

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0109.01 Richard Sweetman x4333

HOUSE BILL 22-1093

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A BILL FOR AN ACT

101 CONCERNING THE CONDUCT OF CHARITABLE GAMING ACTIVITY, AND,
102 IN CONNECTION THEREWITH, MODERNIZING THE "BINGO AND
103 RAFFLES LAW" TO ACCOMMODATE THE USE OF IMPROVED
104 ELECTRONIC AIDS AND DEVICES IN THE CONDUCT OF GAMES OF
105 CHANCE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Section 1 of the bill makes legislative findings. **Sections 3, 4, and 5** authorize the licensing authority to approve additional types of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

equipment that players may use, including certain electronic devices that reveal the winning or nonwinning status of tickets in pull tab games, and clarify that these devices are not defined as slot machines or other prohibited devices. **Section 2** amends existing definitions accordingly, and **section 3** removes a prohibition on the charging of license fees by the licensing authority for the licensing of certain devices.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Bingo and raffle operations are inherently different from
5 limited gaming operations in terms of their nature and character;

6 (b) Unlike limited gaming operations in the state, bingo and raffle
7 operations are operated by nonprofit organizations for charitable
8 purposes;

9 (c) Whereas casinos and other purveyors of limited gaming have
10 access to the latest technologies and machinery to automate gaming
11 activities, bingo and raffle operators are restricted by current laws and
12 forced to continue to use archaic and outdated equipment; and

13 (d) With the continuing expansion of limited gaming in Colorado,
14 bingo and raffle operators in the state find it increasingly difficult to
15 remain an attractive option for players and participants.

16 (2) The general assembly also finds that:

17 (a) Section 9 of article XVIII of the state constitution, which
18 section 9 concerns limited gaming, defines a "slot machine" as "any
19 mechanical, electrical, video, electronic, or other device, contrivance, or
20 machine, which, after insertion of a coin, token, or similar object, or upon
21 payment of any required consideration whatsoever by a player, is
22 available to be played or operated, and which, whether by reason of the

1 skill of the player or application of the element of chance, or both, may
2 deliver or entitle the player operating the machine to receive cash
3 premiums, merchandise, tokens, redeemable game credits, or any other
4 thing of value other than unredeemable free games, whether the payoff is
5 made automatically from the machines or in any other manner";

6 (b) Because this definition is stated broadly, some parties have
7 insisted that certain machines that automate bingo and raffle games fall
8 within the scope of the definition; however, modern bingo and raffle
9 machines merely dispense a finite number of cards or tickets and do not
10 contain or use a form of random number generator; and

11 (c) Neither the voters of the state, in enacting section 9 of article
12 XVIII of the state constitution, nor the general assembly, in enacting laws
13 pursuant to such constitutional provision, intended to include within the
14 scope of a "slot machine" an automatic bingo-card or raffle-ticket
15 dispensing machine.

16 (3) The general assembly therefore declares that the definition of
17 "slot machine" in section 9 of article XVIII of the state constitution does
18 not include the types of bingo and raffle machines contemplated by this
19 act.

20 **SECTION 2.** In Colorado Revised Statutes, 24-21-602, **amend**
21 (1), (13), (16), and (36); and **add** (5.5) as follows:

22 **24-21-602. Definitions.** As used in this part 6, unless the context
23 otherwise requires:

24 (1) "Bingo" means:

25 (a) A BINGO TICKET GAME; OR

26 (b) A game of chance played, with or without the aid of an
27 electronic device, for prizes using cards or sheets containing five rows of

1 five squares bearing numbers, except for the center square, which is a free
2 space. Traditional bingo also requires that the letters "B I N G O" appear
3 in order over each column. The holder of a card or sheet matches the
4 numbers on such card or sheet to numbers randomly drawn. The game is
5 won when a previously designated arrangement of numbers on such card
6 or sheet is covered.

