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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1389 Session of 1982

Report of the Committee of Conference

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 1389, entitled: "An act 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,"

respectfully submit the following bill as our report:

FRANK J. O'CONNELL

ROY W. WILT

ANTHONY B. ANDREZESKI

(Committee on the part of the Senate.)

DONALD W. DORR

EDWARD F. BURNS, Jr.

GERALD F. McMONAGLE

(Committee on the part of the House of Representatives.)

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 the
4 conducting of bingo and penalties relating thereto.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:
7 Section 1. The definitions of "association" and "bingo" in
8 section 3, act of July 10, 1981 (P.L.214, No.67), known as the
9 "Bingo Law," are amended and definitions are added to read:
10 Section 3. Definitions.

11 The following words and phrases when used in this act shall
 12 have, unless the context clearly indicates otherwise, the
 13 meanings given to them in this section:
 14 "Association." A volunteer fire company [or auxiliary
 15 thereof] or an ambulance, [association or a] religious,
 16 charitable, fraternal, veterans, civic, county fair or
 17 agricultural association, or any separately chartered auxiliary
 18 of any of the above associations, organized as a nonprofit
 19 organization which shall have existed, and conducted business in
 20 furtherance of their written constitution, charter, articles of
 21 incorporation or bylaw express purpose, for two years prior to
 22 application for a license: Provided, however, That an
 23 association whose membership consists exclusively of elderly
 24 residents of a senior citizen housing project may apply for a
 25 license immediately upon its being organized as such and need
 26 not meet the two-year waiting requirement. This term shall not
 27 be interpreted to include political organizations as
 28 associations eligible for a bingo license. An association shall
 29 not be denied a bingo license because its name denotes
 30 affiliation with a political organization if in fact the
 1 association is not a political organization as evidenced by its
 2 written constitution, charter, articles of incorporation or
 3 bylaw express purpose.

4 "Bingo." A game in which each player has a card or board
 5 containing five horizontal rows all but the central one
 6 containing five figures. The central row has four figures with
 7 the word "free" marked in the center thereof. Any preannounced
 8 combination of spaces when completed by a player constitutes
 9 bingo. In the absence of a preannouncement of a combination of
 10 spaces, any combination of five in a row whether horizontal or
 11 vertical when completed by a player constitutes bingo when its
 12 numbers are announced and covered. A wheel or other mechanical
 13 device may be used by any person conducting the game of bingo,
 14 and any such person may award a prize to any player or players
 15 first completing any combination constituting bingo. [a prize so
 16 long as such prize awarded shall not exceed a value of \$250 for
 17 any one such game of bingo except for jackpot games which shall
 18 not exceed \$2,000 for one such game of bingo.]

19 "Bona fide member." Any individual who holds a full
 20 membership in the association as defined by the association's
 21 constitution, charter, articles of incorporation or bylaws and
 22 has been a member of the association for at least one year. The
 23 term shall also include those individuals who are members of an
 24 auxiliary or recognized junior affiliate of the parent
 25 association.

26 * * *

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

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1 "Equipment." Tables, chairs, cards, microphones, amplifiers,
 2 speakers and all other machinery and articles used to conduct a
 3 game of bingo.

4 "Law enforcement official." A municipal police officer, a
 5 member of the Pennsylvania State Police, the sheriff of a county
 6 or a deputy sheriff.

7 * * *

8 Section 2. The section heading and subsections (a), (c), (d)
 9 and (e) of section 5 and section 6 of the act are amended and
 10 section 5 is amended by adding a subsection to read:
 11 Section 5. Rules for licensing and operation.

12 (a) Issuance and fee.--The licensing authority shall
 13 license, upon application, any association as defined in section
 14 3 to conduct the game of bingo at one location in the county.

15 [The association shall be permitted to conduct the game of bingo
 16 at the association's exposition or carnival site in addition to
 17 the regularly scheduled games for which the license was
 18 originally granted for a period not to exceed ten days.] The
 19 license fee to be charged to each nonprofit association shall be
 20 \$100 per annum except to those recognized senior citizens'
 21 groups who conduct bingo for their members only the fee shall be
 22 \$50 per annum. The license fee to be charged to each
 23 agricultural association or county fair shall be \$100 per annum.
 24 Associations which conduct bingo only one period each year for
 25 not more than three consecutive days shall be charged \$15 for
 26 the issuance of their license. The fees collected pursuant to
 27 this section shall be paid by the licensing authority into the
 28 general fund of the county and used for county purposes. All
 29 records retained by the licensing authority relating to the
 30 issuance of bingo licenses and bingo permits shall be public

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1 information.

2 * * *

3 [(c) Operation.--No association may hire any person not a
 4 bona fide member of the association to manage, set up bingo,
 5 operate or actually run the game of bingo, except those
 6 associations which obtain a yearly license to conduct bingo at
 7 carnivals or expositions not exceeding ten days in duration and
 8 operate bingo for merchandise only in which case any charitable
 9 organization may be hired to manage, set up bingo, and operate
 10 or actually run the game. No supplier of merchandise shall have
 11 a pecuniary interest in the operation or proceeds of the bingo
 12 game.]

