

Preliminary Draft of Proposed Rules

Office of the Colorado Secretary of State Bingo and Raffle Games 8 CCR 1505-2

December 15, 2022

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Secretary of State and submitted to the Department of Regulatory Agencies.¹

This is a preliminary draft of the proposed rules that may be revised before the January 17, 2023, rulemaking hearing. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State’s website no later than **January 12, 2023**.²:

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
Strikethrough	Deletions
<i>Italic blue font text</i>	Annotations

1 *Amendments to 8 CCR 1505-2 follow:*

2 *New Rule 1.1 concerning the definition of “bingo”:*

3 1.1 “BINGO” MEANS THE TWO TYPES OF BINGO AUTHORIZED IN SECTION 24-21-602(1), C.R.S., UNLESS EITHER
4 SPECIFICALLY INDICATED OR THE CONTEXT REQUIRES OTHERWISE IN THESE RULES.

5 *New Rule 1.2 concerning the definition of “bingo strip card”:*

6 1.2 “BINGO STRIP CARD” MEANS A STRIP OF UP TO FIVE CONNECTED PAPER BINGO CARDS WITH EACH CARD
7 CONTAINING A CONCEALED GRID OF PREPRINTED NUMBERS RANGING FROM ONE TO SEVENTY-FIVE AS
8 SPECIFIED IN SECTION 24-21-602(5.5), C.R.S. SYMBOLS CANNOT BE USED IN THE GRID. EACH GRID MAY
9 CONTAIN NO MORE THAN ONE FREE SPACE.

10 *Current Rules 1.1 through 1.10 are renumbered to Rules 1.3 through 1.12.*

¹ Sections 24-4-103(2.5) and (3)(a), C.R.S. (2022). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

² Section 24-4-103(4)(a), C.R.S. (2022). “[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

1 *Current Rule 1.11 is renumbered and amended to clarify the meaning of “pack”:*

2 4.141.13 “Pack” means a collation of disposable paper bingo cards, INCLUDING BINGO STRIP CARDS,
3 or sheets.

4 *Current Rules 1.12 and 1.13 are renumbered to Rules 1.14 and 1.15.*

5 *Current Rule 1.14 is renumbered and amended to clarify the definition of “progressive jackpot bingo*
6 *game”:*

7 4.141.16 “Progressive Jackpot (“Progressive”) Bingo Game” means a bingo game OF THE SPECIFIC
8 TYPE AUTHORIZED BY SECTION 24-21-602(1)(B), C.R.S., in which a prize amount is carried over to the
9 subsequent game in the progression if no bingo is achieved within a specified number of balls
10 drawn and called. PROGRESSIVE BINGO GAMES CANNOT BE PLAYED WITH BINGO STRIP CARDS.

11 *Current Rules 1.15 through 1.19 are renumbered to Rules 1.17 to 1.21.*

12 *New Rule 2.5.2(a) concerning licensees not preselling or reserving bingo strip cards. Current Rules*
13 *2.5.2(a)-(c) are renumbered.*

14 2.5.2 A licensee may not presell or authorize reserving a:

15 (A) “BINGO STRIP CARD,” AS DEFINED IN RULE 1.2;

16 ~~(a)~~(B) “Card,” as defined in section 24-21-602(7), C.R.S.;

17 ~~(b)~~(C) “Pull tab,” as used in section 24-21-602(36), C.R.S.; or

18 ~~(e)~~(D) Specific seat.

19 *Current Rule 3.1.10 is amended concerning the playing of the two types of bingo during an occasion:*

20 3.1.10 Number of games allowed. No licensee may hold, operate, or conduct more than 220 bingo
21 occasions in any calendar year.

22 (A) A LICENSEE MAY PLAY ONE TYPE OR BOTH TYPES OF BINGO AUTHORIZED BY SECTION 24-
23 21-602(1), C.R.S., DURING A SINGLE OCCASION.

24 (B) A LICENSEE MUST NOT PLAY BOTH TYPES OF BINGO AT THE SAME TIME DURING AN
25 OCCASION. A LICENSEE MUST COMPLETE PLAYING ONE TYPE OF BINGO BEFORE STARTING
26 TO PLAY ANOTHER TYPE OF BINGO DURING AN OCCASION.

27 (C) EACH INDIVIDUAL OCCASION COUNTS TOWARDS THE TOTAL 220 LIMIT, REGARDLESS OF
28 WHETHER THE LICENSEE PLAYS A SINGLE TYPE OF BINGO OR BOTH TYPES DURING AN
29 OCCASION.

30 *Current Rule 3.2.13 concerning progressive bingo is repealed and replaced:*

31 3.2.13 ~~Loss of license before award of jackpot. If a licensee’s license expires, is not renewed, is~~
32 ~~suspended, revoked, or surrendered, or if the licensee permanently terminates its bingo operations~~
33 ~~or terminates its operations at a particular location before a progressive jackpot is awarded, the~~
34 ~~licensee must determine a winner and award the jackpot prize and secondary jackpot, if any, on~~
35 ~~the licensee’s last authorized bingo occasion at the location where the progression was started,~~
36 ~~regardless of the number of balls called. CONDITIONS AFFECTING THE AWARD OF THE FINAL~~
37 ~~PROGRESSIVE BINGO JACKPOT PRIZE.~~

