

Note: New York City businesses must comply with all relevant federal, state, and City laws and rules. All laws and rules of the City of New York, including the Consumer Protection Law and Rules, are available through the Public Access Portal, which businesses can access by visiting www.nyc.gov/consumers. For convenience, sections of the New York City Licensing Law (and Rules, if enacted) are included as a handout in this packet. The Law (and Rules) are current as of January 2009.

Please note that businesses are responsible for knowing and complying with the most current laws, including any City Council amendments. The Department of Consumer Affairs (DCA) is not responsible for errors or omissions in the handout provided in this packet. The information is not legal advice. You can only obtain legal advice from a lawyer.

NEW YORK CITY ADMINISTRATIVE CODE
TITLE 20: CONSUMER AFFAIRS
CHAPTER 2: LICENSES
SUBCHAPTER 19: BINGO LICENSING LAW

§ 20-338 Short title. This subchapter shall be known and may be cited as the New York city bingo licensing law.

§ 20-339 Definitions. As used in this subchapter, the following terms shall have the following meanings:

a. "Control commission" or "commission" or "board" shall mean the state racing and wagering board.

b. "Bingo" or "game" shall mean and include a specific game of chance, commonly known as bingo or lotto, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.

c. "Authorized organization" shall mean and include a charitable or educational non-profit organization or a non-profit organization of veterans or any bona fide religious or charitable organization or bona fide educational, fraternal, civil or service organization or bona fide organization of veterans or volunteer firefighters, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in article fourteen-H of the general municipal law, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in article fourteen-H of the general municipal law for a period of one year immediately prior to applying for a license under this subchapter, and provided, such organization, if unincorporated, has a membership of not less than twenty-five persons.

d. "License" shall mean a license issued pursuant to the provisions of this subchapter and article fourteen-H of the general municipal law.

e. "Regular bingo game" shall mean a game that is played on a card or cards issued to a player upon payment of the admission fee provided in this subchapter.

f. "Special bingo game" shall mean any game which is not a "regular bingo game."

g. "Opportunity" shall mean a one-faced chance to participate in a game or games of bingo.

§ 20-340 Authority of commissioner. The administrative powers granted to the governing body of the city under the provisions of article fourteen-H of the general municipal law, in relation to the issuance, amendment and cancellation of licenses, the conduct of investigations and hearings, the supervision of the operation of the games and the collection and transmission of fees, are hereby conferred upon the commissioner pursuant to the provisions of section four hundred ninety-eight of the general municipal law.

§ 20-341 Conduct of game of bingo by authorized organizations. It shall be lawful for any authorized organization, upon obtaining a license therefor as hereinafter provided, to conduct the game of bingo within the territorial limits of the city, subject to the provisions of this subchapter, the provisions of article fourteen-H of the general municipal law and the provisions of the bingo licensing law.

§ 20-342 Restrictions upon conduct of bingo games. The conduct of bingo games authorized by this subchapter shall be subject to the following restrictions:

a. No person, firm, association, corporation or organization other than a licensee under the provisions of this subchapter, shall conduct such game or shall lease or otherwise make available for conducting bingo a hall or other premises for any consideration whatsoever, direct or indirect.

b. No bingo games shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

c. No authorized organization licensed under the provisions of this subchapter shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of bingo games from other than a supplier licensed under the bingo licensing law or from another authorized organization.

d. The entire net proceeds of any game of bingo and of any rental shall be exclusively devoted to the lawful purposes of the organization

permitted to conduct the same.

e. No prize shall exceed the sum or value of two hundred fifty dollars in any single game of bingo.

f. No series of prizes on any one bingo occasion shall aggregate more than one thousand dollars.

g. No person except a bona fide member of any such organization shall participate in the management or operation of such game.

h. No person shall receive any remuneration for participating in the management or operation of any game of bingo.

i. The unauthorized conduct of a bingo game and any wilful violation of any provision of this subchapter shall constitute and be punishable as a misdemeanor.

