

Appendix D - Bingo Regulations

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92-23-9. Persons conducting bingo games. Any person engaged in the management, operation or conduct of a bingo game shall not also participate as a player in the same bingo game. (Authorized by K.S.A. 79-4708; implementing K.S.A. 79-4706, 79-4708; effective May 1, 1985.)

92-23-10. Verification of winners. The winning numbers on the card or face of each announced winner of each call bingo game shall be verified by at least one other call bingo player unrelated by blood or marriage to either the winning player or the caller of that bingo game; and one or more of the persons conducting the bingo game, using one of the following methods:

(a) The bingo worker shall call back the winning numbers while the other player looks at the face or card and verifies that the correct numbers are being called back. The winning numbers shall be called out loud so that the other players present can hear the numbers. The caller shall announce whether the card or face is a winner. In the case of a blackout pattern, the worker and other player may instead verify that the card or face does not contain any number which was not called.

(b) The bingo worker shall call out the card or face number while the other player verifies that the correct card or face number was called. The caller shall type the card or face number into the bingo machine with an electronic verifier and announce the machine's response as to whether the card or face is a winner. (Authorized by and implementing K.S.A. 2000 Supp. 79-4708; effective May 1, 1985; amended Feb. 22, 2002.)

92-23-11. Handling of hard cards. No person shall be allowed to select or set aside any hard cards for playing by such person or another person prior to the time that the hard cards are generally made accessible to all of the players prior to the start of a bingo session. At the end of each bingo session, all hard cards used during the session shall be returned to one common area. No person shall be allowed to set aside or reserve hard cards between sessions. All hard cards to be used for a particular session shall be shuffled prior to being sold or rented to the players so as to assure that cards returned from the previous session do not remain in the order in which they were returned. (Authorized by and implementing K.S.A. 79-4708; effective May 1, 1985.)

92-23-12. Communication of numbers needed to win prohibited. No person shall communicate verbally or in any other manner the number or numbers needed by any player to win a bingo game to any person involved in the conduct of that bingo game. (Authorized by and implementing K.S.A. 79-4708; effective May 1, 1985.)

92-23-13 Display of numbered objects used in conducting games. As each number is called during each bingo game, the selected object upon which such number appears shall be displayed to the players present so that each player who desires to see the number may do so. (Authorized by and implementing K.S.A. 79-4708; effective May 1, 1985.)

92-23-14 Schedule of bingo games. (a) Each organization applying for an original bingo license or for renewal of an existing bingo license shall furnish, at the time of such application, a schedule of bingo games that will be conducted by the organization. The schedule shall include the date and time of each session. If the bingo games will be conducted only occasionally or on irregular dates which have not been determined at the time of the application, the organization shall so state on the application form and shall furnish a schedule in accordance with subsection (b).

(b) Whenever a licensee intends to conduct bingo games on a date or at a time different from that previously furnished in writing to the secretary of revenue, the licensee shall submit written notice of the change to the bingo enforcement unit of the department of revenue at least seven days prior to the effective date of that change. (Authorized by K.S.A. 79-4708; implementing K.S.A. 79-4706; effective May 1, 1985.)

92-23-15. Bingo trust accounts. Each licensee required to establish and use a bingo trust account pursuant to K.S.A. 79-4706, and amendments thereto, shall comply with all of the following:

(a) The bingo trust account name shall include the word “bingo.”

(b) Only receipts from the conduct of call and instant bingo games shall be deposited into the trust account. Funds from other sources shall not be deposited in the account.

(c) Cash prizes from call bingo games under \$500 and all prizes from instant bingo games may be paid from the daily gross bingo receipts before depositing these receipts in the bingo trust account, if a detailed written record is kept of the gross receipts, cash prizes paid, and net deposit made to the bingo trust account for the day.

(d) All payments made from the bingo trust account shall be made by check.

