

RULES



DIVISION OF CHARITY BINGO

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92-2-.01

Bingo Law; Regulations, Obligations, Suspension; Revocation. Amended.

- (1) **These rules and regulations are promulgated pursuant to the Official Code of Georgia, Title 16, Chapter 12, Article 2, Part 2.**
- (2) Any licensee, member, agent, representative or employee of a nonprofit corporation licensed hereunder, who while the organization holds the license, shall violate any provision of the Act or rules and regulations issued pursuant thereto, or direct, consent to or acquiesce in any violation of the same shall forfeit the applicable license, or licenses through suspension or revocation, whichever the Director determines.
- (3) The failure of anyone holding a license to meet any obligation imposed by any law of the State of Georgia shall also be grounds for suspension or revocation of such license.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. History. Original Rule entitled "Bingo Laws; Regulations; Obligations" was filed as Emergency Rule 92-2-0.2.01 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.01 repealed and permanent Rule entitled "Bingo Laws; Regulations; Obligations" adopted. Filed June 11, 1980; effective July 1, 1980. Amended: Rule repealed and a new Rule entitled "Bingo Law; Regulations; Obligations; Suspension; Revocation" adopted. Filed December 8, 1983; effective December 28, 1983.

92-2-.02 Definitions. Amended.

- (1) "Bingo Game" 92-2-.02 (1) "Bingo Game" means only a game of chance played on cards with numbered squares in which counters or indicators are placed on numbers chosen by lot and won by covering a previously specific number or order of numbered squares. **A bingo game may be played manually or with an electronic or computer device that stores the numbers from a player's card or cards, tracks the numbers chosen by lot when such numbers are entered by the player, and notifies the player of a winning combination.** Such words, terms or phrases, as used in this subsection, shall be strictly construed to include only the series of acts generally defined as bingo and shall exclude all other activity.
- (2) "Director" means the Director of the Georgia Bureau of Investigation.
- (3) "Operate," "operated," or "operating" means the direction, supervision, management, operation, control, or guidance of activity.
- (4) "Bingo session" means a time period during which bingo games are played.

(5) "Lease" and "rental" means the leasing or renting of equipment or premises used to conduct bingo and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title of such equipment.

(6) "Equipment" means any and all equipment used to facilitate the operation of a bingo game. It includes, but is not limited to, tables, chairs, counters, bars, floors, cards, markers, and public address systems used at any time in the operation of a bingo game regardless that the equipment may also be used for other purposes.

(7) "Bingo Proceeds" and "receipts from any bingo operation" means the total receipts from the operation of any bingo game or games by any licensee.

(8) "Recreational bingo session" means, in addition to any other qualification or requirement imposed by statute or regulation, a bingo session operated by any person or entity at no charge to participants in which the prizes for each bingo game during the bingo session shall be noncash prizes and the total of such prizes for each game shall not exceed \$15.00 as established pursuant to regulations established by the director. No such **noncash** prize awarded in recreational bingo shall be exchanged or redeemed for money; or for any other prize with a value in excess of the amount established pursuant to regulations established by the director.

(9) "Electronic Bingo Card Dauber" means an electronic device or apparatus used by a bingo player to monitor bingo cards purchased at the time and place of a licensed organization's bingo session, and which:

a) Provides a means for numbers announced by a bingo caller to be input to a bingo player's cards:

(b) Compares the numbers input to the numbers contained on bingo cards previously stored in the electronic data base of the device:

(c) Identifies winning bingo patterns; and

(d) Signals only the bingo player when a winner bingo pattern is achieved.

(10) Licensee is the individual or entity that holds the bingo license that has been issued by the director.

(11) Participant is the individual or entity who is paying to play bingo at the licensee's premises.

(12) Distributor is the individual or entity that is selling products to the licensee for use in its bingo operation.

(13) Manufacturer is the individual or entity that develops, creates, modifies bingo products for use at the licensee's premises.

- (14) Operator is the individual or entity that the licensee utilizes to conduct the bingo game under the license issued by the director.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2; O.C.G.A. Sec. 16-12-51 et seq. History. Original Rule entitle "Definitions" was filed as Emergency Rule 92-2-0-.02 on April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule repealed and permanent Rule entitled "Definitions" adopted. Filed June 11, 1980; effective July 1, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed Dec. 8, 1983; effective Dec. 28, 1993. Amended: Filed Nov. 13, 1993; effective Dec. 3, 1993. Amended: Filed Sept. 8, 1994; effec. Sept. 28, 1994. Amended: Filed Sept. 16, 2003; effective Oct. 6, 2003.

92-2-.03 Operation of Bingo Games; License Required. Amended

Any bingo session at which cash prizes are awarded shall be conducted only by nonprofit tax-exempt organizations, which are properly licensed by the Director. Nonprofit tax exempt organizations who operate recreational bingo games at no charge to participants in which the participants are senior citizens attending a function at a facility of the tax exempt licensed organization or are residents of nursing homes, retirement homes, or hospitals and in which the prizes for each bingo game during the bingo session shall be nominal cash prizes not to exceed \$5.00 for any single prize and the total of such prizes for each such games shall not exceed the amount established pursuant to regulations established by the Director.

