJECT TO A DULY APPROVED
3 DEFERRED PAYMENT PLAN.

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

6 (C) WAIVER OF CONFIDENTIALITY.--AN APPLICANT FOR THE GRANT
7 OR RENEWAL OF ANY LICENSE ISSUED PURSUANT TO THIS SECTION SHALL,
8 BY THE FILING OF AN APPLICATION INSOFAR AS IT RELATES TO THE
9 DEPARTMENT, WAIVE ANY CONFIDENTIALITY WITH RESPECT TO STATE TAX
10 INFORMATION IN THE POSSESSION OF THE DEPARTMENT, THE OFFICE OF
11 ATTORNEY GENERAL OR THE DEPARTMENT OF LABOR AND INDUSTRY
12 REGARDING THAT APPLICANT, REGARDLESS OF THE SOURCE OF THAT
13 INFORMATION, AND SHALL CONSENT TO THE PROVIDING OF THAT
14 INFORMATION TO THE DEPARTMENT BY THE OFFICE OF ATTORNEY GENERAL
15 OR THE DEPARTMENT OF LABOR AND INDUSTRY.

16 (D) REVIEW OF TAX STATUS.--UPON RECEIPT OF ANY APPLICATION
17 FOR THE GRANT OR RENEWAL OF ANY LICENSE ISSUED PURSUANT TO THIS
18 SECTION, THE DEPARTMENT SHALL REVIEW THE STATE TAX STATUS OF THE
19 APPLICANT. THE DEPARTMENT SHALL REQUEST STATE TAX INFORMATION
20 REGARDING THE APPLICANT FROM THE OFFICE OF ATTORNEY GENERAL OR
21 THE DEPARTMENT OF LABOR AND INDUSTRY AND THAT INFORMATION SHALL
22 BE PROVIDED.

23 (E) LIMITATION ON APPROVAL.--THE DEPARTMENT SHALL NOT
24 APPROVE ANY APPLICATION FOR THE GRANT OR RENEWAL OF ANY LICENSE
25 ISSUED PURSUANT TO THIS SECTION WHERE THE APPLICANT HAS FAILED
26 TO:

27 (1) PROVIDE ANY OF THE INFORMATION REQUIRED BY
28 SUBSECTION (B);

29 (2) FILE REQUIRED STATE TAX REPORTS; OR

30 (3) PAY ANY STATE TAXES NOT SUBJECT TO A TIMELY

1 ADMINISTRATIVE OR JUDICIAL APPEAL OR SUBJECT TO A DULY
2 AUTHORIZED DEFERRED PAYMENT PLAN.

3 (F) RECORDS.--THE LICENSEE SHALL KEEP SUCH RECORDS, REPORTS
4 AND BOOKS AS THE DEPARTMENT SHALL PRESCRIBE. APPLICANTS SHALL BE
5 REQUIRED TO MAKE SUCH RECORDS, REPORTS AND BOOKS AVAILABLE AS
6 REQUIRED BY THE DEPARTMENT PURSUANT TO REGULATION.

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

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

15 (2) HAS BEEN CONVICTED WITHIN TEN YEARS OF THE DATE OF
16 APPLICATION IN A STATE OR FEDERAL COURT OF A VIOLATION OF THE
17 ACT OF JULY 10, 1981 (P.L.214, NO.67), KNOWN AS THE BINGO
18 LAW, OR OF THIS ACT OR OF A GAMBLING-RELATED OFFENSE UNDER
19 TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES (RELATING
20 TO CRIMES AND OFFENSES) OR OTHER COMPARABLE STATE OR FEDERAL
21 LAW.

22 (H) LICENSE AND RENEWAL FEES.--THE FEE FOR A DISTRIBUTOR
23 LICENSE SHALL BE \$1,000. LICENSES SHALL BE RENEWABLE ON AN
24 ANNUAL BASIS.

25 (I) EXCEPTION.--THIS SECTION SHALL NOT APPLY TO THE
26 MANUFACTURE OR DISTRIBUTION OF RAFFLE TICKETS.

27 SECTION 8. SECTION 8 OF THE ACT IS RENUMBERED TO READ:
28 SECTION [8] 305. REGISTRATION OF MANUFACTURERS.

29 (A) REGISTRATION REQUIRED.--NO MANUFACTURER OF GAMES OF
30 CHANCE SHALL SELL ANY GAMES OF CHANCE TO ANY PERSON UNLESS THE

1 MANUFACTURER HAS REGISTERED WITH THE DEPARTMENT AND HAS BEEN
2 ISSUED A CERTIFICATE OF REGISTRATION.

3 (B) ANNUAL CERTIFICATE; FEE.--A CERTIFICATE UNDER THIS
4 SECTION SHALL BE VALID FOR ONE YEAR. THE ANNUAL FEE FOR
5 REGISTRATION SHALL BE \$2,000.

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

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

11 SECTION 9. SECTION 9 OF THE ACT, AMENDED DECEMBER 19, 1990
12 (P.L.812, NO.195), IS RENUMBERED AND AMENDED TO READ:
13 SECTION [9] 306. REGULATIONS OF DEPARTMENT.

14 (A) AUTHORIZATION.--THE DEPARTMENT SHALL PROMULGATE
15 REGULATIONS TO:

16 (1) IMPOSE MINIMUM STANDARDS AND RESTRICTIONS APPLICABLE
17 TO GAMES OF CHANCE MANUFACTURED FOR SALE IN THIS
18 COMMONWEALTH, WHICH MAY INCLUDE STANDARDS AND RESTRICTIONS
19 WHICH SPECIFY THE MAXIMUM NUMBER OF CHANCES AVAILABLE TO BE
20 SOLD FOR ANY SINGLE GAME OF CHANCE OR PRIZE AND SUCH OTHER
21 STANDARDS AND RESTRICTIONS AS THE DEPARTMENT DEEMS NECESSARY
22 FOR THE PURPOSES OF THIS [ACT] CHAPTER. THE DEPARTMENT SHALL
23 CONSIDER STANDARDS ADOPTED BY THE NATIONAL ASSOCIATION OF
24 GAMBLING REGULATORY AGENCIES AND OTHER STANDARDS COMMONLY
25 ACCEPTED IN THE INDUSTRY.