(e) Excess funds in the bingo trust account that are not needed for the payment of bingo prizes, taxes, and expenses may be removed from the account by writing a check. These excess funds may be used for any lawful purpose of the organization pursuant to K.S.A. 79-4706, and amendments thereto. (Authorized by K.S.A. 2000 Supp. 79-4708; implementing K.S.A. 2000 Supp. 79-4706; effective May 1, 1985; amended Feb. 22, 2002.)

92-23-16. Cashing of prize checks. Checks written by licensees for call bingo game prizes of \$500 or more shall not be cashed by any licensee or member of the licensed organization, any lessor of the premises, any employee or agent of the lessor, or any other person located upon the premises where the licensee is conducting bingo games. (Authorized by K.S.A. 2000 Supp. 79-4708; implementing K.S.A. 2000 Supp. 79-4706; effective May 1, 1986; amended Feb. 22, 2002.)

92-23-17. Bond required for bingo distributors. Each distributor shall post a cash bond of \$1,000 at the time of initial registration. A distributor may subsequently be required by the director to increase the cash bond to an amount equal to three times the average monthly tax liability based upon the distributor's sales for the previous 12 months. If a distributor does not have 12 months of tax liability history to use for this calculation, then an estimate of the tax liability may be made by the director based upon the best information available. (Authorized by K.S.A. 2000 Supp. 79-4708; implementing K.S.A. 2000 Supp. 79-4704; effective Feb. 22, 2002.)

92-23-18. Due date of tax return by bingo distributors. Each distributor shall submit a return and remit the tax due for each month's sale of bingo faces and instant bingo tickets by the 25th day of the month following the month in which the sales were made. (Authorized by K.S.A. 2000 Supp. 79-4708; implementing K.S.A. 2000 Supp. 79-4704; effective Feb. 22, 2002.)

92-23-19. Bingo; persons selling refreshments or performing janitor work. A person who is only selling refreshments or providing janitorial services for bingo games shall not be deemed to be participating in the management, conduct, or operation of bingo games. (Authorized by and implementing K.S.A. 2000 Supp. 79-4708; effective Feb. 22, 2002.)

92-23-20. Bingo; house rules. Any licensee may impose restrictions on player eligibility and game procedures through the use of “house rules” if these house rules meet the following conditions:

(a) The “house rules” do not conflict with state laws and regulations and local ordinances;

(b) the “house rules” are conspicuously posted at the location where the call bingo cards and instant bingo tickets are sold; and

(c) the “house rules” are uniformly and consistently enforced by the licensed organization.

(Authorized by and implementing K.S.A. 2000 Supp. 79-4708; effective Feb. 22, 2002.)

92-23-21. Bingo; reduction in value of prizes. Any licensee may make the value of the prize awarded to the winner of any call bingo game contingent upon the number of players participating, if the exact terms of the contingency are posted or announced to all of the players before their purchase of the cards for the game. (Authorized by and implementing K.S.A. 2000 Supp. 79-4708; effective Feb. 22, 2002.)

92-23-22. Bingo; limitations on number of games and daily prize limit. If a licensee's call bingo game program is designed so that, under certain conditions, it could violate the statutory limit on the number of regular or special games per day or the statutory limit on the total prizes awarded in any one day, then the licensee shall design contingencies to prevent the violations. The licensee shall publicize the terms of these contingencies to the players before their purchase of cards for that day's call bingo games. (Authorized by and implementing K.S.A. 2000 Supp. 79-4708; effective Feb. 22, 2002.)

92-23-23. Bingo; procedure for correction if wrong number called. (a) If a caller calls a number different from what is on the ball or other object selected by chance and this fact is brought to the caller's attention before the prize is awarded for that game, then the mistake shall be corrected by announcing that the correct number will be used rather than the incorrect number.

(1) If this correction results in one or more immediate winners, then the game shall be deemed complete at that point. If it can be determined who would have won first if the mistake had not been made, then the prize or prizes shall be awarded to this winner or these winners. If it cannot be determined which winner would have won first, then the prize or prizes shall be split as equally as possible among the winners.

(2) If this correction does not result in at least one winner, then the game shall be continued until there is a winner.