§ 20-343 Application for license. 1. To conduct bingo. a. Each applicant for a license shall file with the commissioner a written application therefor in the form prescribed in the rules and regulations of the control commission, duly executed and verified, in which shall be stated the name and address of the applicant together with sufficient facts relating to its incorporation and organization to enable the commissioner to determine whether or not it is a bona fide authorized organization; the names and addresses of its officers; the place or places where, the date or dates and the time or times when the applicant intends to conduct bingo under the license applied for; in case the applicant intends to lease premises for this purpose from other than an authorized organization, the name and address of the licensed commercial lessor of such premises, and the capacity or potential capacity for public assembly purposes of space in any premises presently owned or occupied by the applicant; the amount of rent to be paid or other consideration to be given directly or indirectly for each occasion for use of the premises of another authorized organization licensed under this subchapter to conduct bingo or for use of the premises of a licensed commercial lessor; all other items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such games of bingo and the names and addresses of the persons to whom, and the purposes for which, they are to be paid; the specific purposes to which the entire net proceeds of such games are to be devoted and in what manner; that no commission, salary, compensation, reward or recompense will be paid to any person for conducting such bingo game or games or for assisting therein except as in this subchapter or article fourteen-H of the general municipal law otherwise provided; and such other information as shall be prescribed by such rules and regulations.

b. In each application there shall be designated an active member or members of the applicant organization under whom the game or games of bingo will be conducted and to the application shall be appended a

statement executed by the member or members so designated, that he or she or they will be responsible for the conduct of such bingo games in accordance with the terms of the license and the rules and regulations of the commission and of this subchapter and article fourteen-H of the general municipal law.

c. In each application there shall be designated one special bingo game, to be played on each occasion under such license, which shall be known as the "jackpot game."

2. Commercial lessor. a. Each applicant for a license to lease premises to a licensed organization for the purposes of conducting bingo therein shall file with the commissioner a written application therefor in a form prescribed in the rules and regulations of the control commission duly executed and verified, which shall set forth the name and address of the applicant; designation and address of the premises intended to be covered by the license sought; lawful capacity for public assembly purposes; cost of premises and assessed valuation for real estate tax purposes, or annual net leased rent, whichever is applicable; gross rentals received and itemized expenses for the immediately preceding calendar or fiscal year, if any; gross rentals, if any, derived from bingo during the last preceding calendar or fiscal year; computation by which proposed rental schedule was determined; number of occasions on which applicant anticipates receiving rent for bingo during the ensuing year or shorter period if applicable; proposed rent for each such occasion; estimated gross rental income from all other sources during the ensuing year; estimated expenses itemized for the ensuing year and amount of each item allocated to bingo rentals; a statement that the applicant in all respects conforms with the specifications contained in the definition of "authorized commercial lessor" as set forth in article fourteen-H of the general municipal law, and such other information as shall be prescribed by such rules and regulations.

b. In the event an applicant shall apply for a license for a subsequent year, a recapitulation, in a manner prescribed in the rules and regulations of the commission, shall be made as between said applicant and the commissioner in respect of the gross rental actually received during the preceding license period and the fee paid therefor, and any deficiency of fee thereby shown to be due shall be paid by the applicant and any excess of fee thereby shown to have been paid shall be credited to said applicant, in such manner as the commission by rules and regulations shall prescribe.

§ 20-344 Investigation; matters to be determined; issuance of license; fees; duration of license. a. The commissioner shall make an investigation of the qualifications of each applicant and the merits of each application, with due expedition after the filing of the application, and if he or she shall determine that the applicant is duly

qualified to be licensed to conduct bingo under this subchapter and article fourteen-H of the general municipal law; that the member or members of the applicant designated in the application to conduct bingo are bona fide active members of the applicant and are persons of good moral character and have never been convicted of a crime; that such game is to be conducted in accordance with the provisions of this subchapter, article fourteen-H of the general municipal law and in accordance with the rules and regulations of the commission, and that the proceeds thereof are to be disposed of as provided by this subchapter and article fourteen-H of the general municipal law, and if the commissioner is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation and conduct of any such games except as in this subchapter or article fourteen-H of the general municipal law otherwise provided; and that no prize will be offered and given in excess of the sum or value of two hundred fifty dollars in any single game and that the aggregate of all prizes offered and given in all of such games conducted on a single occasion, under said license shall not exceed the sum or value of one thousand dollars, he or she shall issue a license to the applicant for the conduct of bingo upon payment of a license fee of ten dollars for each bingo occasion; provided, however, that he or she shall refuse to issue a license to an applicant seeking to conduct bingo in premises of a licensed commercial lessor where he or she determines that the premises presently owned or occupied by said applicant are in every respect adequate and suitable for conducting bingo games.