26 (2) ESTABLISH PROCEDURES BY WHICH MANUFACTURERS MAY
27 REGISTER AND DISTRIBUTORS OF GAMES OF CHANCE MAY APPLY FOR
28 LICENSURE ON FORMS WHICH THE DEPARTMENT SHALL PROVIDE.
29 PROCEDURES SHALL INCLUDE A REQUIREMENT THAT MANUFACTURER AND
30 DISTRIBUTOR APPLICANTS PROVIDE CRIMINAL HISTORY RECORD

1 INFORMATION OBTAINED FROM THE PENNSYLVANIA STATE POLICE UNDER
2 18 PA.C.S. § 9121(B) (RELATING TO GENERAL REGULATIONS) FOR
3 EACH OFFICER AND MANAGER OF THE MANUFACTURER'S OR
4 DISTRIBUTOR'S ORGANIZATION AND FOR ANY OTHER INDIVIDUAL
5 SPECIFIED BY THE DEPARTMENT. AS USED IN THIS PARAGRAPH, THE
6 TERM "CRIMINAL HISTORY RECORD INFORMATION" HAS THE MEANING
7 GIVEN IN 18 PA.C.S. § 9102 (RELATING TO DEFINITIONS).

8 (3) PROVIDE FOR THE SUSPENSION OR REVOCATION OF
9 DISTRIBUTION LICENSES OR MANUFACTURER CERTIFICATES FOR
10 VIOLATIONS OF THIS ACT OR REGULATIONS OF THE DEPARTMENT.

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

12 (B) LIMITATION ON RECORDKEEPING REQUIREMENTS.--THIS SECTION
13 SHALL NOT BE CONSTRUED TO AUTHORIZE THE DEPARTMENT TO PROMULGATE
14 REGULATIONS PROVIDING FOR RECORDKEEPING REQUIREMENTS FOR
15 LICENSED ELIGIBLE ORGANIZATIONS WHICH REQUIRE UNREASONABLE OR
16 UNNECESSARY INFORMATION OR A REPETITIOUS LISTING OF INFORMATION.
17 THE DEPARTMENT SHALL STRIVE TO KEEP SUCH RECORDKEEPING
18 REQUIREMENTS FROM BEING AN UNDUE HARDSHIP OR BURDEN ON LICENSED
19 ELIGIBLE ORGANIZATIONS. UNDER NO CIRCUMSTANCES SHALL THE
20 DEPARTMENT REQUIRE THE RETENTION OF RECORDS FOR A PERIOD IN
21 EXCESS OF TWO YEARS.

22 (C) REPORTING REQUIREMENTS.--EACH ELIGIBLE ORGANIZATION
23 SHALL FILE AN ANNUAL REPORT TO THE DEPARTMENT INCLUDING:

24 (1) PRIZES AWARDED AS REQUIRED UNDER SECTION 335 OF THE
25 ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM
26 CODE OF 1971.

27 (2) AMOUNTS EXPENDED FOR PUBLIC INTEREST PURPOSES.

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

1 SECTION [10] 307. LICENSING OF ELIGIBLE ORGANIZATIONS TO
2 CONDUCT GAMES OF CHANCE.

3 (A) LICENSE REQUIRED.--NO ELIGIBLE ORGANIZATION SHALL
4 CONDUCT OR OPERATE ANY GAMES OF CHANCE UNLESS SUCH ELIGIBLE
5 ORGANIZATION HAS OBTAINED AND MAINTAINS A VALID LICENSE OR
6 LIMITED OCCASION LICENSE ISSUED PURSUANT TO THIS SECTION.
7 [AUXILIARY GROUPS WITHIN] AN AUXILIARY GROUP OF A LICENSED
8 ELIGIBLE [ORGANIZATIONS] ORGANIZATION SHALL BE ELIGIBLE TO
9 CONDUCT [SMALL] GAMES OF CHANCE USING THE LICENSE ISSUED TO THE
10 ELIGIBLE ORGANIZATION PROVIDED THAT THE AUXILIARY GROUP OR
11 GROUPS ARE LISTED ON THE APPLICATION AND LICENSE OF THE ELIGIBLE
12 ORGANIZATION. AN AUXILIARY GROUP IS NOT ELIGIBLE TO OBTAIN A
13 LICENSE OR A LIMITED OCCASION LICENSE. NO ADDITIONAL LICENSING
14 FEE SHALL BE CHARGED FOR AN AUXILIARY GROUP'S ELIGIBILITY UNDER
15 THIS [ACT] CHAPTER. AUXILIARY GROUPS SHALL NOT INCLUDE BRANCHES,
16 LODGES OR CHAPTERS OF A STATEWIDE ORGANIZATION.

17 (B) ISSUANCE AND FEES.--THE LICENSING AUTHORITY SHALL
18 LICENSE, UPON APPLICATION, WITHIN 30 DAYS ANY ELIGIBLE
19 ORGANIZATION MEETING THE REQUIREMENTS FOR LICENSURE CONTAINED IN
20 THIS [ACT] CHAPTER TO CONDUCT AND OPERATE GAMES OF CHANCE AT
21 SUCH LOCATIONS WITHIN THE COUNTY OR IN SUCH MANNER AS STATED ON
22 THE APPLICATION AS LIMITED BY SUBSECTION (B.1). THE LICENSE FEE
23 TO BE CHARGED TO EACH ELIGIBLE ORGANIZATION SHALL BE [\$100]
24 \$200, EXCEPT FOR LIMITED OCCASION LICENSES WHICH SHALL BE [\$10]
25 \$20. LICENSES SHALL BE RENEWABLE [ANNUALLY] ON A BIENNIAL BASIS
26 UPON THE ANNIVERSARY OF THE DATE OF ISSUE. THE LICENSE FEE SHALL
27 BE USED BY THE LICENSING AUTHORITY TO ADMINISTER THIS ACT.

28 (B.1) LOCATION OF [SMALL] GAMES OF CHANCE.--

29 (1) EVERY LICENSED ELIGIBLE ORGANIZATION, EXCEPT A
30 LIMITED OCCASION LICENSEE, MAY CONDUCT SMALL GAMES OF CHANCE

1 ONLY AT A LICENSED PREMISES. THE LICENSED PREMISES SHALL BE
2 INDICATED ON THE ELIGIBLE ORGANIZATION'S LICENSE APPLICATION.
3 ONLY ONE LICENSE SHALL BE ISSUED PER LICENSED PREMISES.
4 EXCEPT AS PROVIDED UNDER PARAGRAPH (4), A LICENSED ELIGIBLE
5 ORGANIZATION MAY NOT SHARE A LICENSED PREMISES WITH ANOTHER
6 LICENSED ELIGIBLE ORGANIZATION; AND NO LICENSED ELIGIBLE
7 ORGANIZATION MAY PERMIT ITS PREMISES TO BE USED FOR SMALL
8 GAMES OF CHANCE BY ANOTHER LICENSED ELIGIBLE ORGANIZATION.

