S T A T E O F N E W Y O R K

4782

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. MORELLE -- read once and referred to the Committee on Racing 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:

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

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

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

12. "Series of prizes" shall mean the total amount of single prizes minus the total amount of wagers lost during the successive operations of a single type of game of chance, except that for merchandise wheels

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

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and raffles, "series of prizes" shall mean the sum of cash and the fair market value of merchandise, PERSONAL PROPERTY, REAL PROPERTY, OR COINS awarded as single prizes during the successive operations of any single merchandise wheel or raffle. In the game of raffle, a series of prizes may include a percentage of the sum of cash received from the sale of raffle tickets.

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

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

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

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

12. No authorized organization shall extend credit to a person to participate in playing a game of chance. THE AUTHORIZED ORGANIZATION SHALL NOT BE DEEMED TO HAVE EXTENDED CREDIT TO A PERSON IF A PERSON CHARGES PURCHASES OF CHANCES USING A CREDIT CARD THAT IS ISSUED BY A THIRD PARTY, WHICH PURCHASE IS AUTHORIZED BY THE ISSUER OF THE CREDIT CARD BEFORE ANY CHANCE, RECEIPT OF CHANCE, OR CONFIRMATION OF CHANCE IS IRREVOCABLY ISSUED TO THE PURCHASER.

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

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

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

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

S 195-e. Advertising games. A licensee may advertise the conduct of games of chance to the general public by means of TELEVISION, RADIO, THE ELECTRONIC MEDIA COMMONLY REFERRED TO AS THE WORLD WIDE WEB OR INTERNET, DIRECT MAIL, newspaper, circular, handbill and poster, and by one sign not exceeding sixty square feet in area, which 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 games of chance on premises of an authorized games of chance 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 licensed authorized organization which is a volunteer fire company, or upon any equipment of a first aid or rescue squad in and throughout the community served by such volunteer fire company or such first aid or rescue squad, as the case may be. All advertisements shall be limited to the description of such event as "RAFFLE", "Games of chance" or "Las Vegas Night", the name of the authorized organization conducting such games, the license number of the authorized organization as assigned by the clerk or department and the date, location and time of the event.

S 5. This act shall take effect immediately.