

No. 1982-293

AN ACT

SB 1389

Amending the act of July 10, 1981 (P.L.214, No.67), entitled "An act relating to the lawful conduct of bingo, prescribing penalties and making a repeal," further providing for the conducting of bingo and penalties relating thereto.

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

Section 1. The definitions of "association" and "bingo" in section 3, act of July 10, 1981 (P.L.214, No.67), known as the "Bingo Law," are amended and definitions are added to read:

Section 3. Definitions.

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

"Association." A volunteer fire company [or auxiliary thereof] or an ambulance, [association or a] religious, charitable, fraternal, veterans, civic, county fair or agricultural association, or any separately chartered auxiliary of any of the above associations, organized as a nonprofit organization which shall have existed, and conducted business in furtherance of their written constitution, charter, articles of incorporation or bylaw express purpose, for two years prior to application for a license: *Provided, however, That an association whose membership consists exclusively of elderly residents of a senior citizen housing project may apply for a license immediately upon its being organized as such and need not meet the two-year waiting requirement. This term shall not be interpreted to include political organizations as associations eligible for a bingo license. An association shall not be denied a bingo license because its name denotes affiliation with a political organization if in fact the association is not a political organization as evidenced by its written constitution, charter, articles of incorporation or bylaw express purpose.*

"Bingo." A game in which each player has a card or board containing five horizontal rows all but the central one containing five figures. The central row has four figures with the word "free" marked in the center thereof. Any preannounced combination of spaces when completed by a player constitutes bingo. In the absence of a preannouncement of a combination of spaces, any combination of five in a row whether horizontal or vertical when completed by a player constitutes bingo when its numbers are announced and covered. A wheel or other mechanical device may be used by any person conducting the game of bingo, and any such person may award a prize to any player or players first completing any combination constituting bingo. [a prize so long as

such prize awarded shall not exceed a value of \$250 for any one such game of bingo except for jackpot games which shall not exceed \$2,000 for one such game of bingo.]

“Bona fide member.” *Any individual who holds a full membership in the association as defined by the association’s constitution, charter, articles of incorporation or bylaws and has been a member of the association for at least one year. The term shall also include those individuals who are members of an auxiliary or recognized junior affiliate of the parent association.*

* * *

“Elderly residents of a senior citizen housing project.” *Persons aged 62 years or older who reside in an elderly housing project receiving rental assistance pursuant to the Federal Housing and Community Development Act of 1974.*

“Equipment.” *Tables, chairs, cards, microphones, amplifiers, speakers and all other machinery and articles used to conduct a game of bingo.*

“Law enforcement official.” *A municipal police officer, a member of the Pennsylvania State Police, the sheriff of a county or a deputy sheriff.*

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Section 2. The section heading and subsections (a), (c), (d) and (e) of section 5 and section 6 of the act are amended and section 5 is amended by adding a subsection to read:

Section 5. Rules for licensing *and operation*.

(a) Issuance and fee.—The licensing authority shall license, upon application, any association as defined in section 3 to conduct the game of bingo at one location in the county. [The association shall be permitted to conduct the game of bingo at the association’s exposition or carnival site in addition to the regularly scheduled games for which the license was originally granted for a period not to exceed ten days.] The license fee to be charged to each nonprofit association shall be \$100 per annum except to those recognized senior citizens’ groups who conduct bingo for their members only the fee shall be \$50 per annum. The license fee to be charged to each agricultural association or county fair shall be \$100 per annum. *Associations which conduct bingo only one period each year for not more than three consecutive days shall be charged \$15 for the issuance of their license.* The fees collected pursuant to this section shall be paid by the licensing authority into the general fund of the county and used for county purposes. *All records retained by the licensing authority relating to the issuance of bingo licenses and bingo permits shall be public information.*

* * *

(c) Operation.—No association may hire any person not a bona fide member of the association to manage, set up bingo, operate or actually run the game of bingo, except those associations which obtain a yearly license to conduct bingo at carnivals or expositions not exceeding ten

days in duration and operate bingo for merchandise only in which case any charitable organization may be hired to manage, set up bingo, and operate or actually run the game. No supplier of merchandise shall have a pecuniary interest in the operation or proceeds of the bingo game.]

(c) *Operation.*—Each licensed association shall comply with the following restrictions and rules governing the operation of bingo:

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

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

(3) Prizes awarded shall not exceed a value of \$250 for any one game of bingo, except for jackpot games which shall not exceed a value of \$2,000 for one such game. In addition, no more than \$4,000 in prizes shall be awarded in any calendar day.

