
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1311 Session of
2011

INTRODUCED BY ORIE, SOLOBAY, RAFFERTY, WARD, FONTANA, KASUNIC,
BROWNE, HUGHES, ALLOWAY, BOSCOLA, ERICKSON, SCHWANK,
TARTAGLIONE, YUDICHAK AND FOLMER, OCTOBER 26, 2011

REFERRED TO FINANCE, OCTOBER 26, 2011

AN ACT

1 Amending the act of July 10, 1981 (P.L.214, No.67), entitled "An
2 act relating to the lawful conduct of bingo, prescribing
3 penalties and making a repeal," further providing for
4 definitions, for rules for licensing and operation, for
5 revocation of licenses and for penalties.

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

8 Section 1. The definitions of "bingo" and "bona fide member"
9 in section 3 of the act of July 10, 1981 (P.L.214, No.67), known
10 as the Bingo Law, amended or added December 15, 1982 (P.L.1299,
11 No.293), are amended and the section is amended by adding
12 definitions to read:

13 Section 3. Definitions.

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

17 * * *

18 "Bingo." A game in which each player has a card [or board],
19 board or electronic bingo device containing five horizontal rows

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

12 "Bona fide member." Any individual who holds a full
13 membership in the association as defined by the association's
14 constitution, charter, articles of incorporation or bylaws [and
15 has been a member of the association for at least one year]. The
16 term shall also include those individuals who are members of an
17 auxiliary or recognized junior affiliate of the parent
18 association.

19 * * *

20 "Electronic bingo device." An electronic or mechanical
21 device that is used by a bingo player to mark representations of
22 bingo card faces stored in the device and shall not include any
23 device into which coin, currency or tokens are inserted directly
24 to activate play or which uses wireless communication
25 technology.

26 * * *

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

29 * * *

30 Section 2. Section 5(c), (d) and (e) of the act, amended

1 December 15, 1982 (P.L.1299, No.293) and February 12, 1988
2 (P.L.76, No.14), are amended and the section is amended by
3 adding a subsection to read:

4 Section 5. Rules for licensing and operation.

5 * * *

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

9 (1) No person under the age of 18 shall be permitted to
10 play bingo unless accompanied by an adult. Children under 18
11 years of age shall not be permitted to play bingo using an
12 electronic bingo device.

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

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

20 (i) Jackpot games, which shall not exceed a value of
21 \$2,000 for one such game. [In addition, no]

22 (ii) No more than [\$4,000 in prizes] \$10,000 in
23 prizes shall be awarded in any calendar day.

24 (iii) Winner-takes-all games, which shall pay out
25 100% of the gross revenues generated from the bingo game.

26 (4) Only associations licensed to conduct bingo shall be
27 permitted to advertise their bingo games. Such advertisements
28 shall contain the date, time, location, whether cash or
29 merchandise prizes will be awarded and the name of the
30 association licensed to conduct the bingo game and the name

1 of the individual in charge of the operation of the game. [An
2 association shall not advertise the prizes or their dollar
3 value which will be awarded nor shall they advertise a
4 guaranteed prize dollar value.]

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

15 (6) The association shall own both the premises upon
16 which bingo is played and the personal property used in the
17 conduct of the game, or if it does not, the association shall
18 sign a written agreement leasing such premises or personal
19 property from the owner thereof for a fee which is not
20 determined by either the amount of receipts realized from the
21 playing of bingo or the number of people attending bingo
22 games. An association shall not lease such premises or
23 personal property from any person who has been convicted of a
24 felony or a violation of this act. More than one association
25 may lease the same premises for the conducting of bingo and
26 each association shall have its own license, subject to the
27 limitations enumerated in section 7(b).