7 (5.5) "BINGO TICKET GAME" MEANS A TYPE OF BINGO THAT IS
8 PLAYED WITH A STRIP OF UP TO FIVE CONNECTED BINGO TICKETS, WITH
9 EACH TICKET CONTAINING A CONCEALED GRID OF PREPRINTED NUMBERS
10 RANGING FROM ONE TO SEVENTY-FIVE. THE WINNER IS THE FIRST PLAYER
11 TO MATCH THE NUMBERS DRAWN ON ONE OR MORE BINGO BALLS TO THE
12 PREARRANGED PATTERN OF NUMBERS ON A TICKET. THE MAXIMUM PRIZE
13 FOR AN INDIVIDUAL BINGO TICKET MAY NOT EXCEED ONE THOUSAND
14 DOLLARS.

15 (13) "Deal" means each separate package or series of packages of
16 pull tabs with the same name, form number, AND serial number. ~~and color~~
17 ~~code.~~

18 (16) (a) "Equipment" means:

19 (I) With respect to bingo or lotto, the receptacle and numbered
20 objects drawn from it, the master board upon which such objects are
21 placed as drawn, the cards, TICKETS, or sheets bearing numbers or other
22 designations to be covered and the objects used to cover them, the board
23 or signs, however operated, used to announce or display the numbers or
24 designations as they are drawn, THE public address system, and all other
25 articles essential to the operation, conduct, and playing of bingo or lotto;
26 or

27 (II) With respect to raffles, implements, devices, and machines

1 designed, intended, or used for the conduct of raffles and the
2 identification of the winning number or unit and the ticket or other
3 evidence or right to participate in raffles.

4 (b) "Equipment" includes electronic devices used as aids in the
5 game of bingo AND OTHER DEVICES APPROVED BY THE LICENSING
6 AUTHORITY PURSUANT TO SECTION 24-21-619 (6).

7 (36) "Pull tab game" means a type of game of chance commonly
8 known as a pickle, break-open, jar raffle, last sale ticket, or seal card for
9 which tickets are preprinted with markings distinguishing winners and
10 nonwinners, each ticket so made that its markings and winning or
11 nonwinning status cannot be known ~~or revealed~~ until the ticket is ~~broken~~
12 ~~or torn apart~~ OPENED OR REVEALED.

13 **SECTION 3.** In Colorado Revised Statutes, 24-21-605, **amend**
14 (1) introductory portion and (1)(g) as follows:

15 **24-21-605. Licensing and enforcement authority - powers -**
16 **rules - duties - license suspension or revocation proceedings -**
17 **definitions.** (1) The secretary of state OR THE SECRETARY OF STATE'S
18 DULY AUTHORIZED DEPUTY is hereby designated as the "licensing
19 authority" of this part 6. ~~As THE licensing authority, the secretary of~~
20 ~~state's~~ AUTHORITY'S powers and duties are as follows:

21 (g) To license devices for reading pull tabs as provided in ~~section~~
22 ~~24-21-619; except that the licensing authority shall not impose or collect~~
23 ~~any fee for the issuance of such a license~~ SECTION 24-21-619 (6).

24 **SECTION 4.** In Colorado Revised Statutes, 24-21-617, **amend**
25 (2), (11), and (12) as follows:

26 **24-21-617. General conduct games of chance - premises -**
27 **equipment - expenses - rules.** (2) A person or licensee shall not permit

1 any person under eighteen years of age to purchase the opportunity to
2 participate in any game of chance or purchase A TICKET IN A pull tab
3 ~~games~~ GAME.

4 (11) A licensee shall not possess, use, sell, offer for sale, or put
5 into play any bingo or pull tab game, ticket, card, or sheet unless it
6 conforms to the definitions and requirements of this part 6 and was
7 purchased by the licensee from a licensed bingo-raffle manufacturer or
8 supplier or FROM A licensed agent ~~thereof~~ OF A BINGO-RAFFLE
9 MANUFACTURER OR SUPPLIER. A licensee shall not possess, use, sell, offer
10 for sale, or put into play any electronic device used as an aid in the game
11 of bingo OR ANY OTHER EQUIPMENT unless it conforms to the
12 requirements of this part 6 and was purchased or leased by the licensee
13 from a licensed bingo-raffle manufacturer or supplier or FROM A licensed
14 agent ~~thereof~~ OF A BINGO-RAFFLE MANUFACTURER OR SUPPLIER.

15 (12) In order to possess, use, sell, offer for sale, or put into play
16 any bingo or pull tab game, ticket, card, or sheet, a licensee must have at
17 the location of the game an invoice from its licensed supplier showing at
18 least the name, description, ~~color code, if any,~~ and serial number of the
19 pull tab DEAL, card, or sheet.