b. Issuance of licenses to commercial lessors. If the commissioner shall determine that the applicant seeking to lease a hall or premises for the conduct of bingo to an authorized organization is duly qualified to be licensed under this subchapter and article fourteen-H of the general municipal law; that the applicant satisfies the requirements for an authorized commercial lessor as defined in article fourteen-H of the general municipal law; that the schedule of proposed rentals provides a fair and reasonable return on the applicant's investment; that the applicant has filed a schedule of proposed rentals in accordance with the rules and regulations of the commission and that the commission has approved such schedule as fair and reasonable and as the maximum rentals the applicant may charge to any authorized organization; that there is no diversion of the funds of the proposed lessee from the lawful purposes as defined in article fourteen-H of the general municipal law; and that such leasing of a hall or premises for the conduct of bingo is to be in accordance with the provisions of this subchapter, article fourteen-H of the general municipal law and in accordance with the rules and regulations of the commission, he or she shall issue a license permitting the applicant to lease said premises for the conduct of bingo to the authorized organization or organizations specified in the

application during the period therein specified or such shorter period as he or she shall determine, but not to exceed one year, upon payment of a license fee of ten dollars plus an amount based upon the aggregate rent specified in the license and determined in accordance with the schedule set forth therefor in article fourteen-H of the general municipal law.

c. On or before the thirtieth day of each month, the commissioner of finance shall transmit to the state comptroller a sum equal to fifty percent of all license fees collected by the city pursuant to this section during the preceding calendar month.

d. No license shall be issued under this subchapter and article fourteen-H of the general municipal law which shall be effective for a period of more than one year.

§ 20-345 Hearing; amendment of license. a. No application for the issuance of a license shall be denied by the commissioner until after a hearing, held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

b. Any license issued under this subchapter and article fourteen-H of the general municipal law may be amended, upon application made to the commissioner who issued it, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license and upon payment of such additional license fee, if any, as would have been payable if it had been so included.

§ 20-346 Form and contents of license; display of license. a. Each license to conduct bingo shall be in such form as shall be prescribed in the rules and regulations promulgated by the control commission, and shall contain a statement of the name and address of the licensee, of the names and addresses of the member or members of the licensee under whom the games will be conducted, of the place or places where and the date or dates and time or times when such games are to be conducted and of the specific purposes to which the entire net proceeds of such games are to be devoted; if any prize or prizes are to be offered and given in cash, a statement of the amounts of the prizes authorized so to be offered and given; and any other information which may be required by said rules and regulations to be contained therein, and each license issued for the conduct of any game shall be conspicuously displayed at the place where same is to be conducted at all times during the conduct thereof.

b. Each license to lease premises for conducting bingo shall be in such form as shall be prescribed in the rules and regulations of the control commission and shall contain a statement of the name and address

of the licensee and the address of the leased premises, the amount of permissible rent and any other information which may be required by said rules and regulations to be contained therein, and each such license shall be conspicuously displayed upon such premises at all times during the conduct of bingo.

§ 20-347 Control and supervision; suspension of licenses; inspection of premises. The commissioner shall have and exercise rigid control and close supervision over all games of bingo conducted under any license issued under this subchapter and article fourteen-H of the general municipal law, to the end that the same are fairly conducted in accordance with the provisions of such license, the rules and regulations promulgated by the control commission and the provisions of this subchapter and article fourteen-H of the general municipal law and such commissioner and the control commission shall have the power and the authority to suspend any license issued by such commissioner and to revoke the same, after notice and hearing, for violation of any such provision, and shall have the right of entry, by their respective officers and agents, at all times into any premises where any game of bingo is being conducted or where it is intended that any such game shall be conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same.

§ 20-348 Sunday; conduct of games on. Games of bingo may be conducted after 6 p.m. on the first day of the week, commonly known and designated as Sunday under any license under this subchapter.