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

24 (3) WHEN AN ELIGIBLE ORGANIZATION DOES NOT OWN OR LEASE
25 A SPECIFIC LOCATION TO CONDUCT ITS NORMAL BUSINESS, [THAT]
26 THE ELIGIBLE ORGANIZATION [MAY USE ANOTHER ELIGIBLE
27 ORGANIZATION'S PREMISES TO CONDUCT ITS GAMES OR] MAY MAKE
28 [SUCH OTHER] ARRANGEMENTS THAT ARE CONSISTENT WITH THIS ACT
29 TO ESTABLISH A LICENSED PREMISES, INCLUDING[, BUT NOT LIMITED
30 TO,] LEASING A PREMISE UNDER A WRITTEN AGREEMENT FOR A RENTAL

1 [WHICH IS NOT]; HOWEVER, THE RENTAL MAY NOT BE DETERMINED BY
2 EITHER THE AMOUNT OF RECEIPTS REALIZED FROM THE [PLAYING]
3 CONDUCT OF GAMES OF CHANCE [NOR] OR THE NUMBER OF PEOPLE
4 ATTENDING [EXCEPT THAT AN]. AN ELIGIBLE ORGANIZATION MAY
5 LEASE A FACILITY FOR A BANQUET [WHERE A PER HEAD CHARGE IS
6 APPLIED] IN CONNECTION WITH THE SERVING OF A MEAL BASED ON A
7 PER-HEAD CHARGE. [WHEN SUCH ELIGIBLE ORGANIZATION CHANGES THE
8 SITE OF ITS GAMES FROM THAT WHICH IS LISTED ON ITS
9 APPLICATION AND LICENSE, THE ELIGIBLE ORGANIZATION MUST
10 NOTIFY, IN WRITING, THE DISTRICT ATTORNEY AND LICENSING
11 AUTHORITY OF THE CHANGE IN THEIR GAMES' SITE AND DATES AND
12 TIMES THAT WILL BE AFFECTED.]

13 (4) AN ELIGIBLE ORGANIZATION THAT HAS OBTAINED A LIMITED
14 OCCASION LICENSE UNDER SUBSECTION (B.3) MAY USE ANOTHER
15 ELIGIBLE ORGANIZATION'S LICENSED PREMISES TO CONDUCT ITS
16 GAMES OF CHANCE. WHEN A LICENSED ELIGIBLE ORGANIZATION IS
17 PERMITTING A LIMITED OCCASION LICENSEE TO USE ITS LICENSED
18 PREMISES FOR PURPOSES OF GAMES OF CHANCE, IT SHALL CEASE THE
19 OPERATION OF ITS OWN GAMES OF CHANCE DURING THE PERIOD THAT
20 THE LIMITED OCCASION LICENSEE IS CONDUCTING ITS GAMES ON THE
21 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 CONDUCT [SMALL]
26 GAMES OF CHANCE AT A LOCATION OFF ITS PREMISES WHEN [SUCH
27 GAMES] THE GAMES OF CHANCE ARE PART OF AN ANNUAL CARNIVAL,
28 FAIR, PICNIC OR BANQUET HELD OR PARTICIPATED IN BY THAT
29 LICENSED ELIGIBLE ORGANIZATION ON A HISTORICAL BASIS. THE
30 LICENSED ELIGIBLE ORGANIZATION MUST NOTIFY, IN WRITING, THE

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

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

13 (B.3) LIMITED OCCASION LICENSES.--ELIGIBLE ORGANIZATIONS
14 WHICH DO NOT OWN THEIR OWN PREMISES OR WHICH DO NOT LEASE A
15 SPECIFIC LOCATION TO CONDUCT THEIR NORMAL BUSINESS MAY APPLY FOR
16 A LIMITED OCCASION LICENSE TO CONDUCT [SMALL] GAMES OF CHANCE ON
17 NOT MORE THAN THREE OCCASIONS COVERING A TOTAL OF SEVEN DAYS
18 DURING A LICENSED YEAR. A LIMITED OCCASION LICENSE ENTITLES AN
19 ELIGIBLE [ORGANIZATIONS HOLDING SUCH A LICENSE] ORGANIZATION TO
20 CONDUCT NO MORE THAN TWO RAFFLES DURING A LICENSED YEAR WHERE
21 PRIZES MAY NOT EXCEED THE ESTABLISHED LIMITS FOR REGULAR MONTHLY
22 RAFFLES. HOLDERS OF A LIMITED OCCASION [LICENSES] LICENSE MAY
23 NOT APPLY OR BE GRANTED ANY OTHER LICENSE OR SPECIAL PERMIT
24 UNDER THIS ACT. NO HOLDER OF A REGULAR LICENSE OR SPECIAL PERMIT
25 UNDER THIS ACT SHALL APPLY OR BE GRANTED A LIMITED OCCASION
26 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 (4) [GAMES SHALL BE CONDUCTED ONLY] CONDUCTING GAMES OF
26 CHANCE ON ANY PREMISES OTHER THAN ON THE LICENSED PREMISES OR
27 AS OTHERWISE PROVIDED BY THIS [ACT] CHAPTER.

28 (5) [THE ELIGIBLE ORGANIZATION SHALL NOT LEASE SUCH]
29 LEASING THE LICENSED PREMISES UNDER EITHER AN ORAL OR A
30 WRITTEN AGREEMENT FOR A RENTAL WHICH IS DETERMINED BY EITHER

1 THE AMOUNT OF RECEIPTS REALIZED FROM THE PLAYING OF GAMES OF
2 CHANCE OR THE NUMBER OF PEOPLE ATTENDING, EXCEPT THAT AN
3 ELIGIBLE ORGANIZATION MAY LEASE A FACILITY FOR A BANQUET
4 WHERE A PER HEAD CHARGE IS APPLIED IN CONNECTION WITH THE
5 SERVING OF A MEAL. AN ELIGIBLE ORGANIZATION SHALL NOT LEASE
6 SUCH PREMISES FROM ANY PERSON WHO HAS BEEN CONVICTED OF A
7 VIOLATION OF THIS ACT OR THE BINGO LAW WITHIN THE PAST TEN
8 YEARS.