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

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

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

(7) Each association shall keep written records of the moneys and merchandise collected and distributed for each day they conduct bingo. These records shall indicate the total proceeds collected, the total prize money distributed, the total value of all merchandise awarded as a prize and the amount of moneys paid as rentals or wages

and to whom such rentals or wages were paid. All prizes awarded having a value greater than \$250 shall be specifically described in the association's records.

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

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

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

(11) No person shall participate in the operation of an association's bingo game who in the previous seven days participated in the operation of two other licensed associations' bingo games. This provision shall not apply to persons engaged in the operation of bingo for merchandise at expositions, carnivals or fairs not exceeding ten days in duration.

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

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

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

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

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

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

(5) The association will not conduct the playing of bingo more than twice per week in any one week, except those associations **[excluded under subsection (c)] conducting bingo at expositions, carnivals or fairs.**

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

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

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

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

Section 6. Revocation of licenses.

(a) Grounds.—The licensing authority shall revoke or refuse to renew the license of any association whenever the district attorney finds upon **[complaint and] investigation** that:

(1) Any of the funds derived from the operation of the game of bingo are used for any purpose **[other than for charitable, civic or religious work] which does not support the nonprofit purposes of the association.**

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

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

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

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

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

(i) leasing such premises *or personal property used in the conduct of the game* from the owner thereof under an oral agreement; [or]

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

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

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

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

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

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

Section 3. The act is amended by adding sections to read:

Section 6.1. Special permits to conduct bingo for entertainment.

(a) *Issuance and fee.*—Upon application each year, the licensing authority may issue to community recognized nonprofit organizations a special permit to conduct bingo for entertainment purposes only. No fee shall be charged for the issuance of a special permit.

(b) *Operation.*—Organizations issued special permits shall not conduct bingo for the purpose of making a profit. All prizes awarded shall be of nominal value. No person who has been convicted of a felony or a violation of this act shall be permitted to manage, set up, supervise or participate in the operation of the bingo game.

(c) *Application for permit.*—Each organization shall apply to the licensing authority on a form to be prescribed by the Secretary of the Commonwealth. Said form shall contain an affidavit to be affirmed by the executive officer or secretary of the organization stating that:

(1) *The organization is a nonprofit community recognized organization.*

(2) *No person under the age of 18 will be permitted by the organization to play bingo unless accompanied by an adult.*

(3) *The organization is conducting bingo for entertainment purposes only and all prizes awarded will be of nominal value.*

(d) *Limitation on compensation.*—No person shall be compensated for services rendered in the operation of bingo played for entertainment purposes pursuant to this section.

Section 6.2. Revocation of special permits.

(a) *Grounds.*—The licensing authority shall revoke or refuse to renew the special permit of any organization whenever the district attorney finds upon investigation that:

(1) *The organization is conducting bingo for purposes of making a profit.*

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

(3) *Compensation prohibited by this act has been paid to or received by any person.*

(4) *False or erroneous information was provided in the original notarized application.*

(5) *The organization has been convicted of a violation of this act as evidenced by a certified record of the conviction.*

(b) *Possible revocation.*—The licensing authority may revoke the special permit of any organization if it finds that the organization has knowingly employed any person in the operation of their bingo game who has been convicted of a violation of this act.

Section 6.3. Service of food or drink.

It shall be unlawful to serve food or drink, with or without charge, at the location of an association's bingo game unless there has been compliance with the health laws and regulations of the Commonwealth and its political subdivisions.

Section 4. Subsection (b) of section 7 and section 8 of the act are amended to read:

Section 7. Penalty.

* * *

(b) *Misdemeanor.*—Any person who conducts or assists in the conducting of bingo[, unless engaged in the conduct of bingo by an association licensed pursuant to] *in violation of the provisions of this act, is guilty of a misdemeanor of the first degree. Any person who permits the conduct of bingo on the same premises, owned by him or leased to him, on more than five days in any one week or by more than one association in any calendar day, except for bingo being played at an exposition, carnival or fair, is guilty of a misdemeanor of the first degree.*

Section 8. Additional powers of the district attorney.

The district attorney[, upon receipt of any information to the effect that the provisions of this act or its licensing provisions have been violated,] shall investigate [the complaint] *alleged violations of this act*. If the district attorney finds probable cause to believe that a violation has occurred, he [shall] *may* file a complaint against the alleged violator in the court of common pleas in the court of said county, *except in counties of the first class where the complaint may be filed in the municipal court*. In addition, the district attorney shall prosecute said complaint in the manner provided by law.

Section 5. The act is amended by adding a section to read:

Section 8.1. Enforcement powers of law enforcement officials not restricted.

Nothing in this act shall be interpreted to restrict the power of State, county or local law enforcement officials to conduct investigations and enforce the provisions of this act.

Section 6. This act shall take effect in 60 days.

APPROVED—The 15th day of December, A. D. 1982.

DICK THORNBURGH