

CHAPTER 96

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 16-1189

BY REPRESENTATIVE(S) Wist, Singer;
also SENATOR(S) Roberts.

AN ACT**CONCERNING THE REGULATION OF BINGO-RAFFLE LICENSEES.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 12-9-103, **amend** (1) (a) (III) and (2) as follows:

12-9-103. Licensing and enforcement authority - powers - rules - duties - license suspension or revocation proceedings - definitions. (1) The secretary of state is hereby designated as the "licensing authority" of this article. As licensing authority, the secretary of state's powers and duties are as follows:

(a) (III) ~~THE AN APPLICANT MAY REQUEST ADMINISTRATIVE REVIEW OF A REFUSAL OF BY THE LICENSING AUTHORITY TO GRANT OR RENEW A LICENSE SHALL ENTITLE THE APPLICANT TO ADMINISTRATIVE REVIEW OF SUCH REFUSAL BY AN ADMINISTRATIVE LAW JUDGE IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION. TO BE ENTITLED TO ADMINISTRATIVE REVIEW, THE APPLICANT MUST REQUEST THE REVIEW IN WRITING WITHIN SIXTY DAYS AFTER THE DATE OF THE LICENSING AUTHORITY'S REFUSAL.~~

(2) The licensing authority may revoke, suspend, annul, limit, ~~or~~ modify, OR REFUSE TO GRANT OR RENEW a license pursuant to IN ACCORDANCE WITH section 24-4-104, C.R.S. Hearings that are held ~~for the purpose of determining~~ TO ADMINISTRATIVELY REVIEW THE LICENSING AUTHORITY'S DECISION TO REFUSE TO GRANT OR RENEW A LICENSE OR TO DETERMINE whether a licensee's license should be revoked, suspended, annulled, limited, or modified shall be conducted by an administrative law judge appointed pursuant to part 10 of article 30 of title 24, C.R.S., and shall be held in the manner and pursuant to the rules and procedures described in sections 24-4-104, 24-4-105, and 24-4-106, C.R.S. AN

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ADMINISTRATIVE LAW JUDGE SHALL HOLD AND CONCLUDE ~~hearings shall be held and concluded;~~ in accordance with ~~such~~ THE rules, with reasonable dispatch and without unnecessary delay, and ~~a decision shall be issued~~ ISSUE A DECISION within ten days after ~~such~~ THE hearing.

SECTION 2. In Colorado Revised Statutes, 12-9-105.1, **amend** (3) as follows:

12-9-105.1. Games managers - certification. (3) UNLESS AUTHORIZED BY THE LICENSING AUTHORITY IN ACCORDANCE WITH THE RULES OF THE LICENSING AUTHORITY, a person shall not be designated or serve as a games manager for more than three bingo-raffle licensees simultaneously. The licensing authority may promulgate rules establishing the circumstances under which a person may be designated and serve as games manager for more than three ~~but in no event more than five;~~ bingo-raffle licensees. ~~within a specified period of time.~~

SECTION 3. In Colorado Revised Statutes, 12-9-107, **amend** (10) and (15) as follows:

12-9-107. General conduct games of chance - premises - equipment - expenses - rules. (10) (a) In conducting a bingo or pull tab game, a bingo-raffle licensee may operate equipment if the bingo-raffle licensee: ~~or the landlord licensee of the premises owns or leases the equipment. If a bingo-raffle licensee leases the equipment, then the licensee must operate the equipment~~

(I) LEASES THE EQUIPMENT FROM A MANUFACTURER LICENSEE OR SUPPLIER LICENSEE on premises that are owned, leased, or rented by the licensee, used as the licensee's principal place of business, and controlled so that admittance to the premises is limited to the licensee's members and bona fide guests;

(II) OWNS THE EQUIPMENT; OR

(III) LEASES EQUIPMENT THAT IS OWNED OR LEASED BY A LANDLORD LICENSEE.

(b) Nothing in this subsection (10) prohibits a bingo-raffle licensee from leasing electronic devices used as aids in the game of bingo.

(15) ~~Any~~ THE LICENSING AUTHORITY MAY REQUIRE A licensee that does not report, during any one-year LICENSING period, POSITIVE net proceeds ~~will be required~~ to show cause before the licensing authority why its right to conduct games of chance should not be SUSPENDED OR REVOKED. THE LICENSING AUTHORITY MAY ESTABLISH BY RULE THE CONDITIONS FOR SUSPENDING, REVOKING, OR REFUSING TO RENEW A LICENSE TO CONDUCT CHARITABLE GAMING FOR FAILURE TO REPORT POSITIVE NET PROCEEDS.

SECTION 4. In Colorado Revised Statutes, 12-9-107.1, **amend** (5) (b) as follows:

12-9-107.1. Conduct of bingo games. (5)(b) A bingo-raffle licensee may award a consolation prize for a game of progressive bingo. ~~in which the progressive prize is not won.~~ The bingo-raffle licensee determines the amount of the consolation prize. Notice of the amount ~~shall~~ MUST be conspicuously displayed ~~prior to~~ BEFORE

the beginning of the bingo-raffle occasion, and the amount is included as part of the aggregate amount of all prizes offered or given in games played on a single occasion, as set forth in paragraph (a) of this subsection (5). If a consolation prize is offered AND THE PROGRESSIVE PRIZE IS NOT WON, the game continues until the previously designated arrangement of numbers or spaces on the card or sheet is covered, regardless of the number of balls drawn, in order to determine the winner of the consolation prize. If a consolation prize is not offered, the progressive game ends when the last of the previously designated number of balls is drawn and must be replayed in accordance with paragraph (a) of this subsection (5). IF A CONSOLATION PRIZE IS OFFERED AND THE PROGRESSIVE PRIZE IS WON, THE LICENSEE MAY OPT TO AWARD THE CONSOLATION PRIZE DURING THAT OCCASION. IF THE CONSOLATION PRIZE IS AWARDED, THE LICENSEE MUST INCLUDE THE TOTAL AMOUNT OF THE CONSOLATION PRIZE IN THE TOTAL AMOUNT OF ANY SUBSEQUENT GAMES OFFERED IN THE SESSION, NOT TO EXCEED THE MAXIMUM ALLOWED FOR THE OCCASION.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 15, 2016