9 (6) [GAMES] PURCHASING GAMES OF CHANCE, OTHER THAN
10 RAFFLES, DAILY DRAWINGS AND WEEKLY DRAWINGS, [SHALL BE
11 PURCHASED ONLY FROM MANUFACTURERS AND DISTRIBUTORS] FROM ANY
12 PERSON OTHER THAN A REGISTERED MANUFACTURER OR LICENSED
13 DISTRIBUTOR APPROVED BY THE DEPARTMENT.

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

24 (8) RAFFLE TICKETS MAY BE SOLD OFF THE LICENSED PREMISE
25 IN ANY MUNICIPALITY IN THIS COMMONWEALTH WHICH HAS ADOPTED
26 THE PROVISIONS OF THIS ACT BY AN AFFIRMATIVE VOTE IN A
27 MUNICIPAL REFERENDUM. A LICENSED ELIGIBLE ORGANIZATION WHICH
28 PLANS TO SELL RAFFLE TICKETS IN A MUNICIPALITY LOCATED IN A
29 COUNTY OTHER THAN THE COUNTY IN WHICH THE ELIGIBLE
30 ORGANIZATION IS LICENSED MUST NOTIFY THAT COUNTY'S DISTRICT

1 ATTORNEY AND LICENSING AUTHORITY AS TO THE LOCATION AND THE
2 DATES THAT THE ELIGIBLE ORGANIZATION PLANS TO SELL RAFFLE
3 TICKETS.]

4 (D.1) BANK ACCOUNT AND RECORDS.--THE LICENSED ELIGIBLE
5 ORGANIZATION SHALL KEEP A BANK ACCOUNT TO HOLD THE PROCEEDS OF
6 GAMES OF CHANCE, WHICH SHALL BE SEPARATE FROM ALL OTHER FUNDS
7 BELONGING TO THE LICENSED ELIGIBLE ORGANIZATION. ACCOUNT RECORDS
8 SHALL SHOW ALL EXPENDITURES AND INCOME AND SHALL BE RETAINED BY
9 THE LICENSED ELIGIBLE ORGANIZATION FOR AT LEAST TWO YEARS.

10 (E) APPLICATION FOR LICENSE.--EACH ELIGIBLE ORGANIZATION
11 SHALL APPLY TO THE LICENSING AUTHORITY FOR A LICENSE ON A FORM
12 TO BE PRESCRIBED BY THE SECRETARY OF REVENUE. FOR A CLUB
13 LICENSE, THE APPLICATION SHALL INCLUDE THE MOST RECENT ANNUAL
14 REPORT FILED BY THE CLUB LICENSEE UNDER CHAPTER 5. THE FORM
15 SHALL CONTAIN AN AFFIDAVIT TO BE AFFIRMED BY THE EXECUTIVE
16 OFFICER OR SECRETARY OF THE ELIGIBLE ORGANIZATION STATING THAT:

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

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

22 (3) THE ELIGIBLE ORGANIZATION IS NOT LEASING SUCH
23 PREMISES FROM THE OWNER THEREOF UNDER AN ORAL AGREEMENT, NOR
24 IS IT LEASING SUCH PREMISES FROM THE OWNER THEREOF UNDER A
25 WRITTEN AGREEMENT AT A RENTAL WHICH IS DETERMINED BY THE
26 AMOUNT OF RECEIPTS REALIZED FROM THE PLAYING OF GAMES OF
27 CHANCE OR BY THE NUMBER OF PEOPLE ATTENDING, EXCEPT THAT AN
28 ELIGIBLE ORGANIZATION MAY LEASE A FACILITY FOR A BANQUET
29 WHERE A PER HEAD CHARGE IS APPLIED IN CONNECTION WITH THE
30 SERVING OF A MEAL.

1 (E.1) PROCEEDINGS.--PROCEEDINGS BEFORE THE LICENSING
2 AUTHORITY ARE SUBJECT TO 2 PA.C.S. CHS. 5 SUBCH. B (RELATING TO
3 PRACTICE AND PROCEDURE OF LOCAL AGENCIES) AND 7 SUBCH. B
4 (RELATING TO JUDICIAL REVIEW OF LOCAL AGENCY ACTION).

5 (F) LIST OF LICENSEES.--THE LICENSING AUTHORITY, ON A
6 SEMIANNUAL BASIS, SHALL SEND A COPY OF ALL LICENSEES TO THE
7 DEPARTMENT OF REVENUE.

8 (G) LIST OF MUNICIPALITIES.--THE LICENSING AUTHORITY SHALL
9 INCLUDE WITH ANY LICENSE OR RENEWAL LICENSE ISSUED TO AN
10 ELIGIBLE ORGANIZATION, AN UP-TO-DATE LISTING OF THOSE
11 MUNICIPALITIES WITHIN THE LICENSING COUNTY WHICH HAVE APPROVED
12 THE REFERENDUM QUESTION ON SMALL GAMES OF CHANCE.

13 (H) BACKGROUND CHECKS.--EACH APPLICATION FOR A LICENSE SHALL
14 INCLUDE THE RESULTS OF A CRIMINAL HISTORY RECORD INFORMATION
15 CHECK OBTAINED FROM THE PENNSYLVANIA STATE POLICE, AS DEFINED IN
16 18 PA.C.S. § 9102 (RELATING TO DEFINITIONS) AND PERMITTED BY 18
17 PA.C.S. § 9121(B) (RELATING TO GENERAL REGULATIONS), FOR THE
18 EXECUTIVE OFFICER AND SECRETARY OF THE ELIGIBLE ORGANIZATION
19 MAKING THE APPLICATION FOR A LICENSE OR ANY OTHER PERSON
20 REQUIRED BY THE DEPARTMENT.

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

23 SECTION [11] 308. SPECIAL PERMITS.

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

30 (B) PERMIT APPLICATION.--EACH SPECIAL PERMIT APPLICATION

1 SHALL SPECIFY THE LOCATION WHERE THE ACTUAL DRAWING WILL BE
2 HELD, THE NUMBER OF CHANCES TO BE SOLD, THE PRICE PER CHANCE AND
3 THE [CASH VALUE OF THE PRIZE OR PRIZES] PRIZE TO BE AWARDED.

