

No. 2000-79

AN ACT

SB 648

Amending the act of December 19, 1988 (P.L.1262, No.156), entitled, as amended, "An act providing for the licensing of eligible organizations to conduct games of chance, for the licensing of persons to distribute games of chance, for the registration of manufacturers of games of chance, and for suspensions and revocations of licenses and permits; requiring records; providing for local referendum by electorate; and prescribing penalties," further providing for prize limits and for weekly drawings.

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

Section 1. The definition of "games of chance" in section 3 of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, amended December 19, 1990 (P.L.812, No.195), is amended and the section is amended by adding a definition to read:

Section 3. Definitions.

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

* * *

"Games of chance." Punchboards, daily drawings, *weekly drawings*, raffles and pull-tabs, as defined in this act, provided that no such game shall be played by or with the assistance of any mechanical or electrical devices or media other than a dispensing machine or passive selection device and further provided that the particular chance taken by any person in any such game shall not be made contingent upon any other occurrence or the winning of any other contest, but shall be determined solely at the discretion of the purchaser. This definition shall not be construed to authorize any other form of gambling currently prohibited under any provision of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses). Nothing in this act shall be construed to authorize games commonly known as "slot machines" or "video poker."

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"Weekly drawing." A game in which a bona fide member selects or receives a number or numbers for a chance at a prize with the winner determined by a random drawing to take place on the eligible organization's premises at the end of a seven-day period. Nothing in this act shall be construed to prohibit the carrying over of a jackpot where the winning number has not been entered in the game in a particular week. Weekly drawing winners may be determined with the aid of a passive selection device or reference to drawings conducted by the Department of Revenue pursuant to the act of August 26, 1971 (P.L.351, No.91), known

as the State Lottery Law. Weekly drawing chances may not be sold for an amount in excess of \$1.

Section 2. Section 5(d)(4), (e) and (g) of the act, amended December 19, 1990 (P.L.812, No.195), are amended and the section is amended by adding a subsection to read:

Section 5. Prize limits.

* * *

(d) Exception.—An eligible organization may conduct a raffle and award a prize or prizes valued in excess of \$500 each only under the following conditions:

* * *

(4) The total cash value of all prizes shall be no more than [**\$25,000 for each raffle**] **\$100,000 per calendar year.**

(e) Limit on daily drawings.—Daily drawings shall be governed by the prize limitations contained in subsections (a) and (b). *An eligible organization shall not conduct daily drawings during a period when a weekly drawing is taking place.*

* * *

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

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

Section 3. Section 10(d) of the act, amended December 19, 1990 (P.L.812, No.195), is amended to read:

Section 10. Licensing of eligible organizations to conduct games of chance.

* * *

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

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

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

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

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

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

(6) Games, other than raffles [and], daily drawings *and weekly drawings*, shall be purchased only from manufacturers and distributors approved by the department.

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

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

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Section 4. This act shall take effect immediately.

APPROVED—The 18th day of October, A.D. 2000.

THOMAS J. RIDGE