§ 20-349 Participation by persons under eighteen. No person under the age of eighteen years shall be admitted to any game or games of bingo conducted pursuant to any license issued under this subchapter.

§ 20-350 Frequency of games; sale of alcoholic beverages. No game or games of bingo shall be conducted under any license issued under this subchapter and article fourteen-H of the general municipal law more often than on eighteen days in any three successive calendar months; or in any room or outdoor area where alcoholic beverages are sold or served during the progress of the game or games.

§ 20-351 Persons operating and conducting games; equipment; expenses; compensation. No person shall hold, operate or conduct any game of bingo

under any license issued under this subchapter and article fourteen-H of the general municipal law except an active member of the authorized organization to which the license is issued, and no person shall assist in the holding, operating or conducting of any game of bingo under such license except such an active member or a member of an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such licensee is an auxiliary or a member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided. No game of bingo shall be conducted with any equipment except such as shall be owned absolutely by the authorized organization so licensed or used without payment of any compensation therefor by the licensee. No item of expense shall be incurred or paid in connection with the conducting of any game of bingo pursuant to any license issued under this subchapter and article fourteen-H of the general municipal law, except those that are reasonable and are necessarily expended for bingo supplies and equipment, prizes, stated rental if any, bookkeeping or accounting service according to a schedule of compensation prescribed by the commission, janitorial services and utility supplies if any, and license fees, and the cost of bus transportation, if authorized by the control commission.

§ 20-352 Charge for admission and participation; charge for other opportunities; amount of prizes, award of prizes. a. No amount other than one dollar, or such minimum fee as may be fixed by the board shall be charged by any licensee for admission to any room or place in which any game or games of bingo are to be conducted under any license issued under this subchapter and article fourteen-H of the general municipal law, which admission fee, upon payment thereof, shall entitle the person paying the same to only two opportunities to participate without additional charge in all regular games of bingo to be played under such license on such occasion, and no charge in excess of one dollar, or such minimum fee as may be fixed by the board, shall be made for a single opportunity to participate in all special games to be played under such license on such occasion.

b. Extra regular bingo cards. No less than twenty-five cents shall be charged by any licensee for two opportunities to participate in regular games of bingo to be played under such license on such occasion. If the licensee during any occasion conducts less than three special bingo games, no less than twenty-five cents shall be charged for each opportunity to participate in regular games of bingo to be played under such license on such occasion. All such charges for extra regular bingo cards shall be in addition to the two opportunities purchased as part of the admission provided in subdivision a of this section.

c. Special game cards. No less than twenty-five cents shall be charged by any licensee for a single opportunity to participate in each of more than one special bingo game other than the jackpot game and no less than ten cents shall be charged for a single opportunity to participate in any one specified special bingo game, to be played under such license on such occasion.

d. Jackpot cards. No less than fifty cents shall be charged by any licensee for three opportunities to participate in the jackpot game, and no less than twenty-five cents shall be charged for a single opportunity to participate in the jackpot game to be played under such license on such occasion. A card or cards permitting the player to participate in the jackpot game shall not be used to participate in any other game of bingo to be played under such license on such occasion.

e. Every winner shall be determined and every prize shall be awarded and delivered within the same calendar day as that upon which the game was played. No alcoholic beverage shall be offered or given as a prize in any such game.

§ 20-353 Advertising games. No game of bingo to be conducted under any license issued under this subchapter and article fourteen-H of the general municipal law shall be advertised as to its location, the time when it is to be or has been played, or the prizes awarded, or to be awarded, by means of newspapers, radios, television or sound trucks or by means of billboards, posters or handbills or any other means addressed to the general public, except that one sign not exceeding sixty square feet in area may be displayed on or adjacent to the premises owned or occupied by a licensed authorized organization, and when an organization is licensed to conduct bingo on premises of another licensed authorized organization or of a licensed commercial lessor, one additional such sign may be displayed on or adjacent to the premises in which the games are to be conducted. Additional signs may be displayed upon any fire fighting equipment belonging to any licensee, which is a volunteer fire company, or upon any first-aid or rescue squad equipment belonging to any licensee, which is a first-aid or rescue squad, in and throughout the community or communities served by such volunteer fire company or such first-aid or rescue squad as the case may be.

