

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3337

By: Christian

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5  
6 AS INTRODUCED

7 An Act relating to intoxicating liquors; amending 3A  
8 O.S. 2001, Section 402, which relates to the Charity  
9 Games Act; modifying definition; and providing an  
10 effective date.

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 3A O.S. 2001, Section 402, is  
13 amended to read as follows:

14 Section 402. As used in the Oklahoma Charity Games Act, Section  
15 401 et seq. of this title:

16 1. "Bingo" means a game in which each player receives a bingo  
17 face and covers the squares according to the numbers, letters, or  
18 combination of numbers and letters that have been announced by the  
19 caller. The numbers and letters called are on an object selected at  
20 random either manually or mechanically from a receptacle in which  
21 have been placed the objects bearing the numbers, letters, or  
22 combinations of numbers and letters corresponding to the system used  
23 for designating the bingo face squares. The winner of each bingo  
24 game is the player who first properly covers a predetermined and

1 announced pattern of squares upon the bingo face being used by the  
2 player;

3 2. "Bingo face" means a flat piece of paper which is marked off  
4 into any number of squares in any arrangement of rows, with each  
5 square being designated by number, letter or combination of numbers  
6 and letters and with one or more squares designated as a "free"  
7 space with the word "Oklahoma" and a facsimile outline of a map of  
8 Oklahoma in it, which cannot be reused after the game in which a  
9 player has used it is over;

10 3. "Breakopen ticket card" means a single folded or banded  
11 ticket or a card, whether dispensed by an employee or an approved  
12 electronic machine, the face of which is initially covered or  
13 otherwise hidden from view to conceal a number, letter, symbol, or  
14 set of letters or symbols, a few of which numbers, letters or  
15 symbols out of every set of charity game tickets have been  
16 designated in advance at random as prize winners and which is used  
17 in a breakopen ticket game; provided, only those electronic machines  
18 that dispense traditional breakopen ticket cards shall be construed  
19 as an approved electronic machines. Electronic machines that are  
20 determined to be a computerized version of a breakopen ticket game  
21 or an electronic facsimile of a Class III gaming device by the  
22 Indian Gaming Regulatory Act, 25 U.S.C. §2721 et seq., shall not be  
23 construed as an approved electronic machine;  
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1 4. "Breakopen ticket game" means a game wherein a player  
2 receives a breakopen ticket card. A breakopen ticket game shall  
3 meet the following criteria:

4 a. the game shall be assembled so that no placement of  
5 winners or losers exists that allows the possibility  
6 of prize manipulation,

7 b. the concealed numbers, letters, or symbols shall not  
8 be visible from the outside of the game using high  
9 intensity lamps. Protection shall be provided by the  
10 opaque paper stock employed, with the possible  
11 addition of colors and printed blockout patterns or by  
12 use of an aluminum foil laminate,

13 c. a unique symbol or printed security device, such as a  
14 specific number keyed to particular winners or the  
15 name of the symbol or some of the symbol colors  
16 changed for a window, or other similar protection  
17 shall be placed in the winning windows of prize  
18 windows to ensure that the winner image is unique,

19 d. it shall not be possible to detect or pick out winning  
20 from losing tickets through variations in printing  
21 graphics, color, or use of different printing plates,

22 e. it shall not be possible to isolate winning or  
23 potential winning tickets from minor variations in  
24

1 size or cutting of the tickets comprising a particular  
2 packet, and

3 f. each ticket in a game shall have a serial number. All  
4 tickets in a game shall have the same serial number  
5 appearing in a conspicuous place on the ticket;

6 5. "Business entity" means a person, company, corporation, or  
7 partnership organized for profit;

8 6. "Charity game" means a bingo game, U-PIK-EM bingo game, or  
9 breakopen ticket game conducted by an organization pursuant to the  
10 provisions of the Oklahoma Charity Games Act;

11 7. "Charity game equipment" means any object uniquely designed  
12 for use in the conducting of a charity game including, but not  
13 limited to, bingo faces, U-PIK-EM bingo game sets, and breakopen  
14 ticket cards. Items used in conducting charity games which are not  
15 charity game equipment are ink markers, furniture and general  
16 furnishings of rooms where charity games are conducted;

17 8. "Commission" or "ABLE Commission" means the Alcoholic  
18 Beverage Laws Enforcement Commission;