Authority Ga. L. 1977, pp. 1164, as amended (Ga. Code Ann., Chapter 91A-63A); Ga. L. 1980, Act 884, effective March 20, 1980; O.C.G.A. Sec. 16-12-51 et seq. History. Original Rule entitled "Operation of Bingo Games; License Required" was filed as Emergency Rule 92-2-0.2-.03 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule repealed and permanent Rule entitled "Operation of Bingo Games; License Required" adopted. Filed June 11, 1980; effective July 1, 1980. Amended: Filed Nov. 13, 1993; eff. Dec. 3, 1993. Amended: Filed Sept. 8, 1994; eff. Sept. 28, 1994.

92-2-.04 Registration; Licensing Requirements. Amended.

- (1) Before any nonprofit tax-exempt organization shall be licensed to operate bingo games, such organization shall submit a license application to the Georgia Bureau of Investigation on forms prescribed by the Bureau.
- (2) In addition to any information required in the prescribed application, the Director may require any additional information reasonable and necessary to make a determination as to whether a license should be issued. Each application for a license and

each application for renewal of a license must be accompanied by, but not limited to the following:

- (a) An annual fee of \$100 must be paid prior to the issuance of any new bingo license or before any existing license will be renewed. Payment shall be made by certified check or money order made payable to the Georgia Bureau of Investigation.
- (b) A determination letter from the Internal Revenue Service certifying that the applicant is an exempt organization under Federal Income Tax Law. No license shall be issued to any nonprofit tax-exempt organization unless it has been in active existence and actively functioning as a certified nonprofit organization for at least twelve (12) months immediately prior to the issuance of the license. If the applicant claims its tax exempt status through a ruling by the Internal Revenue Service as to its parent organization's tax exempt status, said applicant must prove to the satisfaction of the Director that it is covered by such ruling by submitting a current letter of good standing from the parent organization and a copy of the charter from the parent organization. The applicant must have been chartered by the parent organization for at least twenty-four (24) months immediately prior to the issuance of the bingo license.
- (c) A determination letter from the Georgia Department of Revenue certifying that the applicant is exempt under income tax laws of the State of Georgia. The burden is upon the applicant organization to show it is entitled to the exempt status. An organization requesting a Georgia tax exempt status must file a written application with the State Revenue Commissioner. Until a determination letter granting an exempt status is issued, no exempt status shall exist.
- (d) The organization's sales tax registration number from the Georgia Department of Revenue. An organization requesting a sales tax number must file a registration form with the State Revenue Commissioner.
- (e) A certified copy of the current incorporation papers, charter and other such documents indicating the date the organization originated.
- (f) A copy of the applicant's current constitution and/or by laws.
- (g) A statement as to the location where the applicant will conduct bingo games; if the premises where games are to be conducted is leased, a copy of the current lease or rental agreement; the days and times bingo games will be conducted.
- (h) A copy of the purchase or lease contract for the bingo equipment to be used by the applicant, or a statement of ownership of the equipment.
- (I) A current financial statement of the applicant organization as of the date of application.

- (j) A statement of the source of funds to be used in the initial development of the bingo operation and if any improvements are made on the premises where the bingo operation is to be conducted, the source of those funds.
- (k) The names and addresses of any persons, organizations or other legal entities that will act as surety for the applicant or to whom the applicant is financially indebted, or to whom any financial obligation is owed by the applicant.
- (l) A photograph, a fingerprint submission via Georgia Applicant Processing Services (GAPS), and personal history and background statement on forms provided by the Georgia Bureau of Investigation of all persons who are establishing, or will be promoting, advertising, or operating the bingo games, and if the applicant is a corporation, association or other similar entity, the names and home addresses, a photograph, a fingerprint submission via GAPS, and a personal history and background statement on the aforementioned forms of all the directors/officers of the organization and any other person associated in any way with the applicant's bingo operation.
- (m) A statement showing the convictions, pleas of guilty, and nolo contendere, if any, for criminal offenses, other than minor traffic offenses, for all directors/officers of the organization and for all persons establishing, promoting, advertising or operating the bingo game
- (n) A current certificate from the Fire Marshal showing the authorized number of occupants permitted on the premises where bingo is to be operated. The Fire Marshal's certificate must be posted in a conspicuous place on the premises.
- (o) A current membership list of the applicant organizations as of the date of application.
- (3) Any untrue, misleading, or omitted statement of information contained in the application and its supporting documents or furnished the Director or his Agents in response to any investigation of the application or license is cause for denying the issuance of a license; if any license has been previously issued, it is cause for revocation or suspension of license.
- (4) Any license issued pursuant to the Act or these rules and regulations is valid only for the premises for which the license has been issued and shall be displayed conspicuously at the location where the bingo game is conducted.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Registration; Licensing Requirements" was filed as Emergency Rule 92-2-0.2-.04 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.04 repealed and permanent Rule entitled "Registration; Licensing Requirements" adopted. Filed June 11, 1980; effective July 1, 1980. Amended: Filed Dec. 4, 1981; eff. Jan. 1, 1982, as specified by the Agency. Amended:

Rule repealed and a new Rule of the same title adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983. Amended: Rule repealed and a new Rule of the same title adopted. Filed April 27, 2001; eff. July 1, 2001. Amended: Filed Sept. 16, 2003; effective Oct. 6, 2003. July, 2003.