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

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

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

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

28 (4) Only associations licensed to conduct bingo shall be
 29 permitted to advertise their bingo games. Such advertisements
 30 shall contain the date, time, location, whether cash or

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1 merchandise prizes will be awarded and the name of the
 2 association licensed to conduct the bingo game and the name
 3 of the individual in charge of the operation of the game. An
 4 association shall not advertise the prizes or their dollar
 5 value which will be awarded nor shall they advertise a
 6 guaranteed prize dollar value.

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

17 (6) The association shall own both the premises upon

18 which bingo is played and the personal property used in the
 19 conduct of the game, or if it does not, the association shall
 20 sign a written agreement leasing such premises or personal
 21 property from the owner thereof for a fee which is not
 22 determined by either the amount of receipts realized from the
 23 playing of bingo or the number of people attending bingo
 24 games. An association shall not lease such premises or
 25 personal property from any person who has been convicted of a
 26 felony or a violation of this act.

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

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1 total value of all merchandise awarded as a prize and the
 2 amount of moneys paid as rentals or wages and to whom such
 3 rentals or wages were paid. All prizes awarded having a value
 4 greater than \$250 shall be specifically described in the
 5 association's records.

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

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

21 (10) Associations which obtain a license for the purpose
 22 of conducting bingo at an exposition, carnival or fair for a
 23 period not exceeding ten days shall be permitted to contract
 24 a charitable organization to manage, set up, supervise or
 25 participate in the operation of the bingo game provided only
 26 merchandise prizes are awarded. Only bona fide members of the
 27 contracted charitable organization shall be permitted to
 28 participate in the operation of the bingo game. If no
 29 charitable organizations are available, the association may
 30 contract an outside operator to conduct the game for

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1 merchandise at the exposition, carnival or fair site. The
 2 provisions of this paragraph shall not be construed to allow
 3 bingo games to be ordinarily carried out on a commercial
 4 basis in this Commonwealth.

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

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

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

21 (1) No person under the age of 18 will be permitted by
 22 the association to play bingo unless accompanied by an adult.
 23 (2) The facility in which any game of bingo is to be
 24 played does have adequate means of ingress and egress [or]
 25 and adequate sanitary facilities available in the area.
 26 (3) The association is the [owner] sole or joint owner
 27 with a licensed association of the equipment used in playing
 28 bingo or it leases the equipment from another licensed
 29 association under a written agreement for a fee which is not
 30 determined by the amount of receipts realized from the

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1 playing of bingo or the number of people attending bingo
 2 games. This paragraph shall not apply to associations
 3 contracting with charitable organizations or outside
 4 operators to conduct bingo at expositions, carnivals or
 5 fairs.

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

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

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

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

25 (e) Limitation on compensation.--No person may be employed
 26 in the operation or the actual running of a bingo game for
 27 compensation greater than \$50 per day, [or any part thereof,]
 28 except employees of outside operators under section 5(c)(10),
 29 and any person compensated shall be paid individually by check
 30 or by cash, in which case the payee shall sign a written receipt

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1 therefor. In addition, no person shall receive compensation from
 2 more than one source for services rendered in the operation of a
 3 bingo game.

4 (f) Investigation of association.--The licensing authority
 5 may request an investigation to verify the statements made in
 6 any application for a license.
 7 Section 6. Revocation of licenses.

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

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

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

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

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

24 game.
 25 (5) The association conducts bingo using bingo equipment
 26 which it does not own solely or jointly with another licensed
 27 association or which it leases in violation of the statement
 28 contained in its license application provided by section
 29 5(d) (3).

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

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

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

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

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

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

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

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

30 Section 3. The act is amended by adding sections to read:
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1 Section 6.1. Special permits to conduct bingo for
 2 entertainment.

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

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

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

19 (1) The organization is a nonprofit community recognized
 20 organization.

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

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

27 (d) Limitation on compensation.--No person shall be
 28 compensated for services rendered in the operation of bingo
 29 played for entertainment purposes pursuant to this section.
 30 Section 6.2. Revocation of special permits.

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

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

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

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

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

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

15 (b) Possible revocation.--The licensing authority may revoke
 16 the special permit of any organization if he finds that the
 17 organization has knowingly employed any person in the operation
 18 of their bingo game who has been convicted of a violation of
 19 this act.

20 Section 6.3. Service of food or drink.

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

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

27 Section 7. Penalty.

28 * * *

29 (b) Misdemeanor.--Any person who conducts or assists in the
 30 conducting of bingo[, unless engaged in the conduct of bingo by

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

8 Section 8. Additional powers of the district attorney.

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

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

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

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

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

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