20 **SECTION 5.** In Colorado Revised Statutes, 24-21-618, **amend**
21 (3)(a), (7)(a), and (7)(c) as follows:

22 **24-21-618. Conduct of bingo games.** (3) (a) The equipment used
23 in the playing of bingo and the method of play must be such that each
24 card OR TICKET has an equal opportunity to win. The objects or balls to be
25 drawn must be essentially the same as to size, shape, weight, balance, and
26 all other characteristics that may influence their selection. All objects or
27 balls must be present in the receptacle before each game begins. All

1 numbers announced must be plainly and clearly audible to all the players
2 present. Where more than one room is used for any one game, the
3 receptacle and the caller must be present in the room where the greatest
4 number of players are present, and all numbers announced must be plainly
5 audible to the players in the aforesaid room and also audible to the players
6 in the other rooms.

7 (7) (a) If a card or sheet is played with the aid of an electronic
8 device, a winning bingo may be determined and verified either by
9 reference to the card or sheet or by reference to the electronic device.
10 ~~Nothing in this part 6 authorizes the playing of bingo solely by means of~~
11 ~~an electronic device.~~

12 (c) The licensing authority may establish by rule the maximum
13 number of bingo cards that a bingo player who plays using the aid of an
14 electronic device is permitted to use with the aid of such a device per
15 game; except that the maximum number must be at least ~~fifty-four~~ ONE
16 HUNDRED.

17 **SECTION 6.** In Colorado Revised Statutes, 24-21-619, **amend**
18 (6)(a) and (6)(g)(II) introductory portion as follows:

19 **24-21-619. Conduct of pull tabs - license revocation - rules -**
20 **definitions.** (6) (a) The licensing authority shall test, inspect, and license
21 every mechanical, electronic, or electromechanical device that reveals the
22 winning or nonwinning status of a pull tab ticket before the device is used
23 in charitable gaming. The licensing authority shall employ an independent
24 contractor to conduct the tests and inspections, the cost of which shall be
25 borne by the manufacturer ~~or supplier~~ seeking approval of the device. The
26 licensing authority shall not issue a license for a device until the device
27 is secured in a manner prescribed by the licensing authority and the

1 contractor receives payment in full for the cost of all tests and
2 inspections.

3 (g) The prohibition contained in subsection (6)(f) of this section
4 does not prohibit the licensing of:

5 (II) A device that merely reads or validates a pull tab ticket
6 ~~inserted by a player~~ DISPENSED FROM THE DEVICE, if:

7 **SECTION 7.** In Colorado Revised Statutes, 24-21-622, **amend**
8 (3)(a), (5) introductory portion, and (5)(d) as follows:

9 **24-21-622. Bingo-affle licensee's statement of receipts -**
10 **expenses - fee - definitions.** (3) (a) All money collected or received from
11 the sale of admission, extra regular cards, BINGO TICKETS, special game
12 cards, sale of supplies, and all other receipts from the games of bingo,
13 raffles, and pull tab games shall be deposited in a special checking or
14 savings account, or both, of the licensee, which must contain only this
15 money. If the licensee conducts progressive games of chance, the licensee
16 may maintain one additional checking or savings account, which must
17 contain only money received from the sale of progressive games. The
18 licensee may withdraw money from these accounts only by consecutively
19 numbered checks or withdrawal slips or by electronic transactions
20 referenced by transaction number or date. A check or withdrawal slip
21 must not be drawn to "cash" or a fictitious payee. The licensee shall
22 maintain all of its books and records in accordance with generally
23 accepted accounting principles.

24 (5) No ~~item~~ of expense shall be incurred or paid in connection
25 with holding, operating, or conducting a game of chance pursuant to a
26 bingo-affle license except bona fide expenses of a reasonable amount.
27 ~~Such~~ BONA FIDE expenses include those incurred in connection with all

1 games of chance, for the following purposes:

2 (d) The purchase or lease of electronic devices used as aids in the
3 game of bingo AND OTHER DEVICES APPROVED BY THE LICENSING
4 AUTHORITY PURSUANT TO SECTION 24-21-619;

5 **SECTION 8. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2022 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.