92-2-.05 License Expirations; Renewals. Amended.

All bingo licenses are annual, and licenses issued during the calendar year expire at 11:59 PM on December 31st following the date of issuance of the license. Renewal applications for each calendar year shall be filed with the Director no later than sixty (60) days prior to January 1st of each year and shall be on forms provided and prescribed by the Director.

Authority Ga. L. 1977, pp. 1164, 1168, as amended (Ga. Code Ann., Chapter 91A-63A); Ga. L. 1980, Act 884, effective March 20, 1980. Administrative History. Original Rule entitled "License Requirements: Renewals" was filed as Emergency Rule 92-2-0.2-.05 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.05 repealed and permanent Rule entitled "License Requirements; Renewals" adopted. Filed June 11, 1980; effective July 1, 1980.

92-2-.06 Rental Agreements Concerning Premises. Amended.

- (1) The total cost of leasing the premises used by a nonprofit tax exempt organization in its bingo operation shall not exceed the fair market rental value of such premises and may not be based on gross receipts, gross proceeds, or any other scale or percentage that is related to or dependent upon the amount of revenue created by the bingo operation. No salaries, fees or payments of any type shall be made to any person or entity based upon a scale or percentage that is related to or dependent upon receipts from a bingo operation.
- (2) The diversion of bingo proceeds from the nonprofit organization operating bingo games, except in the manner expressly authorized by the Act and under these regulations, is contrary to the legislative intent of the Act and is contrary to the public welfare and constitutes a violation of these Rules.
- (3) No licensee may make any payments, give any compensation or divert any proceeds from receipts from any bingo operation to any person or entity, other than to the licensed nonprofit organization itself in furtherance of the legitimate nonprofit aims of the organization, except in exchange for goods or services actually provided or rendered and then only in an amount equal to the fair market value of the goods or services.
- (4) No organizational member, agent, representative or profit making organization shall derive any financial benefit from any bingo operation licensed under the Act and these regulations with the exceptions of the salaries and fees expressly authorized by these regulations and the Act and then only a reasonable profit shall be derived. No

employee/operator or an agent acting on the behalf of the employee/operator may participate in the playing of bingo during a session in which the employee/operator has assisted the organization in the operation of its bingo game.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Rental Agreements Concerning Premises" was filed as Emergency Rule 92-2-0.2-.06 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.06 repealed and permanent Rule entitled "Rental Agreements Concerning Premises" adopted. Filed June 11, 1980; effective July 1, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983.

92-2-.07 Changes Affecting the Status of a Bingo Licensee. Amended.

Any change involving or affecting the nonprofit tax exempt organization or the bingo operation, including but not limited to, the election or resignation of directors/officers, change of address, dates and time of bingo games, which causes the information provided by the applicant in the license or renewal application or during the license investigation to be incorrect or incomplete, must be reported to the Bureau within 15 days of the change.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Changes Affecting the Status of a Bingo Licensee" was filed as Emergency Rule 92-2-0.2-.07 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.07 repealed and permanent Rule entitled "Changes Affecting the Status of a Bingo Licensee" adopted. Filed June 11, 1980; eff. July 1, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983.

92-2-.08 Equipment for Bingo Operations. Amended.

- (1) The bingo licensee is required to own or lease equipment used to conduct the bingo games.
- (2) Ownership means that legal title and possession of the equipment shall be in the name of the licensee on the date it first begins operating under the State license; and financing arrangements which in any way tie purchase payments or rental fees for equipment or supplies to receipts from the bingo operation are prohibited. Copies of all contracts involving equipment used to conduct bingo games shall be provided to the Director.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Equipment for Bingo Operations" was filed as Emergency Rule

92-2-0.2-.08 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.08 repealed and permanent Rule entitled "Equipment for Bingo Operations" adopted. Filed June 11, 1980; eff. July 1, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983. Amended: Filed Sept.16, 2003; effective Oct. 6, 2003.

92-2-.09 Revocation of Determination Letter. Amended.

Any bingo license issued by the Director shall become invalid upon the revocation of the licensee's tax-exempt status by either the Internal Revenue Service or the Georgia Department of Revenue.

Authority Ga. L. 1977, pp. 1164, 1168, as amended (Ga. Code Ann., Chapter 91A-63A); Ga. L. 1980, Act 884 effective March 20, 1980. Administrative History. Original Rule entitled "Revocation of Determination Letter" was filed as Emergency Rule 92-2-0.2-.09 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.09 repealed and permanent Rule entitled "Revocation of Determination Letter" adopted. Filed June 11, 1980; eff. July 1, 1980.

92-2-.10 Annual Report. Amended.