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

5 CHAPTER 5

6 CLUB LICENSEES

7 SECTION 501. CLUB LICENSEE.

8 (A) REPORT.--

9 (1) BEGINNING IN 2013, THE CLUB LICENSEE SHALL SUBMIT
10 SEMI-ANNUAL REPORTS TO THE DEPARTMENT FOR THE PRECEDING SIX-
11 MONTH PERIOD ON A FORM AND IN A MANNER PRESCRIBED BY THE
12 DEPARTMENT.

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

15 (3) THE REPORT SHALL INCLUDE ALL OF THE FOLLOWING
16 INFORMATION:

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

19 (II) THE AMOUNT OF PRIZES PAID FROM ALL GAMES OF
20 CHANCE, ITEMIZED BY WEEK.

21 (III) THE AMOUNT OF PROCEEDS FOR ALL GAMES OF CHANCE
22 NOT PURCHASED FROM A LICENSED DISTRIBUTOR OPERATED IN THE
23 PRIOR CALENDAR YEAR.

24 (IV) OTHER COSTS INCURRED RELATED TO THE CONDUCT OF
25 GAMES OF CHANCE.

26 (V) THE VERIFICATION OF AMOUNTS DISTRIBUTED FOR
27 PUBLIC INTEREST PURPOSES ITEMIZED UNDER SECTION
28 502 (A) (1), ITEMIZED BY THE RECIPIENT.

29 (VI) AN ITEMIZED LIST OF EXPENDITURES MADE OR
30 AMOUNTS RETAINED AND EXPENDITURES UNDER SECTION

1 502 (A) (3) .

2 (VII) THE ADDRESS AND THE COUNTY IN WHICH THE CLUB
3 LICENSEE IS LOCATED.

4 (VIII) OTHER INFORMATION OR DOCUMENTATION REQUIRED
5 BY THE DEPARTMENT.

6 (B) DISTRIBUTION.--THE DEPARTMENT SHALL PROVIDE A COPY OF
7 THE REPORT TO THE BUREAU OF LIQUOR CONTROL ENFORCEMENT.

8 (C) POSTING.--THE REPORTS UNDER SUBSECTION (A) SHALL BE
9 PUBLISHED ON THE DEPARTMENT'S INTERNET WEBSITE.

10 SECTION 502. DISTRIBUTION OF PROCEEDS.

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

13 (1) NO LESS THAN 70% OF THE PROCEEDS SHALL BE PAID TO
14 ORGANIZATIONS OTHER THAN THE CLUB LICENSEE FOR PUBLIC
15 INTEREST PURPOSES IN THE CALENDAR YEAR IN WHICH THE PROCEEDS
16 WERE OBTAINED.

17 (2) NO MORE THAN 30% OF THE PROCEEDS OBTAINED IN A
18 CALENDAR YEAR MAY BE RETAINED BY A CLUB LICENSEE AND USED FOR
19 THE FOLLOWING EXPENSES RELATING TO THE REAL PROPERTY OF THE
20 CLUB LICENSEE:

21 (I) REAL PROPERTY TAXES.

22 (II) UTILITY AND FUEL COSTS.

23 (III) HEATING AND AIR CONDITIONING EQUIPMENT OR
24 REPAIR COSTS.

25 (IV) WATER AND SEWER COSTS.

26 (V) PROPERTY OR LIABILITY INSURANCE COSTS.

27 (VI) MORTGAGE PAYMENTS.

28 (VII) INTERIOR AND EXTERIOR REPAIR COSTS, INCLUDING
29 REPAIR TO PARKING LOTS.

30 (VIII) NEW FACILITY CONSTRUCTION COSTS.

1 (IX) ENTERTAINMENT EQUIPMENT, INCLUDING TELEVISION,
2 VIDEO AND ELECTRONIC GAMES.

3 (A.1) AMOUNTS RETAINED.--AMOUNTS RETAINED BY A CLUB LICENSEE
4 UNDER SUBSECTION (A) (2) SHALL BE EXPENDED WITHIN THE SAME
5 CALENDAR YEAR UNLESS THE CLUB LICENSEE NOTIFIES THE DEPARTMENT
6 THAT FUNDS ARE BEING RETAINED FOR A SUBSTANTIAL PURCHASE OR
7 PROJECT. NOTIFICATION SHALL INCLUDE A DESCRIPTION OF THE
8 PURCHASE OR PROJECT, THE COST AND THE ANTICIPATED DATE OF THE
9 PURCHASE OR THE PROJECT.

10 (B) PROHIBITION.--PROCEEDS SHALL NOT BE USED FOR WAGES,
11 ALCOHOL OR FOOD PURCHASES OR FOR THE PAYMENT OF ANY FINE LEVIED
12 AGAINST THE CLUB LICENSEE.

13 SECTION 503. RAFFLE TICKETS.

14 A CLUB LICENSEE SHALL PURCHASE ALL RAFFLE TICKETS FROM A
15 LICENSED DISTRIBUTOR.

16 SECTION 13. THE ACT IS AMENDED BY ADDING A CHAPTER HEADING
17 TO READ:

18 CHAPTER 7
19 ENFORCEMENT

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

22 SECTION [12] 701. REVOCATION OF LICENSES.

23 (A) GROUNDS.--THE [LICENSING AUTHORITY SHALL REVOKE OR
24 REFUSE TO RENEW THE LICENSE OF ANY ELIGIBLE ORGANIZATION
25 WHENEVER THE DISTRICT ATTORNEY FINDS UPON COMPLAINT AND
26 INVESTIGATION THAT] FOLLOWING SHALL BE GROUNDS FOR SUSPENSION,
27 REVOCATION OR NONRENEWAL OF A LICENSE:

28 (1) ANY OF THE FUNDS DERIVED FROM THE OPERATION OF GAMES
29 OF CHANCE BY AN ELIGIBLE ORGANIZATION ARE USED FOR ANY
30 PURPOSE OTHER THAN FOR:

- 1 (I) PUBLIC INTEREST PURPOSES [OR FOR];
2 (II) THE PURCHASE OF GAMES OF CHANCE [AS]; OR
3 (III) A PURPOSE PERMITTED BY [THIS ACT] CHAPTER 5.

4 (1.1) ANY OF THE FUNDS DERIVED FROM THE OPERATION OF
5 GAMES OF CHANCE BY A CLUB LICENSEE ARE USED IN A MANNER THAT
6 DOES NOT COMPLY WITH SECTION 502.

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

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

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

19 (5) ANY PERSON OR PERSONS OTHER THAN A MANAGER, OFFICER,
20 DIRECTOR, BAR PERSONNEL OR A BONA FIDE MEMBER OF AN ELIGIBLE
21 ORGANIZATION HAVE BEEN INVOLVED IN MANAGING, SETTING UP,
22 OPERATING OR RUNNING GAMES OF CHANCE.