19 9. "Day session" means the set time frame within which  
20 conducting of charity games is authorized beginning no earlier than  
21 10:00 a.m. and ending no later than 5:00 p.m.;

22 10. "Deal" means one series of breakopen ticket game cards  
23 which has a stated number of winner payouts and a stated amount of  
24 the payouts;

1 11. "Distributor" means a person or business entity that sells,  
2 markets, or otherwise provides charity game equipment to an  
3 organization;

4 12. "Doing business" means either conducting a charity game by  
5 an organization or providing goods or services to an organization by  
6 a business entity;

7 13. "Employee" means a person who works for compensation in a  
8 licensed charity game establishment;

9 14. "Immediate family member" means a spouse, parent, child or  
10 sibling or spouse of a parent, child or sibling of a resident of a  
11 facility exempt from specific provisions of the Oklahoma Charity  
12 Games Act as provided in subsection C of Section 405 of this title;

13 15. "Licensee" means any person, organization, or business  
14 entity which has received a license from the Commission;

15 16. "Location" means the building, including the individual  
16 rooms and equipment in the rooms, grounds, and appurtenances,  
17 including adjacent premises if subject to the direct or indirect  
18 control of the organization while conducting a charity game, which  
19 are used in connection with or in furtherance of the conducting of a  
20 charity game;

21 17. "Manager" means a person who:

22 a. is an employee of an organization,

23 b. has supervisory authority over other employees or over  
24 the conduct of charity games, and

1 c. has been designated as such by the organization  
2 pursuant to the provisions of subsection D of Section  
3 408 of this title;

4 18. "Manufacturer" means a person or business entity that  
5 assembles from raw materials, supplies, or subparts to form a  
6 completed series of charity game equipment for use in charity games  
7 and that sells, markets, or otherwise provides such equipment to a  
8 distributor;

9 19. "Night session" means the set time frame within which  
10 conducting of charity games is authorized beginning no earlier than  
11 5:00 p.m. and ending no later than 12:00 p.m. midnight;

12 20. "Organization" means a religious, charitable, labor,  
13 fraternal, educational, or other type of association or any branch,  
14 lodge, chapter, or auxiliary of such association which:

- 15 a. operates without profit to its members,  
16 b. has been in existence and been operating as a  
17 nonprofit organization for not less than two (2) years  
18 prior to applying for an organization license,  
19 c. is exempt from taxation pursuant to the provisions of  
20 paragraphs (3), (4), (5), (6), (7), (8), (9), (10), or  
21 (19) of subsection (c) of Section 501 or paragraph (1)  
22 of subsection (a) of Section 509 of the United States  
23 Internal Revenue Code of 1986, as amended, 26 U.S.C.,  
24 Section 501(c) et seq. or Section 509(a)(1), and

1 d. formulates bylaws which clearly identify and  
2 establish:

- 3 (1) method of electing officers and their duties,
- 4 (2) method by which members are elected, initiated or  
5 admitted,
- 6 (3) the rights and privileges of each member,
- 7 (4) that each member has one vote, and
- 8 (5) that membership rights are personal to the member  
9 and not assignable;

10 21. "Progressive game" means a game in which prizes are allowed  
11 to be carried over and increased from session to session;

12 22. "U-PIK-EM bingo game" means a game played wherein a player  
13 writes the numbers on a U-PIK-EM bingo game set. The player retains  
14 one sheet of the set and deposits the second sheet in a receptacle  
15 in the control of the organization. The player then covers the  
16 numbers as the caller announces a number. The numbers called are on  
17 an object selected at random either manually or mechanically from a  
18 receptacle in which have been placed the objects bearing the  
19 numbers. The winner of each U-PIK-EM bingo game is the player who  
20 first covers all the numbers appearing on the retained sheet in  
21 accordance with the pattern as designated on the sheet; and

22 23. "U-PIK-EM bingo game set" means two paper sheets of  
23 carbonless paper both bearing identical serial numbers on which a  
24 player writes numbers or letters, wherein one sheet is retained by

1 the player and used for playing and one sheet is held by the  
2 organization and used for verifying winners.

3 SECTION 2. This act shall become effective November 1, 2010.

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5 52-2-9431 CJB 01/07/10

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