A report must be filed with the Director each year disclosing the gross receipts and all expenses and expenditures associated with the operation of the bingo games. Such report shall be filed with the Director **on or before April 15th**. The report must be prepared on the form prescribed and provided by the Director. The report must be prepared and authenticated by a Certified or Registered Public Accountant.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Annual Report" was filed as Emergency Rule 92-2-0.2-.10 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.10 repealed and permanent Rule entitled "Annual Report" adopted. Filed June 11, 1980; eff. July 1, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983.

92-2-.11 Contracts concerning the Bingo Operations. Amended.

Only nonprofit tax-exempt organizations properly licensed by the Bureau shall operate bingo games. No contracts are allowed by any licensee or license applicant with any other party which involve the other party's providing aid to the nonprofit tax-exempt organization in any way concerning the bingo operations of said nonprofit tax-exempt organization.

Authority Ga. L. 1977, pp. 1164, 1168, as amended (Ga. Code Ann., Chapter 91A-63A); Ga. L. 1980, Act 884 effective March 20, 1980. Administrative History. Original Rule entitled "Contracts Concerning the Bingo Operations" was filed as Emergency Rule 92-2-0.2-.11 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.11 repealed and permanent Rule entitled "Contracts Concerning the Bingo Operations" adopted. Filed June 11, 1980; eff. July 1, 1980.

92-2-.12 Residency Requirements. Amended.

No person shall participate, other than by playing bingo, in any manner, nor assist in any way with regard to the bingo operations of a nonprofit tax-exempt organization of which he is a member unless:

- (a) He has been domiciled in the State of Georgia for a minimum of six (6) months; or
- (b) He has been a member of the organization for at least one (1) year and can produce a certified copy of his criminal history from the state in which he is domiciled.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Residency Requirements" was filed as Emergency Rule 92-2-0.2-.12 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.12 repealed and permanent Rule entitled "Residency Requirements" adopted. Filed June 11, 1980; eff. July 1, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 20, 1999; eff. Aug. 9, 1999.

92-2-.13 Licensing Qualifications. Amended.

- (1) When contrary to the public interest and welfare, no bingo license shall be issued by the Director to:
 - (a) Any organization as determined by the Director by reason of the organization's business experience, financial standing, trade association, reputation in any community, membership, employees, or officers, record of arrests of members, employees, or officers that is not likely to maintain the operation of bingo games in conformity with Federal, State or local laws.
 - (b) Any organization having paid employees, officers, or members who have substantial control over the organization or Bingo operation who have been convicted, pled nolo contendere to, or pled guilty to any felony or any other crime involving moral turpitude; provided that the Director may, in his discretion, but only after a background check which shall include an inquiry with the Sheriff or Chief of Police of the appropriate place

of residence and proposed place of the Bingo operation, waive this prohibition with respect to any paid employees, officers, or members who have substantial control over the organization or Bingo operation who have been convicted of, pled nolo contendere to, or pled guilty to any felony or any other crime involving moral turpitude whose conviction became final 15 or more years prior to submission of the application; or who have been convicted of, pled nolo contendere to, or pled guilty to any misdemeanor other than traffic offenses, whose conviction became final five (5) or more years prior to submission of the application; or if ten (10) or more years have passed subsequent to the expiration of the sentence in the event said individual has been pardoned by the State Board of Pardons and Paroles.

- (1) On any occasion when an exemption is made by the Director, he shall notify the Sheriff or Chief of Police of the applicant's place of residence and place of the Bingo operation upon the granting of said license.
- (2) At the first meeting of each year of the Board of Public Safety the Director shall advise the Board of Public Safety of any exceptions granted in the previous year under said rule and of any licenses revoked of any Bingo operation in the previous year.
- (3) The Director may, at his discretion and for any cause he deems appropriate, revoke said exception granted under this rule at any time.
- (4) Any challenge to the Director's revocation of said exception may be appealed to the Board of Public Safety by written request within 10 days of said revocation.
- (c) Any organization having paid employees or officers or having members who have substantial control over the organization or bingo operation, who have been convicted of, pled nolo contendere to, or pled guilty to a crime not involving moral turpitude, other than minor traffic offenses within five (5) years next preceding the filing of application of such license.
- (d) Any organization having paid employees or officers or having members who have substantial control over the organization or bingo operation, who have been convicted of, or pled nolo contendere to, or pled guilty to a misdemeanor under any Federal, State or local law, particularly, but not limited to, those involving alcoholic beverages, gambling, or tax law violations, if such conviction or plea of nolo contendere or plea of guilty tends to indicate that the applicant will not maintain the operation for which a license is sought in conformity with Federal, State or local laws.
- (1) The Director may decline to issue a State license to an organization for the operation of nonprofit bingo games when any person having any interest in the operation, or interest in the control over the premises or facility where the nonprofit games are to be played, does not meet the qualifications set forth herein.
- (2) If the Director has reason to believe that the applicant is not entitled to the license for which it has applied, he shall notify the applicant thereof, and upon request by the

applicant afford it due notice and opportunity for hearing on the application. If the Director, after affording such notice and opportunity for hearing, finds the applicant is not entitled to a license hereunder, the applicant shall be advised in writing of the findings upon which the denial is based.