23 (6) ANY PERSON HAS RECEIVED COMPENSATION FOR CONDUCTING
24 GAMES OF CHANCE.

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

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

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

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

3 (II) LEASING SUCH PREMISES FROM THE OWNER THEREOF
4 UNDER A WRITTEN AGREEMENT AT A RENTAL WHICH IS DETERMINED
5 BY THE AMOUNT OF RECEIPTS REALIZED FROM THE PLAYING OF
6 GAMES OF CHANCE.

7 (10) FALSE OR ERRONEOUS INFORMATION WAS PROVIDED IN THE
8 ORIGINAL APPLICATION OR IN ANY INFORMATION PROVIDED TO THE
9 LICENSING AUTHORITY OR THE DEPARTMENT IN ANY REPORT.

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

13 (12) THE ELIGIBLE ORGANIZATION HAS PERMITTED ANOTHER
14 ELIGIBLE ORGANIZATION TO CONDUCT [SMALL] GAMES OF CHANCE ON
15 ITS LICENSED PREMISES WITHOUT SUSPENDING ITS OWN OPERATION OF
16 [SMALL] GAMES OF CHANCE DURING THE PERIOD THAT THE OTHER
17 LICENSED ELIGIBLE ORGANIZATION IS CONDUCTING ITS GAMES ON THE
18 PREMISES.

19 (13) A CLUB LICENSEE HAS FAILED TO FILE AN ACCURATE
20 REPORT UNDER SECTION 501(A).

21 (14) A CLUB LICENSEE HAS FAILED TO COMPLY WITH SECTION
22 502.

23 (B) PRODUCTION OF RECORDS.--THE DISTRICT ATTORNEY MAY
24 REQUIRE LICENSEES TO PRODUCE THEIR BOOKS, ACCOUNTS AND RECORDS
25 RELATING TO THE CONDUCT OF GAMES OF CHANCE IN ORDER TO DETERMINE
26 [WHETHER A LICENSE SHOULD BE REVOKED OR RENEWAL THEREOF DENIED]
27 IF A VIOLATION OF THIS ACT HAS OCCURRED. LICENSEES SHALL ALSO BE
28 REQUIRED, UPON REQUEST, TO [PRODUCE] PROVIDE THEIR LICENSE,
29 BOOKS, ACCOUNTS AND RECORDS RELATING TO THE CONDUCT OF GAMES OF
30 CHANCE TO [OTHER] THE LICENSING AUTHORITY, THE BUREAU OF LIQUOR

1 CONTROL ENFORCEMENT OR TO A LAW ENFORCEMENT [OFFICIALS UPON
2 PROPER REQUEST.] AGENCY OR OFFICIAL. A CLUB LICENSEE SHALL
3 RETAIN RECORDS FOR A PERIOD OF FIVE YEARS.

4 SECTION 15. SECTION 13 OF THE ACT IS RENUMBERED AND AMENDED
5 TO READ:

6 SECTION [13] 702. ENFORCEMENT.

7 [(A) DISTRICT ATTORNEY.--THE DISTRICT ATTORNEY SHALL
8 INVESTIGATE ALLEGED VIOLATIONS OF THIS ACT. IF THE DISTRICT
9 ATTORNEY FINDS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION HAS
10 OCCURRED, HE MAY FILE A COMPLAINT AGAINST THE ALLEGED VIOLATOR
11 IN THE COURT OF COMMON PLEAS OF SAID COUNTY, EXCEPT IN COUNTIES
12 OF THE FIRST CLASS WHERE THE COMPLAINT MAY BE FILED IN THE
13 MUNICIPAL COURT. IN ADDITION, THE DISTRICT ATTORNEY SHALL
14 PROSECUTE SAID COMPLAINT IN THE MANNER PROVIDED BY LAW.

15 (B) OTHER LAW ENFORCEMENT OFFICIALS.--NOTHING IN THIS ACT
16 SHALL BE INTERPRETED TO RESTRICT THE POWER OF A STATE, COUNTY OR
17 LOCAL LAW ENFORCEMENT OFFICIALS TO CONDUCT INVESTIGATIONS AND
18 ENFORCE THE PROVISIONS OF THIS ACT.]

19 (A) LICENSING AUTHORITY.--THE LICENSING AUTHORITY MAY
20 ENFORCE THE PROVISIONS OF THIS ACT AND MAY IMPOSE THE PENALTIES
21 UNDER SUBSECTION (D).

22 (B) BUREAU OF LIQUOR CONTROL ENFORCEMENT.--IF THE LICENSEE
23 IS A CLUB LICENSEE, THE BUREAU OF LIQUOR CONTROL ENFORCEMENT MAY
24 ENFORCE THE PROVISIONS OF THIS ACT. AN ADMINISTRATIVE LAW JUDGE
25 UNDER SECTION 212 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21),
26 KNOWN AS THE LIQUOR CODE, MAY IMPOSE THE PENALTIES UNDER
27 SUBSECTION (D) FOLLOWING THE ISSUANCE OF A CITATION BY THE
28 BUREAU.

29 (C) RANDOM AUDITS.--THE BUREAU OF LIQUOR CONTROL ENFORCEMENT
30 SHALL CONDUCT ANNUAL RANDOM AUDITS OF 5% OF ALL CLUB LICENSEES.

1 (D) POWERS AND DUTIES.--THE LICENSING AUTHORITY, OR, IN THE
2 CASE OF A CLUB LICENSEE, THE BUREAU OF LIQUOR CONTROL
3 ENFORCEMENT MAY IMPOSE THE FOLLOWING PENALTIES:

4 (1) A CIVIL PENALTY.

5 (2) SUSPENSION OR REVOCATION OF THE LICENSE.

6 (E) DISTRICT ATTORNEY.--THE DISTRICT ATTORNEY OF THE COUNTY
7 THAT ISSUED THE LICENSE SHALL INVESTIGATE ALLEGED VIOLATIONS OF
8 THIS ACT. IF THE DISTRICT ATTORNEY FINDS PROBABLE CAUSE TO
9 BELIEVE THAT A CRIMINAL VIOLATION HAS OCCURRED, THE DISTRICT
10 ATTORNEY MAY FILE CRIMINAL CHARGES AND PROSECUTE THE COMPLAINT
11 AGAINST THE ALLEGED VIOLATOR IN THE COURT OF COMMON PLEAS OF THE
12 COUNTY, EXCEPT IN COUNTIES OF THE FIRST CLASS WHERE THE
13 COMPLAINT MAY BE FILED IN THE MUNICIPAL COURT.