(b) If a caller calls a number different from what is on the ball or other object selected by chance and this fact is brought to the caller's attention after the prize or prizes have been awarded for that game, then no correction shall be made and the winner or winners shall retain their prize or prizes. (Authorized by and implementing K.S.A. 2000 Supp. 79-4708; effective Feb. 22, 2002.)

92-23-25. Bingo; multiple winners. (a) Before the beginning of the first call bingo game of a session, the licensee shall notify the players of how the licensee intends to pay out the prize for each bingo game of that session if there are multiple winners.

(b) If a bingo player has a winning pattern simultaneously on two or more call bingo cards or faces, then that player shall be treated as a separate winner for each such winning card or face when determining the awarding of the prize or prizes for that game.

(c) If a bingo player has two or more winning patterns simultaneously on the same call bingo card or face, then the licensee may treat the player as a separate winner for each winning pattern when determining the awarding of the prize or prizes for that game only if the licensee has published a house rule to that effect. (Authorized by K.S.A. 2000 Supp. 79-4708; implementing K.S.A. 2000 Supp. 79-4706; effective Feb. 22, 2002.)

92-23-30. Bingo; instant bingo. (a) Each licensee shall maintain and enforce written procedures to assure that its instant bingo tickets are sold only at the times and places permitted by law.

(b) Each instant bingo ticket prize shall be paid out to the winner only within the premises designated by the licensee for the conduct of bingo games and only during the time period during which instant bingo tickets may be sold as defined by law.

(c) Once sold, instant bingo tickets shall remain within the premises designated by the licensee for the conduct of bingo games and shall be disposed of by placing them in receptacles provided by the licensee no later than the end of the bingo session. Subsequently, the licensee shall be responsible for arranging for the removal and disposal of the instant bingo tickets, except for those winning tickets which the licensee may choose to retain.

(d) An instant bingo game in which the prize is awarded by matching the winning number in a call bingo game shall not be carried over from one bingo session to another. If not all of the tickets from a game have been sold before awarding a prize, then the amount of the prize may be reduced based upon a formula or schedule that has been made known to the players before the commencement of the instant bingo game. (Authorized by and implementing K.S.A. 2000 Supp. 79-4706; effective Feb. 22, 2002.)

92-23-31. Bingo; use of hard cards after July 1, 2003. Commencing July 1, 2003, a licensee may only sell hard cards to, or permit the use of hard cards for the following: (a) Any person who has a mental or physical infirmity of such a nature that it is difficult or impossible for that person to use disposable bingo faces to play call bingo games. If the total receipts from the sale or rental of hard cards to these persons exceed \$100 in any one month, then the receipts shall be subject to the three percent bingo enforcement tax as provided in K.S.A. 79-4704, and amendments thereto; and

(b) any person at a bingo session if the sponsoring licensee conducts no more than two bingo sessions during the license year. If the total receipts from the sale or rental of hard cards at a session exceed \$1,000, then these receipts shall be subject to the three percent bingo enforcement tax as provided by K.S.A. 79-4704, and amendments thereto. (Authorized by and implementing K.S.A. 2000 Supp. 79-4706; effective Feb. 22, 2002.)

92-23-37 Bingo; sufficiency of notice to licensee. All notices required to be mailed to the licensee under the provisions of this act, if mailed first class to the last known address as shown on the records of the department of revenue, shall be sufficient for the purposes of this act. (Authorized by K.S.A. 1976 Supp. 79-4708; effective, E-77-49, Sept. 30, 1976; effective Feb. 15, 1977.)