- (3) The Director may, after due notice and opportunity for hearing, suspend, or revoke the license of any organization which does not meet or continue to meet the requirements herein set forth at any time such knowledge is acquired by the Director.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Licensing Qualifications" as filed as Emergency Rule 92-2-0.2-.13 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.13 repealed and permanent Rule entitled "Licensing Qualifications" adopted. Filed June 11, 1980; eff. July 1, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed April 29, 1992, eff. April 29, 1992 as specified by the Agency.

92-2-.14 Places Where Bingo Operations May be Held. Amended.

A nonprofit tax-exempt organization may only conduct its bingo operations on premises of the following types:

- (a) Premises owned by such nonprofit tax-exempt organization.
- (b) Premises leased from another nonprofit tax-exempt organization, provided such premises are owned by a nonprofit tax-exempt organization.
- (c) Premises leased from someone other than a nonprofit tax exempt organization or from a nonprofit tax exempt organization where someone other than a nonprofit tax exempt organization owns the premises, when such premises are used and were so used prior to application for the holding of the lessee organization's meetings or for some other major activity of the organization which is conducted on a regular basis and when such premises are not used primarily for bingo operations. "Regular basis" means at least 50% of the total time during which the premises are in actual use.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Places Where Bingo Operations May be Held" was filed as Emergency Rule 92-2-0.2-.14 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.14 repealed and permanent Rule entitled "Places Where Bingo Operations May Be Held" adopted. Filed June 11, 1980; eff. July 1, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983.

92-2-.15 Posting of Winners. Amended.

After all bingo games involving prizes valued at \$50 or more, the names and addresses of all persons winning prizes with a value of \$50 or more, the amount of such prizes, and the number of each winning card shall be posted at the place where the bingo sessions are held and shall remain posted for six (6) bingo sessions subsequent to such winning session.

Authority O.C.G.A. Sec. 16-12-1-2; O.C.G.A. Sec. 16-12-60. Administrative History. Original Rule entitled ""Posting of Winners" was filed as Emergency Rule 92-2-0.2-.15 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.15 repealed and permanent Rule entitled "Posting of Winners" adopted. Filed June 11, 1980; eff. July 1, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983.

92-2-.16 Who May Operate Bingo Session. Amended.

- (1) Except in accordance with the provisions of this Rule, no person may participate in or be involved in any way with the operation of an organization's bingo session unless:
 - (a) He has been a regular, active member of the organization for at least **three (3) months**. Regular active membership shall be governed by the definition of regular membership contained in the organization's or its parent organization's constitution and by-laws.
 - (b) The Director may determine that an organization holding a State bingo license has a bona fide auxiliary unit, and regular members of the auxiliary unit shall be permitted to assist in the operation of the related organization, notwithstanding the fact that such auxiliary unit itself holds a license to operate bingo games.
 - (c) A member or an auxiliary member of the organization is ineligible to participate in or be involved in any way with the operation of a bingo session, until his personal history and background form, photograph, and fingerprint cards have been submitted to and approved by the Director.
 - (d) Any person participating in the operation of a bingo game must wear a nametag or some other means of identification, which identifies the person as an operator of the bingo game, and the organization for which he is working.
- (2) A person who is a member of more than one licensed organization can participate in the bingo operations of all such organizations in any given calendar year.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Who May Operate the Bingo Session" filed as Emergency Rule

92-2-0.2-.16 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.16 repealed and permanent Rule entitled "Who May Operate the Bingo Session" adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 2, 1986; eff. July 22, 1986. Amended: Filed Sept. 16, 2003; effective Oct. 6, 2003

92-2-.17 Illegal Games. Amended.

No organization shall participate in practice which reduce or alters the random chance aspect of the selection of a winner.

- (a) No modification shall be made to any bingo equipment used in the bingo games which alters or reduces the random chance to win.
- (b) Bingo cards shall be provided by the licensee on a random basis to players. Bingo cards shall not be reserved from session to session.
- (c) No cards shall be distributed free of charge to players.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Illegal Games" filed as Emergency Rule 92-2-0.2-.17 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.17 repealed and permanent Rule entitled "Illegal Games" adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983.

92-2-.18 Advertising. Amended.

No licensee shall lend its name or identity to anyone for use, or allow the use of its name in a manner which results in false or misleading promotions, or advertisements of unlawful bingo games, or lend its name or identity for use by any individual, firm, association or corporation for use in the operation or advertising of a bingo game in which the licensee is not directly and solely operating the bingo game. A promotion or advertisement shall be deemed "false", "misleading", or "unlawful" when any activity or portion thereof being advertised or promoted is in violation of the Act or these regulations.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Advertising" filed as Emergency Rule 92-2-0.2-.18 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.18

repealed and permanent Rule entitled "Advertising" adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983.

92-2-.19 Age Restrictions. Amended.

No person under the age of eighteen (18) years shall be permitted to play any game of bingo conducted pursuant to any license issued under these regulations unless accompanied by an adult. No person under the age of eighteen (18) shall be permitted to conduct or assist in the conducting of any game of bingo conducted pursuant to any license issued under these regulations.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Age Restrictions" filed as Emergency Rule 92-2-0.2-.19 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.19 repealed and permanent Rule entitled "Age Restrictions" adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983.

