

3093

2009-2010 Regular Sessions

I N S E N A T E

March 10, 2009

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering

AN ACT to amend the general municipal law, in relation to raffles conducted within this state

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 6, 11, and 12 of section 186 of the general
2 municipal law, subdivision 6 as amended by chapter 574 of the laws of
3 1978, subdivision 11 as amended by chapter 337 of the laws of 1998, and
4 subdivision 12 as amended by chapter 252 of the laws of 1998, are
5 amended to read as follows:

6 6. "Net proceeds" shall mean (a) in relation to the gross receipts
7 from one or more license periods of games of chance, the amount that
8 shall remain after deducting the reasonable sums necessarily and actual-
9 ly expended for supplies and equipment, prizes, security-personnel,
10 stated rental if any, bookkeeping or accounting services according to a
11 schedule of compensation prescribed by the board, janitorial services
12 and utility supplies if any, license fees, ADVERTISING, and the cost of
13 bus transportation, if authorized by the clerk or department and (b) in
14 relation to the gross rent received by an authorized games of chance
15 lessor for the use of its premises by a game of chance licensee, the
16 amount that shall remain after deducting the reasonable sums necessarily
17 and actually expended for janitorial services and utility supplies
18 directly attributable thereto if any.

19 11. "Single prize" shall mean the sum of money or fair market value of
20 merchandise, PERSONAL PROPERTY, REAL PROPERTY, or coins awarded to a
21 participant by a games of chance licensee in any one operation of a
22 single type of game of chance in excess of his OR HER wager.

23 12. "Series of prizes" shall mean the total amount of single prizes
24 minus the total amount of wagers lost during the successive operations

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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1 of a single type of game of chance, except that for merchandise wheels
2 and raffles, "series of prizes" shall mean the sum of cash and the fair
3 market value of merchandise, PERSONAL PROPERTY, REAL PROPERTY, OR COINS
4 awarded as single prizes during the successive operations of any single
5 merchandise wheel or raffle. In the game of raffle, a series of prizes
6 may include a percentage of the sum of cash received from the sale of
7 raffle tickets.

8 S 2. Subdivisions 5, 6, 8, 12, and 13 of section 189 of the general
9 municipal law, subdivisions 5 and 6 as amended by chapter 337 of the
10 laws of 1998, subdivision 8 as amended by chapter 550 of the laws of
11 1994, subdivision 12 as added by chapter 574 of the laws of 1978, and
12 subdivision 13 as amended by chapter 252 of the laws of 1998, are
13 amended to read as follows:

14 5. No single prize awarded by games of chance other than raffle shall
15 exceed the sum or value of three hundred dollars, except that for
16 merchandise wheels, no single prize shall exceed the sum or value of two
17 hundred fifty dollars. No single prize awarded by raffle shall exceed
18 the sum or value of fifty thousand dollars, except that an authorized
19 organization may award by raffle a single prize OR SERIES OF PRIZES
20 having a value of up to and including one [hundred thousand] MILLION
21 dollars if its application for a license filed pursuant to section one
22 hundred ninety of this article includes a statement of its intent to
23 award a prize having such value. No single wager shall exceed six
24 dollars and for bell jars, coin boards, or merchandise boards, no single
25 prize shall exceed five hundred dollars provided, however, that such
26 limitation shall not apply to the amount of money or value paid by the
27 participant in a raffle in return for a ticket or other receipt. For
28 coin boards and merchandise boards, the value of a prize shall be deter-
29 mined by its costs to the authorized organization or, if donated, its
30 fair market value.

31 6. No authorized organization shall award a series of prizes consist-
32 ing of cash or of merchandise with an aggregate value in excess of ten
33 thousand dollars during the successive operations of any one merchandise
34 wheel, and three thousand dollars during the successive operations of
35 any bell jar, coin board, or merchandise board. No series of prizes
36 awarded by raffle shall have an aggregate value in excess of one
37 [hundred thousand] MILLION dollars. For coin boards and merchandise
38 boards, the value of a prize shall be determined by its cost to the
39 authorized organization or, if donated, its fair market value.

