

No. 2017-66

AN ACT

HB 411

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 definitions, for rules for licensing and operation and for penalty.

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

Section 1. The definitions of "association," "bingo" and "bona fide member" in section 3 of the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, are amended and the section is amended by adding definitions 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 an ambulance, 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[.]; ***and Provided, further, That the two-year waiting requirement shall not apply to a bona fide consolidated volunteer fire company if at least one of the fire companies included in the merger or consolidation establishing the consolidated entity holds a valid and current bingo license. A consolidated entity may apply for a bingo license immediately upon it being determined and verified to be a bona fide consolidated volunteer fire company.*** 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. *The term shall also include predraw 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.

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"Consolidated entity." A bona fide consolidated volunteer fire company.

"Consolidated volunteer fire company" or "bona fide consolidated volunteer fire company." Two or more volunteer fire companies that merge or consolidate their use of facilities, equipment, firefighters and services to provide fire protection or rescue services and that may offer other voluntary emergency services within this Commonwealth. Voluntary emergency services provided by a consolidated volunteer fire company may include voluntary ambulance and voluntary rescue services.

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"Predraw bingo." A game of bingo in which 24 or more numbers are randomly generated prior to the beginning of a game in the presence of at least five players. The random numbers shall be generated through the use of balls or other objects separate from those to be used once a game begins or through use of a wheel or other mechanical device. Players may purchase concealed face cards to play the game after the random numbers are generated and called. Any card on which all numbers on the card are covered solely by the random numbers called or by the random numbers and the subsequent numbers called once the game begins shall constitute bingo.

Section 2. Section 5(a), (c)(2), (3), (4), (9), (10) and (11) and (d) of the act are amended and subsection (c) is amended by adding a paragraph to read:

Section 5. Rules for licensing and operation.

(a) Issuance and fee.—[The]

(1) Except as provided in paragraph (2), 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[, which, when in a county of the second class, shall only be in the city, borough or township where the main business office or headquarters of the association is located. The county treasurer of a county of the second class shall indicate on each license the city, borough or township where the association may conduct bingo. The single municipal location limitation shall not apply to a group of licensed associations conducting bingo at a central location]. 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.

(2) Notwithstanding the single location requirement of paragraph (1), if it is determined that the applicant is a bona fide consolidated volunteer fire company, the consolidated volunteer fire company is authorized to conduct the game of bingo at two locations in the county.

* * *

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

* * *

[(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] \$500** for any one game of bingo, except for jackpot games which shall not exceed a value of **[\$2,000] \$4,000** for one such game. In addition, no more than **[\$4,000] \$8,000** 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.] An association may advertise any prize, its dollar value and any guaranteed prize dollar value.**

* * *

(9) **[No] Except as provided in paragraph (13), 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] Except as provided in paragraph (13), 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 bingo games on more than four days in any calendar week, which games may be operated by no more than two different licensed associations. 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.]

* * *

(13) An association or a charitable organization may permit a person who is not a bona fide member of the association or charitable organization and who has not been convicted of a felony or violation of this act to announce numbers during the conduct of bingo if the person is under the supervision of a bona fide member of the association or charitable organization. A person who is not a bona fide member of the association or charitable organization must be approved by the association or charitable organization prior to announcing numbers according to the association's or charitable organization's constitution, charter, articles of incorporation or bylaws.

(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 and adequate sanitary facilities available in the area.

(3) The association is the 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 conducting bingo at expositions, carnivals or fairs.]

(6) The association in any calendar day will not award a total of more than **[\$4,000] \$8,000** in prizes.

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

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Section 3. Section 7(b) of the act is amended to read:

Section 7. Penalty.

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(b) Misdemeanor.—Any person who conducts or assists in the conducting of bingo 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 4. This act shall take effect in 60 days.

APPROVED—The 22nd day of December, A.D. 2017

TOM WOLF