

No. 1981-67

AN ACT

HB 261

Relating to the lawful conduct of bingo, prescribing penalties and making a repeal.

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

Section 1. Short title.

This act shall be known and may be cited as the "Bingo Law."

Section 2. Legislative intent.

The General Assembly hereby declares that the playing of bingo for the purpose of raising funds, by certain nonprofit associations, for the promotion of charitable or civic purposes, is in the public interest.

It is hereby declared to be the policy of the Legislature that all phases of licensing, operation and regulation of the game of bingo be strictly controlled, and that all laws and regulations with respect thereto as well as all gambling laws should be strictly construed and rigidly enforced.

The Legislature recognizes the possibility of association between commercial gambling and organized crime, and wishes to discourage commercialization of the game of bingo; prevent participation by organized crime and prevent the diversion of funds from the purposes herein authorized.

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, ambulance association or a religious, charitable, fraternal, veterans, civic, county fair or agricultural association 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.

"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 numbers¹ 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 to any player or players first completing any combination constituting bingo a prize so long as such

¹"members" in original.

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.

“Charitable purpose.” Benevolent or philanthropic purpose.

“Civic purpose.” Community purpose.

“Licensing authority.” The county treasurer, or in any home rule county or city of the first class, where there is no elected treasurer, the designee of the governing authority.

Section 4. Associations permitted to conduct bingo.

Any association, for a charitable or civic purpose, when licensed pursuant to this act, may conduct the game of bingo as herein defined.

Section 5. Rules for licensing.

(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. 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.

(b) Display.—Licenses issued pursuant to this section shall be publicly displayed at games conducted by licensees.

(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.

(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 adequate sanitary facilities available in the area.
- (3) The association is the owner of the equipment used in playing bingo.

(4) The association is the owner of the premises upon which bingo is played or if it is not, that the association is not leasing such premises from the owner thereof under an oral agreement, nor is it leasing such premises from the owner thereof under a written agreement at a rental which is determined by the amount of receipts realized from the playing of bingo.

(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).

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

(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, and any person compensated shall be paid individually.

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.

(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.

(6) The association conducts bingo upon premises which it does not own and is either:

(i) leasing such premises from the owner thereof under an oral agreement; or

(ii) leasing such premises from the owner thereof under a written agreement at a rental which is determined by the amount of receipts realized from the playing of bingo.

(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.

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

Section 7. Penalty.

(a) Summary offense.—Any association violating the provisions of this act shall be guilty of a summary offense, and upon conviction thereof shall be sentenced to pay a fine not exceeding \$1,000 and shall forfeit any license issued to the association, and it shall be ineligible for a license renewal for 30 months thereafter.

(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 the provisions of this act, 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. If the district attorney finds probable cause to believe that a violation has occurred, he shall file a complaint against the alleged violator in the court of common pleas in the court of said county. In addition, the district attorney shall prosecute said complaint in the manner provided by law.

Section 9. Repeal.

The provisions of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) are repealed to the extent that they are inconsistent with this act.

Section 10. Effective date.

This act shall take effect in 120 days.

APPROVED—The 10th day of July, A. D. 1981.

DICK THORNBURGH