40 8. Except for merchandise wheels and raffles, no series of prizes on
41 any one occasion shall aggregate more than four hundred dollars when the
42 licensed authorized organization conducts five single types of games of
43 chance during any one license period. Except for merchandise wheels,
44 raffles and bell jars, no series of prizes on any one occasion shall
45 aggregate more than five hundred dollars when the licensed authorized
46 organization conducts less than five single types of games of chance,
47 exclusive of merchandise wheels, raffles and bell jars, during any one
48 license period. No authorized organization shall award by raffle prizes
49 with an aggregate value in excess of one [hundred thousand] MILLION
50 dollars during any one license period.

51 12. No authorized organization shall extend credit to a person to
52 participate in playing a game of chance. THE AUTHORIZED ORGANIZATION
53 SHALL NOT BE DEEMED TO HAVE EXTENDED CREDIT TO A PERSON IF A PERSON
54 CHARGES PURCHASES OF CHANCES USING A CREDIT CARD THAT IS ISSUED BY A
55 THIRD PARTY, WHICH PURCHASE IS AUTHORIZED BY THE ISSUER OF THE CREDIT

1 CARD BEFORE ANY CHANCE, RECEIPT OF CHANCE, OR CONFIRMATION OF CHANCE IS
2 IRREVOCABLY ISSUED TO THE PURCHASER.

3 13. No game of chance shall be conducted on other than the premises of
4 an authorized organization; A MEDIA OUTLET; A REGIONAL SHOPPING MALL; IF
5 THE PRIZE IS REAL ESTATE, THEN AT THE LOCATION OF THE REAL ESTATE; or an
6 authorized games of chance lessor. Nothing herein shall prohibit the
7 sale of raffle tickets to the public outside the premises of an author-
8 ized organization or an authorized games of chance lessor; or in munici-
9 palities which have passed a local law, ordinance or resolution in
10 accordance with sections one hundred eighty-seven and one hundred eight-
11 y-eight of this article approving the conduct of games of chance that
12 are located in the county in which the municipality issuing the license
13 is located and in the counties which are contiguous to the county in
14 which the municipality issuing the raffle license is located, provided
15 those municipalities have authorized the licensee, in writing, to sell
16 such raffle tickets therein and provided, however, that no sale of
17 raffle tickets shall be made more than one hundred eighty days prior to
18 the date scheduled for the occasion at which the raffle will be
19 conducted. The winner of any single prize in a raffle shall not be
20 required to be present at the time such raffle is conducted.

21 S 3. Section 195 of the general municipal law, as amended by chapter
22 461 of the laws of 2003, is amended to read as follows:

23 S 195. [Sunday] HOLIDAYS; conduct of games on. [Except as provided in
24 section one hundred ninety-five-b of this article, no games of chance
25 shall be conducted under any license issued under this article on the
26 first day of the week, commonly known and designated as Sunday, unless
27 it shall be otherwise provided in the license issued for the conducting
28 thereof, pursuant to the provisions of a local law or an ordinance duly
29 adopted by the governing body of the municipality wherein the license is
30 issued, authorizing the conduct of games of chance under this article on
31 that day only between the hours of noon and midnight. Notwithstanding
32 the foregoing provisions of this section no] NO games of chance shall be
33 conducted on Easter Sunday or Christmas Day.

34 S 4. Section 195-e of the general municipal law, as amended by chapter
35 94 of the laws of 1981, is amended to read as follows:

36 S 195-e. Advertising games. A licensee may advertise the conduct of
37 games of chance to the general public by means of TELEVISION, RADIO, THE
38 ELECTRONIC MEDIA COMMONLY REFERRED TO AS THE WORLD WIDE WEB OR INTERNET,
39 DIRECT MAIL, newspaper, circular, handbill and poster, and by one sign
40 not exceeding sixty square feet in area, which may be displayed on or
41 adjacent to the premises owned or occupied by a licensed authorized
42 organization, and when an organization is licensed to conduct games of
43 chance on premises of an authorized games of chance lessor, one addi-
44 tional such sign may be displayed on or adjacent to the premises in
45 which the games are to be conducted. Additional signs may be displayed
46 upon any fire fighting equipment belonging to any licensed authorized
47 organization which is a volunteer fire company, or upon any equipment of
48 a first aid or rescue squad in and throughout the community served by
49 such volunteer fire company or such first aid or rescue squad, as the
50 case may be. All advertisements shall be limited to the description of
51 such event as "RAFFLE", "Games of chance" or "Las Vegas Night", the name
52 of the authorized organization conducting such games, the license number
53 of the authorized organization as assigned by the clerk or department
54 and the date, location and time of the event.

55 S 5. This act shall take effect immediately.