92-2-.20 Payment to Individuals. Amended.

No person or organization may receive any money or other consideration for salary, expense money, or any other fees for the operation of or assistance with regard to any bingo game, except that a maximum of \$30 per day may be paid to each member of the licensed nonprofit tax exempt organization who assists in the conducting of such games on such day. No person shall receive more than \$30 in any one day regardless of the number of games he conducts, assists in conducting, or otherwise participates in.

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Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Payment to Individuals" filed as Emergency Rule 92-2-0.2-.20 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.20 repealed and permanent Rule entitled "Payment to Individuals" adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983. Amended: Rule repealed and a new Rule of the same title Adopted. Filed July 2, 1986; eff. July 22, 1986. Amended: Filed Sept.16, 2003; effective Oct. 6, 2003.

92-2-.21 Total Prize Value Limit. Amended.

It shall be unlawful to award prizes in excess of \$3,000.00 in cash or gifts of equivalent value during any calendar week. It shall be unlawful to exceed such limit at any combination of locations operated by a single licensee or his agents or employees. It shall be unlawful for two or more licensees to pyramid the valuation of prizes in such manner as to exceed the limits contained in this Code section. The term "equivalent value" shall mean the fair

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market value of the gift on the date the gift is given as the prize in a bingo game. Total amounts shall include the cost of all prizes awarded in conjunction with any bingo session whether such prizes were awarded in conjunction with playing bingo or for some other reason.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Total Prize Value Limit" filed as Emergency Rule 92-2-0.2-.21 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.21 repealed and permanent Rule entitled "Total Prize Value Limit" adopted. Filed June 11, 1980. Eff. July 1, 1980. Amended: Rule repealed and a new Rule of the same title Adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983. Amended: Rule repealed and a new Rule of the same title adopted. Filed April 27, 2001; eff. July 1, 2001. Amended: Filed Sept. 16, 2003; effective Oct. 6, 2003.

92-2-.22 Operating Time. Amended.

No licensee shall conduct more than one (1) bingo session during any one calendar day; and no session shall exceed five (5) hours in length. It shall be a violation of these rules for two or more nonprofit tax-exempt organizations, which are properly licensed pursuant to O.C.G.A. §16-12-50 et seq. to operate bingo games jointly or to operate bingo games upon the same premises during any 18-hour period.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Operating Time" filed as Emergency Rule 92-2-0.2-.22 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.22 repealed and permanent Rule entitled "Operating Time" adopted. Filed June 11, 1980. Eff. July 1, 1980. Amended: Rule repealed and a new Rule of the same title Adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983.

92-2-.23 Location of Records. Amended.

- (1) A licensee that conducts or operates a bingo session shall maintain the following records for at least three (3) years from the date on which the bingo session is conducted. The records shall be maintained on the standard format prescribed by the Director.
 - (a) An itemized list of the gross receipts for each session.
 - (b) An itemized list of all expenses other than prizes that are incurred in the conducting of the bingo session as well as the name of each person to whom the expenses are paid and a receipt for all of the expenses.

- (c) A list of all prizes awarded during the bingo session and the name and address of all persons who are winners of prizes of \$50 or more in value and the name of all persons who are winners of prizes of less than \$50 in value.
 - (d) An itemized list of the recipients other than the licensee of the proceeds of the bingo game, including the name and address of each recipient to whom such funds are distributed.
 - (e) A record of the number of persons who participate in any bingo session conducted by the licensee.
- (2) The records must be kept and be readily available for inspection at any reasonable time. Such reasonable time shall include any time the nonprofit tax-exempt organization is operating bingo games and the records shall be available on the premises where the bingo games are being conducted.

Authority O.C.G.A., Sec. 16-12-2-2; O.C.G.A. Sec. 16-12-60. Administrative History. Original Rule entitled "Location of Records" filed as Emergency Rule 92-2-0.2-.23 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.23 repealed and permanent Rule entitled "Location of Records" adopted. Filed June 11, 1980. Eff. July 1, 1980. Rule repealed and a new Rule of the same title Adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983.

92-2-.24 Effect of License Revocation/Suspension. Amended.

- (1) If a licensee has its license revoked, such organization shall not be eligible to reapply for another license for twelve (12) months, to be computed from the date the license is surrendered to and received by the Bureau.
- (2) If a person is a member of more than two licenses organizations, and if one of the organizations which he has been assisting as a bingo worker has its license revoked, said person may only participate in the bingo operations of one licensed organization until the organization whose license has been revoked is eligible to reapply for a license; provided, however, that the revocation of the license did not result from actions of said person, in which case he may not participate in any bingo operation until the organization whose license has been revoked is eligible to reapply for a license.
- (3) If a licensee has its license suspended, such organization shall not be eligible to operate a bingo game for one (1) to six (6) months, to be computed from the date the license is surrendered to and received by the Bureau.
- (4) If a person is a member of more than two licensed organizations, and if one of the organizations which he has been assisting as a bingo worker has its license suspended, said person may participate in only one other organization's bingo operation until the

suspended license has been reinstated; provided, however, that the suspension of the license did not result from actions of said person, in which case he may not participate in any bingo operation until the organization whose license has been suspended has been reinstated.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Effect of License Revocation" filed as Emergency Rule 92-2-0.2-.24 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.23 repealed and permanent Rule entitled "Effect of License Revocation" adopted. Filed June 11, 1980. Eff. July 1, 1980. Rule repealed and a new Rule of the same title Adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983.