28 (7) Each association shall keep written records of the
29 moneys and merchandise collected and distributed for each day
30 they conduct bingo. These records shall indicate the total

1 proceeds collected, the total prize money distributed, the
2 total value of all merchandise awarded as a prize and the
3 amount of moneys paid as rentals or wages and to whom such
4 rentals or wages were paid. All prizes awarded having a value
5 [greater than \$250] of \$600 or more shall be specifically
6 described in the association's records. The association shall
7 obtain the signature receipt of any winner of \$600 or more.
8 These records shall be maintained by the association. Each
9 association shall report to the Department of Revenue prizes
10 awarded as required by section 335 of the act of March 4,
11 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

12 (8) Each association shall deposit with a financial
13 institution all proceeds for each day's bingo game in an
14 account in the association's name. This deposit shall be made
15 before any of the proceeds may be used for any other purpose,
16 except for payment of prize money and compensation to members
17 employed in the operation of the game.

18 (9) [No association shall permit any person who is not a
19 bona fide member of the association or who has been convicted
20 of a felony or a violation of this act to manage, set up,
21 supervise or participate in the operation of the
22 association's bingo games.] An association may permit any
23 person who is a bona fide member of the association or an
24 employee of a lessor to manage, set up, supervise or
25 participate in the operation of the association's bingo
26 games. No association shall permit any person who has been
27 convicted of a felony or a violation of this act to manage,
28 set up, supervise or participate in the operation of the
29 association's bingo games. Nothing contained in this act
30 shall be construed to prohibit individuals under 18 years of

1 age from participating in the operation of the game and being
2 compensated therefor if written permission is obtained from
3 their parent or guardian.

4 (10) Associations which obtain a license for the purpose
5 of conducting bingo at an exposition, carnival or fair for a
6 period not exceeding ten days shall be permitted to contract
7 a charitable organization to manage, set up, supervise or
8 participate in the operation of the bingo game provided only
9 merchandise prizes are awarded. Only bona fide members of the
10 contracted charitable organization shall be permitted to
11 participate in the operation of the bingo game. If no
12 charitable organizations are available, the association may
13 contract an outside operator to conduct the game for
14 merchandise at the exposition, carnival or fair site. The
15 provisions of this paragraph shall not be construed to allow
16 bingo games to be ordinarily carried out on a commercial
17 basis in this Commonwealth.

18 (11) No person shall participate in the operation of
19 bingo games on more than [four] six days in any calendar
20 week, which games may be operated by no more than two
21 different licensed associations. This provision shall not
22 apply to persons engaged in the operation of bingo for
23 merchandise at expositions, carnivals or fairs not exceeding
24 ten days in duration.

25 (12) No supplier of merchandise nor any person who has
26 been convicted of a felony or a violation of this act shall
27 have a pecuniary interest in the operation or proceeds of the
28 bingo game.

29 (d) Application for license.--Each association shall apply
30 to the licensing authority for a license on a form to be

1 prescribed by the Secretary of the Commonwealth. Said form shall
2 contain an affidavit to be affirmed by the executive officer or
3 secretary of the association stating that:

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

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

11 (3) The association is the sole or joint owner with a
12 licensed association of the equipment used in playing bingo
13 or it leases the equipment from another licensed association
14 under a written agreement for a fee which is not determined
15 by the amount of receipts realized from the playing of bingo
16 or the number of people attending bingo games. This paragraph
17 shall not apply to associations contracting with charitable
18 organizations or outside operators to conduct bingo at
19 expositions, carnivals or fairs.

20 (4) The association is the owner of both the premises
21 upon which bingo is played and the personal property used in
22 the conduct of the game or, if it is not, that the
23 association is not leasing such premises or personal property
24 from the owner thereof under an oral agreement, nor is it
25 leasing such premises or personal property from the owner
26 thereof under a written agreement at a rental which is
27 determined by either the amount of receipts realized from the
28 playing of bingo or the number of people attending bingo
29 games, nor is it leasing such premises or personal property
30 from a person who has been convicted of a felony or a

1 violation of this act.

2 (5) The association will not conduct the playing of
3 bingo more than [twice] three times per week in any one week,
4 except those associations conducting bingo at expositions,
5 carnivals or fairs.

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

8 (7) The association is a nonprofit association as
9 defined in this act.

10 (8) The association has complied with the annual
11 financial report filing requirements in subsection (d.1)(1).

12 (9) The association has complied with the educational
13 requirements contained in subsection (d.1)(2).

