

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

767--B

2009-2010 Regular Sessions

I N S E N A T E

January 15, 2009

Introduced by Sen. C. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to poker tournaments

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

1 Section 1. Legislative intent. The legislature hereby finds and
2 declares poker to be a game of chance, notwithstanding that certain
3 games of poker may reward skill of a participant. It is further found
4 that poker is a popular activity and, if played in tournament fashion,
5 may assist bona fide licensed authorized charitable, educational, scien-
6 tific, health, religious and patriotic organizations with the raising of
7 funds for their lawful purposes.
8 S 2. Subdivision 3 of section 186 of the general municipal law, as
9 amended by section 5 of part B of chapter 383 of the laws of 2001, is
10 amended to read as follows:
11 3. "Games of chance" shall mean and include only the games known as
12 "merchandise wheels", "coin boards", "merchandise boards", "seal cards",
13 "raffles", "POKER TOURNAMENTS" and "bell jars" and such other specific
14 games as may be authorized by the board, in which prizes are awarded on
15 the basis of a designated winning number or numbers, color or colors,
16 symbol or symbols determined by chance, but not including games commonly
17 known as "bingo or lotto" which are controlled under article fourteen-H
18 of this chapter and also not including "bookmaking", "policy or numbers

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

LBD05140-03-0

1 games" and "lottery" as defined in section 225.00 of the penal law. No
2 game of chance shall involve wagering of money by one player against
3 another player.

4 S 3. Section 186 of the general municipal law is amended by adding a
5 new subdivision 3-e to read as follows:

6 3-E. "POKER TOURNAMENT" SHALL MEAN AND INCLUDE THOSE GAMES OF CHANCE
7 IN WHICH PARTICIPANTS COMPETE BY PLAYING POKER GAMES THAT ARE APPROVED
8 BY THE BOARD. PLACEMENT IN A POKER TOURNAMENT SHALL BE DETERMINED BY THE
9 NUMBER OF POKER CHIPS THAT ARE ACCUMULATED DURING THE COURSE OF PLAY OR
10 BY THE VARIOUS TIMES THAT CONTESTANTS ARE ELIMINATED FROM THE TOURNAMENT
11 DURING THE COURSE OF PLAY. POKER CHIPS SHALL BE ALLOTTED TO CONTESTANTS
12 IN ACCORDANCE WITH RULES THAT ARE ADOPTED BY THE BOARD.

13 S 4. Subdivision 14 of section 186 of the general municipal law, as
14 amended by chapter 637 of the laws of 1999, is amended to read as
15 follows:

16 14. "One occasion" shall mean the successive operations of any one
17 single type of game of chance which results in the awarding of a series
18 of prizes amounting to five hundred dollars or four hundred dollars
19 during any one license period, in accordance with the provisions of
20 subdivision eight of section one hundred eighty-nine of this article, as
21 the case may be. For purposes of the game of chance known as a merchan-
22 dise wheel or a raffle, "one occasion" shall mean the successive oper-
23 ations of any one such merchandise wheel or raffle for which the limit
24 on a series of prizes provided by subdivision six of section one hundred
25 eighty-nine of this article shall apply. For purposes of the game of
26 chance known as a bell jar, "one occasion" shall mean the successive
27 operation of any one such bell jar, seal card, coin board, or merchan-
28 dise board which results in the awarding of a series of prizes amounting
29 to three thousand dollars. For the purposes of the game of chance known
30 as raffle "one occasion" shall mean a calendar year during which succes-
31 sive operations of such game are conducted. FOR THE PURPOSE OF THE GAME
32 KNOWN AS A POKER TOURNAMENT, "ONE OCCASION" SHALL MEAN THE PERIOD OF
33 TIME FROM THE COMMENCEMENT OF SUCH TOURNAMENT UNTIL A WINNER OR WINNERS
34 IS DETERMINED OR A PRE-DETERMINED TIME TO CONCLUDE THE TOURNAMENT HAS
35 BEEN REACHED.

36 S 5. Subdivision 5 of section 189 of the general municipal law, as
37 amended by chapter 337 of the laws of 1998, is amended to read as
38 follows:

39 5. No single prize awarded by games of chance other than raffle OR
40 POKER TOURNAMENT shall exceed the sum or value of three hundred dollars,
41 except that for merchandise wheels, no single prize shall exceed the sum
42 or value of two hundred fifty dollars. No single prize awarded by raffle
43 shall exceed the sum or value of fifty thousand dollars, except that an
44 authorized organization may award by raffle a single prize having a
45 value of up to and including one hundred thousand dollars if its appli-
46 cation for a license filed pursuant to section one hundred ninety of
47 this article includes a statement of its intent to award a prize having
48 such value. No single wager shall exceed six dollars and for bell jars,
49 coin boards, or merchandise boards, no single prize shall exceed five
50 hundred dollars provided, however, that such limitation shall not apply
51 to the amount of money or value paid by the participant in a raffle in
52 return for a ticket or other receipt. For coin boards and merchandise
53 boards, the value of a prize shall be determined by its costs to the
54 authorized organization or, if donated, its fair market value.

1 S 6. Subdivision 8 of section 189 of the general municipal law, as
2 amended by chapter 550 of the laws of 1994, is amended to read as
3 follows:

4 8. Except for merchandise wheels [and], raffles AND POKER TOURNAMENTS,
5 no series of prizes on any one occasion shall aggregate more than four
6 hundred dollars when the licensed authorized organization conducts five
7 single types of games of chance during any one license period. Except
8 for merchandise wheels, raffles [and] bell jars, AND POKER TOURNAMENTS,
9 no series of prizes on any one occasion shall aggregate more than five
10 hundred dollars when the licensed authorized organization conducts less
11 than five single types of games of chance, exclusive of merchandise
12 wheels, raffles [and], bell jars AND POKER TOURNAMENTS, during any one
13 license period. No authorized organization shall award by raffle OR
14 POKER TOURNAMENT prizes with an aggregate value in excess of one hundred
15 thousand dollars during any one license period.

16 S 7. Section 195-e of the general municipal law, as amended by chapter
17 94 of the laws of 1981, is amended to read as follows:

18 S 195-e. Advertising games. A licensee may advertise the conduct of
19 games of chance to the general public by means of newspaper, circular,
20 handbill and poster, and by one sign not exceeding sixty square feet in
21 area, which may be displayed on or adjacent to the premises owned or
22 occupied by a licensed authorized organization, and when an organization
23 is licensed to conduct games of chance on premises of an authorized
24 games of chance lessor, one additional such sign may be displayed on or
25 adjacent to the premises in which the games are to be conducted. Addi-
26 tional signs may be displayed upon any fire fighting equipment belonging
27 to any licensed authorized organization which is a volunteer fire compa-
28 ny, or upon any equipment of a first aid or rescue squad in and through-
29 out the community served by such volunteer fire company or such first
30 aid or rescue squad, as the case may be. All advertisements shall be
31 limited to the description of such event as "Games of chance" [or], "Las
32 Vegas Night" OR "POKER TOURNAMENT", the name of the authorized organiza-
33 tion conducting such games, the license number of the authorized organ-
34 ization as assigned by the clerk or department and the date, location
35 and time of the event.

36 S 8. This act shall take effect on the one hundred eightieth day after
37 it shall have become a law; provided, however, that effective immediate-
38 ly, the addition, amendment and/or repeal of any rule or regulation
39 necessary for the implementation of this act on its effective date is
40 authorized to be made and completed by the state racing and wagering
41 board on or before such date.