92-2-.25 Subterfuge. Amended.

Any act which may be construed as a subterfuge to violate; and any effort to circumvent the Act, or any of these rules and regulations shall be deemed a violation of the provision attempted to be circumvented or avoided.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Subterfuge" filed as Emergency Rule 92-2-0.2-.25 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.25 repealed and permanent Rule entitled "Subterfuge" adopted. Filed June 11, 1980. Eff. July 1, 1980. Rule repealed and a new Rule of the same title Adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983.

92-2-.26 Individuals Responsible for Bingo Session. Amended.

One of the individuals listed by the organization on the bingo license must be present at all times during the operation of any bingo game.

Authority O.C.G.A., Title 16, Chapter 12, Article 2, Part 2. Administrative History. Original Rule entitled "Individuals Responsible for Bingo Session" filed as Emergency Rule 92-2-0.2-.26 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering same subject matter superseding said Emergency Rule, as specified by the Agency. Amended: Emergency Rule 92-2-0.2-.26 repealed and permanent Rule entitled "Individuals Responsible for Bingo Session" adopted. Filed June 11, 1980. Eff. July 1, 1980. Rule repealed and a new Rule of the same title Adopted. Filed Dec. 8, 1983; eff. Dec. 28, 1983.

92-2-.27 Unlawful Activities. Amended.

It shall be a violation of the rules for any licensee to permit any person to engage in any illegal activity on the premises for which the license is issued.

Authority Ga. L. 1977, pp. 1164, 1168, as amended (Ga. Code Ann. Chapter 91A-63A); Ga. L. 1980, Act 884, pp. 422-426 (Ga. Code Ann., Chapter 92A-36). Administrative History. Original Rule entitled "Unlawful Activities" was filed on December 4, 1981; effective January 1, 1982, as specified by the Agency. Amended: Rule 92-2-0.2-.27 repealed and a new Rule of the same titled adopted. Filed Dec. 8, 1983; effective December 28, 1983.

92-2-.28 Compliance. Amended.

A compliance form prescribed and provided by the Director, which identifies persons responsible for bingo operations and requires newly elected officers to review pertinent bingo documents, must be filed each year upon election of new officers and submitted within 15 days of the election.

- (a) All new officers shall review the necessary bingo documents outlined on the GBI Compliance Form.
- (b) All officers shall sign and date the Compliance Form.
- (c) The GBI Timeline Form must be posted next to the Bingo License.

Authority Ga. L. 1977, pp. 1164, 1168, as amended (Ga. Code Ann. Chapter 91A-63A); Ga. L. 1980, Act 884, pp. 422-426 (Ga. Code Ann., Chapter 92A-36). Administrative History. Original Rule entitled "Unlawful Activities" was filed on December 4, 1981; effective January 1, 1982, as specified by the Agency. Amended: Rule 92-2-28 repealed. Filed Dec. 8, 1983; effective December 28, 1983. Amended: Rule repealed and a new Rule entitled "Compliance" was filed on November 17, 1999; eff. December 7, 1999.

92-2-.29 Operation of Electronic Bingo Devices. Amended.

- (1) Operation of Devices.
- (a) No Electronic Bingo Daubing System or any part thereof may be sold, leased, or otherwise furnished to any person in this state or used in the conduct of bingo for public play unless it has been approved by an independent gaming test lab for use within the state. All cost of evaluation will be borne by the manufacturer/distributor. Electronic dauber systems in use at the time of adoption of electronic dauber regulations, will be allowed to continue in use during the testing and evaluation system. Sufficient reasonable time will be allowed for any modification, which may subsequently be required.

- (b) The GBI may examine and inspect any portion of the system or any individual dauber at any time. Such examination and inspection include immediate access to the daubing device and unlimited inspection of all parts of the daubing device or related systems.
- (c) If the GBI detects or discovers any problem with an electronic dauber or its associated system that affects the security and/or integrity of the bingo game or the system, the GBI may direct the manufacturer, distributor, or operator to cease the sale, lease, or use of the device or system, as applicable. The GBI may require the manufacturer to correct the problem or recall the device or system immediately upon notification by the GBI to the manufacturer.
- (d) If the manufacturer, distributor, operator, or licensee detects or discovers any defect, malfunction, or problem with any component of the system, the manufacturer, distributor, operator, or licensee as applicable, shall immediately remove the component from use or play and immediately notify the GBI of such action.
- (e)
 - (1) Each manufacturer must maintain a log containing the date, model number and serial number, of the equipment that is provided to a distributor for sale to a licensee. Upon request by the GBI, the manufacturer will provide address and phone # of the distributor.
 - (2) Each distributor must maintain a log containing the date, model number, and serial number of the equipment that is sold to a licensee. Upon request by the GBI, the distributor will provide the name, address and phone number of the manufacturer of the equipment.
 - (f) Each licensee purchasing or otherwise utilizing an electronic daubing system must maintain a record showing the date, model number and serial number of the equipment. Additionally, all records, reports and receipts relating to an electronic dauber or its associated system's sales, maintenance, and repairs must be retained by the licensee on the premises where the licensee is licensed to conduct bingo for a period of three years for examination by the GBI.
 - (g) No licensee may display, use or otherwise furnish an electronic daubing device having been marked, defaced, tampered with, or altered in any manner which may deceive the public or affect a participant's chances of winning.
 - (h) The system may NOT utilize automatic marking features. The system must allow for the cancellation or correction of numbers entered in error.
 - (i) When a winning pattern or "bingo" occurs, the participant must notify the licensee by means that do not utilize the dauber unit or the associated system.
 - (j) The device must recognize and display all bingos achieved. Additionally, the participant must present a receipt showing purchase of the card. The licensee must verify,

