

HOUSE BILL 1276

C7

9lr2747

By: **Delegates Malone and DeBoy**

Introduced and read first time: February 13, 2009

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Gaming - Instant Bingo on Electronic Machines - Repeal of Sunset**

3 FOR the purpose of repealing certain qualifications for a commercial bingo licensee to
4 operate a game of instant bingo under certain circumstances; repealing a
5 certain termination provision relating to the continued operation by a
6 commercial bingo licensee or a qualified organization of a game of instant bingo
7 using electronic machines; repealing a certain requirement electronic machines
8 must meet to continue in operation; repealing the maximum number of
9 electronic machines that the licensee or qualified organization may operate;
10 subjecting an instant bingo machine to a certain tax under certain
11 circumstances; and generally relating to instant bingo on electronic machines.

12 BY repealing and reenacting, without amendments,
13 Article – Criminal Law
14 Section 12–301
15 Annotated Code of Maryland
16 (2002 Volume and 2008 Supplement)

17 BY repealing and reenacting, with amendments,
18 Chapter 474 of the Acts of the General Assembly of 2008
19 Section 2

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Criminal Law**

23 12–301.

24 In this subtitle:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) "slot machine" means a machine, apparatus, or device that:

2 (i) operates or can be made to operate by inserting, depositing,
3 or placing with another person money, a token, or another object; and

4 (ii) through the element of chance, the reading of a game of
5 chance, the delivery of a game of chance, or any other outcome unpredictable by the
6 user, awards the user:

7 1. money, a token, or other object that represents or that
8 can be converted into money; or

9 2. the right to receive money, a token, or another object
10 that represents and can be converted into money;

11 (2) "slot machine" includes:

12 (i) a machine, apparatus, or device described in item (1) of this
13 section that also sells, delivers, or awards merchandise, money, or some other tangible
14 thing of value; and

15 (ii) a pinball machine or console machine that pays off in
16 merchandise; and

17 (3) "slot machine" does not include a machine, apparatus, or device
18 that:

19 (i) awards the user only free additional games or plays;

20 (ii) awards the user only noncash merchandise or noncash
21 prizes of minimal value;

22 (iii) dispenses paper pull tab tip jar tickets or paper pull tab
23 instant bingo tickets that must be opened manually by the user provided that the
24 machine, apparatus, or device does not:

25 1. read the tickets electronically;

26 2. alert the user to a winning or losing ticket; or

27 3. tabulate a player's winnings and losses;

28 (iv) 1. displays facsimiles of bingo cards that users mark and
29 monitor according to numbers called on the premises by an individual where the user
30 is operating the machine; and

31 2. does not permit a user to play more than 54 bingo
32 cards at the same time;

1 (v) is used by the State Lottery Commission under Title 9 of the
2 State Government Article; or

3 (vi) if legislation takes effect authorizing the operation of video
4 lottery terminals, is a video lottery terminal as defined in and licensed under that
5 legislation.

6 **Chapter 474 of the Acts of 2008**

7 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the
8 provisions of Section 1 of this Act, an entity licensed to offer instant bingo under a
9 commercial bingo license [as of July 1, 2007], or by a qualified organization as defined
10 in § 13–201 of this article on the premises of the qualified organization may [continue
11 to] operate a game of instant bingo [in the same manner] using electronic machines
12 [until July 1, 2009], provided that:

13 [(a) the machines have been in operation for a 1–year period ending
14 December 31, 2007;

15 (b) the entity does not operate more than the number of electronic machines
16 operated as of February 28, 2008; and

17 (c)] (A) the conduct of the gaming and operation of the machines is
18 consistent with all other provisions of the Criminal Law Article[.]; AND

19 (B) **THE INSTANT BINGO MACHINE IS SUBJECT TO THE ADMISSIONS AND**
20 **AMUSEMENT TAX RATE UNDER SECTION 4–105(A–1) OF THE TAX – GENERAL**
21 **ARTICLE.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 June 1, 2009.