14 (F) LAW ENFORCEMENT OFFICIALS.--NOTHING IN THIS ACT MAY
15 RESTRICT OR LIMIT THE POWER OF A STATE, COUNTY OR LOCAL LAW
16 ENFORCEMENT OFFICIAL TO CONDUCT INVESTIGATIONS AND FILE CRIMINAL
17 CHARGES UNDER THIS ACT.

18 (G) LIQUOR CODE.--A VIOLATION OF THIS ACT SHALL NOT
19 CONSTITUTE A VIOLATION OF THE LIQUOR CODE.

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

23 SECTION [14] 703. LOCAL OPTION.

24 (A) ELECTION TO BE HELD.--IN ANY MUNICIPALITY, AN ELECTION
25 MAY BE HELD ON THE DATE OF THE PRIMARY ELECTION IMMEDIATELY
26 PRECEDING ANY MUNICIPAL ELECTION, BUT NOT MORE THAN ONCE IN FOUR
27 YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO THE
28 ISSUANCE OF LICENSES WITHIN THE LIMITS OF SUCH MUNICIPALITY
29 UNDER THE PROVISIONS OF THIS ACT. WHERE AN ELECTION SHALL HAVE
30 BEEN HELD AT THE PRIMARY ELECTION PRECEDING A MUNICIPAL ELECTION

1 IN ANY YEAR, ANOTHER ELECTION MAY BE HELD UNDER THE PROVISIONS
2 OF THIS ACT AT THE PRIMARY ELECTION OCCURRING THE FOURTH YEAR
3 AFTER SUCH PRIOR ELECTION. WHENEVER ELECTORS EQUAL TO AT LEAST
4 25% OF THE HIGHEST VOTE CAST FOR ANY OFFICE IN THE MUNICIPALITY
5 AT THE LAST PRECEDING GENERAL ELECTION SHALL FILE A PETITION
6 WITH THE COUNTY BOARD OF ELECTIONS OF THE COUNTY, OR THE
7 GOVERNING BODY OF THE MUNICIPALITY ADOPTS, BY A MAJORITY VOTE, A
8 RESOLUTION TO PLACE SUCH A QUESTION ON THE BALLOT AND A COPY OF
9 THE RESOLUTION IS FILED WITH THE BOARD OF ELECTIONS OF THE
10 COUNTY, FOR A REFERENDUM ON THE QUESTION OF ISSUING LICENSES,
11 THE COUNTY BOARD OF ELECTIONS SHALL CAUSE A QUESTION TO BE
12 PLACED ON THE BALLOT OR ON THE VOTING MACHINE BOARD AND
13 SUBMITTED AT THE PRIMARY ELECTION IMMEDIATELY PRECEDING THE
14 MUNICIPAL ELECTION. THE QUESTION SHALL BE IN THE FOLLOWING FORM:

15 DO YOU FAVOR THE ISSUANCE OF LICENSES
16 TO CONDUCT SMALL GAMES OF CHANCE IN THE
17 OF ?

18 (B) VOTE.--IF A MAJORITY OF THE ELECTORS VOTING ON THE
19 QUESTION VOTE "YES," THEN LICENSES SHALL BE ISSUED BY THE
20 LICENSING AUTHORITY IN SUCH MUNICIPALITY, BUT IF A MAJORITY OF
21 THE ELECTORS VOTING ON ANY SUCH QUESTION VOTE "NO," THEN THE
22 LICENSING AUTHORITY SHALL HAVE NO POWER TO ISSUE OR TO RENEW,
23 UPON THEIR EXPIRATION, ANY LICENSES IN SUCH MUNICIPALITY, UNLESS
24 AND UNTIL, AT A LATER ELECTION, A MAJORITY OF THE VOTING
25 ELECTORS VOTE "YES" ON SUCH QUESTION.

26 (C) VOTING PROCEEDINGS.--PROCEEDINGS UNDER THIS SECTION
27 SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE ACT OF JUNE 3,
28 1937 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION
29 CODE.

30 (D) APPLICABILITY.--THIS ACT APPLIES ONLY TO THOSE ELIGIBLE

1 ORGANIZATIONS LOCATED IN MUNICIPALITIES WHICH HAVE ADOPTED THE
2 PROVISIONS OF THIS ACT BY AN AFFIRMATIVE VOTE IN A MUNICIPAL
3 REFERENDUM IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

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

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

16 SECTION 17. SECTION 15 OF THE ACT, AMENDED DECEMBER 19, 1990
17 (P.L.812, NO.195), IS RENUMBERED TO READ:

18 SECTION [15] 704. ADVERTISING.

19 IT SHALL BE UNLAWFUL FOR ANY ELIGIBLE ORGANIZATION OR PERSON
20 TO ADVERTISE THE PRIZES OR THEIR DOLLAR VALUE TO BE AWARDED IN
21 GAMES OF CHANCE, PROVIDED THAT PRIZES MAY BE IDENTIFIED ON
22 RAFFLE TICKETS. NOTWITHSTANDING THE PROHIBITION OF ADVERTISING
23 CONTAINED WITHIN THIS SECTION, AN ELIGIBLE ORGANIZATION MAY
24 ADVERTISE PRIZES AND VALUES THEREOF IN PERIODIC PUBLICATIONS
25 WHICH ARE LIMITED IN THEIR CIRCULATION TO MEMBERS OF THE
26 ELIGIBLE ORGANIZATION.

27 SECTION 18. SECTION 16 OF THE ACT IS RENUMBERED AND AMENDED
28 TO READ:

29 SECTION [16] 705. CERTAIN PERSONS PROHIBITED.

30 NO LICENSED DISTRIBUTOR NOR ANY PERSON WHO HAS BEEN CONVICTED

1 OF A FELONY OR OF A VIOLATION OF THE ACT OF JULY 10, 1981
2 (P.L.214, NO.67), KNOWN AS THE BINGO LAW, OR OF THIS ACT OR OF
3 ANY COMPARABLE STATE OR FEDERAL LAW SHALL HAVE A PECUNIARY
4 INTEREST IN THE OPERATION [OR PROCEEDS OF GAMES OF CHANCE] OR IN
5 PROCEEDS.