that the numbers called for the present game constitute a win for the particular card, and that the date of the receipt is current.

(k) The participant must be physically present on the premises where the game is actually conducted and when the game is called. The electronic bingo daubing system that records the called numbers must be separate and independent from the individual or system that is selecting and calling the bingo numbers during the game.

(l) Licensees shall not reserve electronic dauber units for any participant.

(m) The system itself shall not be capable of dispensing currency by any means or any other form of automatic payout. Any prize to be awarded a participant will require the same level of documentation as set forth in GBI rules and State law.

(n) Prizes awarded from wins with the electronic representations of the dauber unit are to be included in the prize limitations set forth by GBI rules and State law.

(o) Participant-owned or participant-leased devices are not considered to be "Electronic Bingo Daubers" for the purposes of these regulations and the use of such devices is strictly prohibited.

(p) No electronic dauber unit shall be able to hold more than fifty-four (54) cards per game.

(q) No bingo player shall be able to utilize more than one electronic dauber unit at any time during a bingo session. No cards shall be added after the game begins.

(r) Regardless of the number of electronic dauber units made available for play, at least one (1) device shall be reserved by the licensed organization as a back-up device, in the event a device in play malfunctions.

(s) Card may not be voided once a bingo game begins.

(t) Pre-loading of cards onto electronic daubing units is prohibited.

(2) Minimum Receipt Standards.

a) Each participant is to be issued a receipt at the time of payment for the amount paid to participate in each game or set of games. The receipt must be imprinted with the following information.

(1) Name of the organization.

(2) Session number

(3) Amount paid for the opportunity to play each game or game pack.

- (4) Total amount paid.
- (5) Receipts are to contain a control number.
- (b) Voided transaction receipts are to be retained by the cashier until the session is complete and then retained with the bingo session report.
- (c) The system must produce a summary report, on a hard copy transaction log, after each session which details the following information:
 - (1) Organization.
 - (2) Date and time of report.
 - (3) Number of cards loaded.
 - (4) Number and description of packets sold.
 - (5) Voided transactions.
 - (6) Total sales.
 - (7) History of all sales of cards and payment to participants.
- (d) The price for a card face played through an electronic dauber shall be the same as the price of that of a disposable card face or bingo hard card, sold separately or in combination.
 - (3) Minimum Electronic Dauber Standards.
- (a) The device shall be designed to ensure that the participant will not be subjected to any unreasonable physical, electrical or mechanical hazard.
 - (b) Each device shall be identified with a unit identification number.
 - (c) The device must allow the cancellation or correction of numbers entered in error.
- (d) Electronically stored cards must reside in a non-volatile read only storage medium. Currently acceptable means for storage of electronic cards are:
 - (1) EPROM - Erasable Programmable Read Only Memory
 - (2) CDROM - Compact Disc Read Only Memory
 - (3) HDD - hard disc drive.

- (e) Upon interruption of power to the daubing device, the device must be capable of resuming the present game with no loss of data upon the restoration of power.
- (f) The dauber unit shall be used only for bingo. No pull-tabs or other games shall be loaded onto the dauber unit.

(4) Minimum System Requirements.

- (a) Access to the electronic computer system or any of its components shall be restricted to the manufacturer and GBI personnel.
- (b) Modification of the program which operates and controls the dauber units, or the cards stored in the electronic database requires GBI approval prior to the distribution or installation of such.
- (c) The representation of each card will be displayed with a legible, distinct, unique card control number of no less than four digits. This number that corresponds to a particular arrangement of numbers on the cardface cannot be used more than once for any game.
- (d) Upon the win by a participant, the system must be capable of printing a hard copy of the winning card including the card control number of the cardface. This information is to supplement the prize report information required by GBI Rules and State law.

Authority Ga. L. 1977, pp. 1164, 1168, as amended (Ga. Code Ann. Chapter 91A-63A); Ga. L. 1980, Act 884, pp. 422-426 (Ga. Code Ann., Chapter 92A-36). Administrative History. Original Rule entitled Operation of Electronic Bingo Devices was filed Sept. 16, 2003; effective Oct. 6, 2003.