92-23-38. Bingo; books and records; inspection and preservation. (a) Each licensee shall keep and maintain records that are necessary to determine the amount of tax due and to determine that the games of bingo operated or conducted by the licensee were operated or conducted in compliance with the bingo act, K.S.A. 79-4701 *et seq.*, and their amendments thereto. The records shall show the following:

- (1) The date and location of each call bingo game conducted;
- (2) the name of the operator or manager who conducted or operated each bingo game;
- (3) the number of regular, special, mini, and progressive call bingo games played daily;
- (4) the value of all prizes awarded for each call bingo game played;
- (5) the value of all other prizes awarded in connection with games of bingo;
- (6) the date that every call bingo prize was awarded;
- (7) the name and address of each winner of a call bingo game in which the prize awarded was more than \$100 in value, and of all winners of prizes in disputed bingo games. A prize shall not be awarded to any individual who refuses to give the individual's name and address to a licensee in compliance with this regulation;
- (8) the daily total of receipts received by the licensee for admission, charges for participation, and any other charges in connection with games of bingo, with separate totals for call bingo and instant bingo;
- (9) the number of players present each day that bingo games are conducted-;
- (10) for each progressive call bingo game, the winning and consolation prizes offered and the number of bingo balls required to win each of these prizes; and
- (11) the occurrence of any drawing conducted during each session and, if any drawing occurred, a description of the prize awarded and its fair market value.

(b) All books and records required by subsection (a) shall be preserved for a period of three years following the date the game to which they pertain was managed, operated, or conducted.

(c) All books and records maintained in compliance with this regulation shall be available for, and subject to, inspection by the director of taxation or the director's authorized agents and employees at a location previously designated by the licensee. The books and records shall be subject to inspection at any reasonable time. The books and records for the preceding four months shall be available without advance notice at all times that the licensee is operating or conducting games of bingo.

(d) Each licensee shall provide all information, tax returns, and records regarding or related to the operation, management, or conduct of bingo games that is requested by the department of revenue. Failure to provide all requested information shall constitute grounds for revocation of a bingo license. (Authorized by K.S.A. 2000 Supp. 79-4708; implementing K.S.A. 2000 Supp. 79-4706; effective, E-77-49, Sept. 30, 1976; effective Feb. 15, 1977; amended, E-81-27, Sept. 10, 1980; amended May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended Feb. 22, 2002.)

92-23-38a. Disputed bingo game. (a) "Disputed bingo game" shall mean a game of bingo at which a participant or observer registers a complaint with a representative who is operating, conducting, or managing bingo games for a licensee. If the participant is not satisfied with the manner in which the complaint is handled, then the participant or observer may file a written complaint with the administrator of charitable gaming.

(b) Each bingo licensee shall, on the premises at which bingo games are played, post in plain view of the participants the address where bingo complaints may be filed. The address shall be provided to each licensee by the Kansas department of revenue. (Authorized by K.S.A. 2000 Supp. 79-4708; implementing K.S.A. 2000 Supp. 79-4706 and 79-4708; effective, E-81-27, Sept. 10, 1980; effective May 1, 1981; amended May 1, 1985; amended Feb. 22, 2002.)

92-23-39 Bingo; filing of returns; notice; hearings; and revocation. On or before the last day of each calendar month, every licensee licensed to operate or conduct games of bingo in this state during the preceding calendar month shall make a return and remit all enforcement taxes due for such preceding month to the department of revenue. The return shall be made upon the forms prescribed and furnished by the department of revenue. If a licensee does not operate or conduct any games of bingo during such preceding calendar month, a return must still be made. Upon violation of any terms of this act or of the rules and regulations adopted pursuant to this act, the secretary of revenue or his duly authorized agents or employees, after reasonable notice and a hearing, may revoke such license. All revocation proceedings shall be subject and conducted pursuant to the hearing procedures provided in K.A.R. 92, article 1. (Authorized by K.S.A. 1976 Supp. 79-4708; effective, E-77-49, Sept. 30, 1976; effective Feb. 15, 1977.)

92-23-40. Advertising. Each advertisement of bingo games must include the full name of the organization licensed to conduct the bingo games. (Authorized by K.S.A. 2000 Supp. 79-4708; implementing K.S.A. 2000 Supp. 79-4706; effective, E-80-12, Aug. 8, 1979; effective May 1, 1980; amended Feb. 22, 2002.)