§ 20-354 Statement of receipts, expenses; additional license fees. a. Within fifteen days after the conclusion of the conducting of any game of bingo, the authorized organization which conducted the same, and its members who were in charge thereof, and when applicable the authorized organization which rented its premises therefor, shall each furnish to the commissioner a duly verified statement showing the amount of the gross receipts derived therefrom and each item of expense incurred, or

paid, and each item of expenditure made or to be made, the name and address of each person to whom each such item has been paid, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from such game or rental, as the case may be, and the use to which such proceeds have been or are to be applied and a list of prizes offered and given, with the respective values thereof, and it shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement.

b. Upon the filing of such statement of receipts, the authorized organization furnishing the same shall pay to the commissioner as and for an additional license fee a sum based upon the reported net proceeds, if any, for the occasion covered by such statement and determined in accordance with such schedule as shall be established from time to time by the department to defray the cost of administering the provisions of this subchapter, article fourteen-H of the general municipal law and article nineteen-B of the executive law.

§ 20-355 Examination of books and records; examination of managers, etc.; disclosure of information. a. The commissioner and the control commission shall have power to examine or cause to be examined the books and records of:

1. Any licensed authorized organization so far as they may relate to bingo including the maintenance, control and disposition of net proceeds derived from bingo or from the use of its premises for bingo, and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game under any such license or the use of its premises for bingo, as the case may be;

2. Any licensed authorized commercial lessor so far as they may relate to leasing premises for bingo and to examine said lessor or any manager, officer, director, agent or employee thereof under oath in relation to such leasing.

b. Any information received pursuant to subdivision a shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this subchapter, article fourteen-H of the general municipal law and article nineteen-B of the executive law.

§ 20-356 Appeals from commissioner to control commission. Any applicant for, or holder of, any license issued or to be issued under this subchapter aggrieved by any action of the commissioner to whom such application has been made or by whom such license has been issued, may appeal to the control commission from the determination of such commissioner by filing with the commissioner a written notice of appeal within thirty days after the determination or action appealed from, and

upon the hearing of such appeal, the evidence, if any, taken before the commissioner and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue, and the action of the control commission upon said appeal shall be binding upon the commissioner and all parties to such appeal.

§ 20-357 Exemption from prosecution. No person or corporation: (a) Lawfully conducting, or participating in the conduct of bingo, or

(b) Permitting the conduct upon any premises owned or leased by him, her or it under any license lawfully issued pursuant to this subchapter and article fourteen-H of the general municipal law, shall be liable to prosecution or conviction for violation of any provision of article one hundred thirty of the penal law or any other law or ordinance to the extent that such conduct is specifically authorized by this subchapter or article fourteen-H of the general municipal law, but this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of any game of bingo under any license obtained by any false pretense or by any false statement made in any application for license or otherwise, or permitting the conduct upon any premises owned or leased by him, her or it of any game of bingo conducted under any license known to him, her or it to have been obtained by any such false pretense or statement.

§ 20-358 Offenses, forfeitures of license; ineligibility to apply for license. Any person, association or corporation who or which shall:

(a) make any false statement in any application for any license authorized to be issued under this subchapter or article fourteen-H of the general municipal law;

(b) pay or receive, for the use of any premises for conducting bingo, a rental in excess of the amount specified as the permissible rent in the license provided for in this subchapter or article fourteen-H of the general municipal law;

(c) fail to keep such books and records as shall fully and truly record all transactions connected with the conducting of bingo or the leasing of premises to be used for the conduct of bingo;

(d) falsify or make any false entry in any books or records so far as they relate in any manner to the conduct of bingo, to the disposition of the proceeds thereof and to the application of the rents received by any authorized organization;

(e) divert or pay any portion of the net proceeds of any game of bingo to any person, association or corporation, except in furtherance of one or more of the lawful purposes defined in article fourteen-H of the general municipal law; or

(f) violate any of the provisions of this subchapter or article

fourteen-H of the general municipal law or of any term of any license issued under this subchapter; shall be guilty of a misdemeanor and shall forfeit any license issued under this subchapter or article fourteen-H of the general municipal law and be ineligible to apply for a license under this subchapter or article fourteen-H of the general municipal law for one year thereafter.