14 (d.1) Additional application components.--As part of the
15 initial or renewal application filed under subsection (d), each
16 association shall comply with all of the following:

17 (1) An association shall file an annual report with the
18 licensing authority. The following shall apply:

19 (i) The first annual report required under this
20 paragraph shall contain information for the 12-month
21 period ending at least 60 days, but not more than 90
22 days, prior to the submission of the application.

23 Subsequent annual reports shall contain information for
24 the most recent 12-month period ending in the same month
25 as the initial report.

26 (ii) The annual report shall detail gross receipts
27 from the conduct of bingo games, the expenses related to
28 the conduct of bingo games, the prizes paid out for bingo
29 games and the details as to how the proceeds from bingo
30 games were used or disbursed by the association.

1 (iii) The annual report shall be prepared on a one-
2 page form to be designed by the department. Additional
3 schedules shall be included, if necessary, to provide
4 specific details on the use or disbursement of the net
5 proceeds from bingo games by the association.

6 (iv) A copy of the annual report shall be filed with
7 the application to renew the liquor license of an
8 eligible organization.

9 (2) An association shall provide evidence to the
10 licensing authority that bingo games training has been
11 completed under this paragraph. The following shall apply:

12 (i) A minimum of two hours of training shall have
13 been completed within the 12-month period immediately
14 preceding the date of the application.

15 (ii) The training shall have been completed by the
16 executive officer, secretary or a responsible person
17 listed on the association's application for a license.
18 The person receiving the training shall be associated
19 with the conduct of bingo games by the association.

20 (iii) The training shall consist of the completion
21 of training materials prepared by the department. The
22 training materials shall be designed to assist eligible
23 organizations in their compliance with statutory and
24 regulatory requirements associated with the conduct of
25 games of chance. The training materials shall be
26 available on the department's publicly accessible
27 Internet website. Upon request, the department shall
28 provide hard copies of the training materials at a cost
29 not to exceed the actual cost of printing and postage.

30 (iv) This paragraph shall not apply if the

1 association submits an affidavit affirmed by the
2 executive officer or secretary of the association that
3 the association will not conduct bingo games on 30 or
4 more days during the licensing period.

5 (e) Limitation on compensation.--No person may be employed
6 in the operation or the actual running of a bingo game for
7 compensation greater than [\$50] \$100 per calendar day, except
8 employees of outside operators under section 5(c)(10), and any
9 person compensated shall be paid individually by check or by
10 cash, in which case the payee shall sign a written receipt
11 therefor. [In addition, no person shall receive compensation
12 from more than one source for services rendered in the operation
13 of a bingo game.]

14 * * *

15 Section 3. Section 6(a) of the act is amended by adding a
16 paragraph to read:

17 Section 6. Revocation of licenses.

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

21 * * *

22 (9) The association has failed to keep and maintain the
23 records required under this act for a period of two years.

24 * * *

25 Section 4. Section 7(b) of the act, amended December 15,
26 1982 (P.L.1299, No.293), is amended to read:

27 Section 7. Penalty.

28 * * *

29 (b) Misdemeanor.--Any person who conducts or assists in the
30 conducting of bingo in violation of the provisions of this act,

1 is guilty of a misdemeanor of the first degree. Any person who
2 permits the conduct of bingo on the same premises, owned by him
3 or leased to him, on more than [five] seven days in any one week
4 or by more than [one association] three associations in any
5 calendar day, except for bingo being played at an exposition,
6 carnival or fair, is guilty of a misdemeanor of the first
7 degree.

8 Section 5. This act shall apply as follows:

9 (1) The amendment or addition of section 5(d)(8) and
10 (d.1)(1) of the act shall apply to applications filed more
11 than 60 days after the effective date of this section.

12 (2) The amendment or addition of section 5(d)(9) and
13 (d.1)(2) of the act shall apply to applications filed more
14 than one year after the effective date of this section.

15 Section 6. This act shall take effect as follows:

16 (1) Section 5 of this act and this section shall take
17 effect immediately.

18 (2) The remainder of this act shall take effect in 60
19 days.