6 SECTION 19. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
7 SECTION 706. CIVIL PENALTIES.

8 (A) PENALTY.--AN ELIGIBLE ORGANIZATION, OTHER THAN A CLUB
9 LICENSEE, THAT VIOLATES THE PROVISIONS OF THIS ACT SHALL BE
10 SUBJECT TO THE FOLLOWING CIVIL PENALTIES:

11 (1) FOR AN INITIAL VIOLATION, UP TO \$500.

12 (2) FOR A SECOND VIOLATION, UP TO \$1,000.

13 (3) FOR A THIRD OR SUBSEQUENT VIOLATION, UP TO \$1,500.

14 (B) CLUB LICENSEE.--A CLUB LICENSEE THAT VIOLATES THE
15 PROVISIONS OF THIS ACT SHALL BE SUBJECT TO THE FOLLOWING CIVIL
16 PENALTIES:

17 (1) FOR AN INITIAL VIOLATION, UP TO \$1,000.

18 (2) FOR A SECOND VIOLATION, UP TO \$2,000.

19 (3) FOR A THIRD OR SUBSEQUENT VIOLATION, UP TO \$3,000.

20 (C) RECORDS.--THE INTENTIONAL OR WILLFUL FAILURE OF A CLUB
21 LICENSEE TO PROVIDE ACCURATE RECORDS SHALL RESULT IN A LICENSE
22 SUSPENSION OF A MINIMUM OF SIX MONTHS.

23 SECTION 20. SECTION 17 OF THE ACT, AMENDED DECEMBER 19, 1990
24 (P.L.812, NO.195), IS RENUMBERED AND AMENDED TO READ:
25 SECTION [17] 707. [PENALTIES] CRIMINAL PENALTIES.

26 (A) ELIGIBLE ORGANIZATIONS AND CLUB LICENSEES.--ANY ELIGIBLE
27 ORGANIZATION VIOLATING THE PROVISIONS OF THIS ACT SHALL BE
28 GUILTY OF A SUMMARY OFFENSE AND, UPON CONVICTION THEREOF, SHALL
29 BE SENTENCED TO PAY A FINE NOT EXCEEDING \$1,000 [AND SHALL] FOR
30 A FIRST OFFENSE[,] AND \$1,500 FOR A SUBSEQUENT OFFENSE. IN

1 ADDITION:

2 (1) FOR A FIRST OFFENSE, THE ELIGIBLE ORGANIZATION SHALL
3 FORFEIT THE LICENSE TO CONDUCT GAMES OF CHANCE ISSUED TO THE
4 ELIGIBLE ORGANIZATION FOR [THE REMAINDER OF THE LICENSING
5 PERIOD OR SIX MONTHS, WHICHEVER IS LONGER, FOR] A PERIOD OF
6 NOT MORE THAN 30 DAYS.

7 (2) FOR A SECOND OFFENSE, THE ELIGIBLE ORGANIZATION
8 SHALL FORFEIT [THE] ITS LICENSE [ISSUED TO THE ELIGIBLE
9 ORGANIZATION] FOR [THE REMAINDER OF THE CURRENT LICENSING
10 PERIOD AND BE INELIGIBLE TO BE LICENSED FOR THE FOLLOWING
11 LICENSING PERIOD, FOR] A PERIOD OF NOT LESS THAN 30 DAYS NOR
12 MORE THAN 180 DAYS.

13 (3) FOR A THIRD OR SUBSEQUENT OFFENSE[,] WITHIN THREE
14 YEARS OF THE FIRST OFFENSE, THE ELIGIBLE ORGANIZATION SHALL
15 FORFEIT [THE] ITS LICENSE [ISSUED TO THE ELIGIBLE
16 ORGANIZATION] AND BE INELIGIBLE FOR A LICENSE RENEWAL FOR 30
17 MONTHS THEREAFTER.

18 (B) INDIVIDUALS.--ANY PERSON WHO CONDUCTS OR ASSISTS IN THE
19 CONDUCTING OF GAMES OF CHANCE IN VIOLATION OF THE PROVISIONS OF
20 THIS ACT IS GUILTY OF A SUMMARY OFFENSE FOR A FIRST VIOLATION. A
21 SECOND VIOLATION OF THIS ACT SHALL BE PUNISHABLE AS A
22 MISDEMEANOR OF THE THIRD DEGREE. A THIRD OR SUBSEQUENT VIOLATION
23 SHALL BE PUNISHABLE AS A MISDEMEANOR OF THE FIRST DEGREE.

24 (C) DISTRIBUTORS AND MANUFACTURERS.--ANY PERSON WHO
25 DISTRIBUTES GAMES OF CHANCE WITHOUT A LICENSE OR IN VIOLATION OF
26 ANY PROVISION OF THIS ACT OR APPLICABLE REGULATIONS, AND ANY
27 MANUFACTURER OF GAMES OF CHANCE WHO DELIVERS GAMES OF CHANCE FOR
28 SALE OR DISTRIBUTION IN THIS COMMONWEALTH WHO FAILS TO REGISTER
29 AND OBTAIN A PERMIT THEREFOR IS GUILTY OF A MISDEMEANOR OF THE
30 FIRST DEGREE, PROVIDED THAT NO LICENSE OR PERMIT SHALL BE

1 REQUIRED FOR THE MANUFACTURE OR DISTRIBUTION OF RAFFLE TICKETS.

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

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

9 (2) TAMPERS WITH ANY PERSON OR [GAMES] GAME OF CHANCE;
10 OR

11 (3) SOLICITS, ACCEPTS OR AGREES TO ACCEPT ANY BENEFIT.

12 (E) CONTINGENT FEES.--ANY PERSON WHO DISTRIBUTES,
13 MANUFACTURES OR OPERATES A SMALL GAME OF CHANCE AND WHO
14 REQUIRES, FOR EQUIPMENT FURNISHED OR TO PLAY A GAME OF CHANCE,
15 PAYMENT EQUAL TO A PERCENTAGE OF THE TOTAL WINNINGS OF ANY GAME
16 OF CHANCE COMMITS A MISDEMEANOR OF THE FIRST DEGREE.

17 SECTION 21. THE ACT IS AMENDED BY ADDING A CHAPTER HEADING
18 TO READ:

19 CHAPTER 31

20 MISCELLANEOUS PROVISIONS

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

22 SECTION [18] 3101. EFFECTIVE DATE.

23 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.

24 SECTION 23. THIS ACT SHALL TAKE EFFECT IN 30 DAYS.