§ 495-a. Unlawful bingo or game. 1. For the purposes of this section, "bingo" or "game" shall mean and include a specific game or 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, whether or not a person who participates as a player furnishes something of value for the opportunity to participate.

2. Any person, firm, partnership, association, corporation or organization holding, operating, or conducting bingo or a game is guilty of a misdemeanor, except when operating, holding or conducting:

(a) In accordance with a valid license issued pursuant to this article; or

(b) (i) Within a municipality that has authorized the conduct of bingo games by authorized organizations:

(A) within the confines of a home for purposes of amusement or recreation where (I) no player or other person furnishes anything of value for the opportunity to participate, and (II) the prizes awarded or to be awarded are nominal.

(B) within any apartment, condominium or cooperative complex, retirement community, or other group residential complex or facility where (I) sponsored by the operator of or an association related to such complex, community or facility, (II) such games are conducted solely for the purpose of amusement and recreation of its residents, (III) no player or other person furnishes anything of value for the opportunity to participate, (IV) the value of the prizes shall not exceed ten dollars for any one game or a total of one hundred fifty dollars in any calendar day, (V) such games are not conducted on more than one day per week and not more than thirty times during any calendar year, and (VI) no person other than an employee or volunteer of such complex, community or facility conducts or assists in conducting the game or games.

(C) on behalf of any bona fide social, charitable, educational, recreational, fraternal, religious, not-for-profit or age group organization, club or association solely for the purpose of amusement and recreation of its members or beneficiaries where (I) no player or other person furnishes anything of value for the opportunity to participate, (II) the value of the prizes shall not exceed ten dollars

for any one game or a total of one hundred fifty dollars in any calendar day, (III) such games are not conducted on more than one day per week and not more than thirty times during any calendar year, (IV) no person other than a bona fide active member of the organization, club or association participates in the conduct of the games, and (V) no person is paid for conducting or assisting in the conduct of the game or games.

(D) as a hotel's, motel's, recreational or entertainment facility's or common carrier's social activity solely for the purpose of amusement and recreation of its patrons where (I) no player or other person furnishes anything of value for the opportunity to participate, (II) the value of the prizes shall not exceed ten dollars for any one game or a total of one hundred fifty dollars in any calendar day, (III) such games are not conducted on more than fifteen days during any calendar year, (IV) no person other than an employee or volunteer conducts or assists in conducting the game or games, and (V) the game or games are not conducted in the same room where alcoholic beverages are sold.

(ii) The control commission and the governing body of the municipality in which bingo games are conducted pursuant to this paragraph shall have the authority to regulate the conduct of such games. Any bingo game or games, in which no participant or other person furnishes anything of value for the opportunity to participate, which is operated in violation of this paragraph, a civil penalty of not more than one hundred dollars may be imposed for the first such violation, a civil penalty of not more than one hundred fifty dollars may be imposed for the second such violation in a period of three years, and a civil penalty of not more than two hundred dollars may be imposed for the third or subsequent such violation in a period of five years.

3. The provisions of this section shall apply to all municipalities within this state, including those municipalities where this article is inoperative.