1 (A) IF THE LICENSEE PLANS, EXPECTS, OR OTHERWISE FORESEES THE OCCURRENCE OF AN
2 EVENT LISTED IN (1), (2), OR (3) BELOW, THE LICENSEE MUST ENSURE THAT IT CAN STILL
3 DETERMINE A WINNER AND AWARD THE JACKPOT PRIZE AND SECONDARY JACKPOT PRIZE,
4 IF ANY, BEFORE THE OCCURRENCE OF THE EVENT ON THE LICENSEE'S LAST AUTHORIZED
5 BINGO OCCASION AT THE LOCATION WHERE THE PROGRESSION WAS STARTED,
6 REGARDLESS OF THE NUMBER OF BALLS CALLED:

7 (1) PERMANENT TERMINATION OF LICENSEE'S OPERATIONS;

8 (2) PERMANENT TERMINATION OF LICENSEE'S OPERATIONS AT A PARTICULAR
9 LOCATION; OR

10 (3) LOSS OF LICENSE THROUGH EXPIRATION, NONRENEWAL, SUSPENSION,
11 REVOCATION, OR SURRENDERING.

12 (B) IF AN EVENT IN RULE 3.2.13(A)(1)–(3) OCCURS WITHOUT THE LICENSEE'S
13 FOREKNOWLEDGE BEFORE THE DATE OF THE LAST AUTHORIZED BINGO OCCASION, THE
14 LICENSEE MUST CONTACT THE SECRETARY OF STATE FOR APPROVAL OF A MEANS OF
15 DETERMINING A WINNER AND AWARDED ANY JACKPOT PRIZE.

16 *Current Rule 4.1.4 concerning sales of bingo sheets and cards is amended to clarify that bingo strip cards*
17 *are included:*

18 4.1.4 Sales of individual sheets and cards. At all bingo occasions where individual disposable
19 cards, INCLUDING BINGO STRIP CARDS, or sheets are sold, the following procedures apply:

20 *[No changes to subsections (a)-(d).]*

21 *New Rule 4.1.4(e) prohibiting dispensing of any bingo card, which includes bingo strip cards from*
22 *a device:*

23 (E) A LICENSEE CANNOT USE A DEVICE TO DISPENSE INDIVIDUAL CARDS, SHEETS, OR PACKS
24 TO PLAYERS. DEVICE INCLUDES ANY TYPE OF MECHANICAL, NONELECTRONIC,
25 ELECTRONIC, OR ELECTROMECHANICAL MACHINE OR APPARATUS.

26 *Current Rule 5.1.5(a)(2) is amended to strike the reference to a pull tab's color code:*

27 5.1.5 Defective pull tabs. A licensee may not permit the display, sale, or operation of a defective
28 pull tab.

29 (a) The following are types of defective pull tabs:

30 (1) A pull tab that is marked, defaced, tampered with, or otherwise placed in
31 a condition that may deceive the public.

32 (2) A series or deal of pull tabs that consists of more than one serial number,
33 ~~color code~~, or ticket name.

34 *[No changes to subsections (a)(3)-(d).]*

35 *Current Rule 5.1.7 is amended to strike the reference to a pull tab's color code:*

36 5.1.7 Identical form and serial numbers. A licensee may not knowingly obtain or allow, a deal of
37 pull tabs or portion thereof with the same serial number, AND form number, ~~and color code~~

1 combination as another deal of pull tabs, or portion thereof, in the possession or on the
2 premises of the licensee.

3 *Current Rule 5.4.7 concerning progressive pull tabs is repealed and replaced:*

4 5.4.7 ~~Loss of license before award of jackpot.~~ CONDITIONS AFFECTING THE AWARD OF THE FINAL
5 PROGRESSIVE PULL TAB JACKPOT PRIZE.

6 ~~(a) If a licensee's license expires, is not renewed, is suspended, revoked or~~
7 ~~surrendered, or if the licensee permanently terminates its bingo operations or~~
8 ~~terminates its operations at a particular location before a progressive pull tab~~
9 ~~jackpot is awarded, the licensee must determine a winner and award the jackpot~~
10 ~~prize on the licensee's last authorized bingo occasion at the location where the~~
11 ~~progression was started.~~

12 ~~(b) If there is no winner of the jackpot prize on the last authorized occasion, the~~
13 ~~licensee must conduct a public drawing for the prize by issuing one free ticket to~~
14 ~~each eligible member of the public who is present at the end of the occasion,~~
15 ~~without regard to whether the individual was a participant during the occasion. The~~
16 ~~jackpot winner is the individual whose ticket is drawn at random.~~

17 (A) IF THE LICENSEE PLANS, EXPECTS, OR OTHERWISE FORESEES THE OCCURRENCE OF AN
18 EVENT LISTED IN (1), (2), OR (3) BELOW, THE LICENSEE MUST ENSURE THAT IT CAN STILL
19 DETERMINE A WINNER AND AWARD THE JACKPOT PRIZE BEFORE THE OCCURRENCE OF
20 THE EVENT ON THE LICENSEE'S LAST AUTHORIZED BINGO OCCASION AT THE LOCATION
21 WHERE THE PROGRESSION WAS STARTED:

22 (1) PERMANENT TERMINATION OF LICENSEE'S OPERATIONS;

23 (2) PERMANENT TERMINATION OF LICENSEE'S OPERATIONS AT A PARTICULAR LOCATION;
24 OR

25 (3) LOSS OF LICENSE THROUGH EXPIRATION, NONRENEWAL, SUSPENSION,
26 REVOCATION, OR SURRENDERING.

27 (B) IF AT THE FINAL AUTHORIZED BINGO OCCASION REFERENCED IN RULE 5.4.7(A), THERE IS
28 NO WINNER OF THE JACKPOT PRIZE ON THE LAST DEAL PLAYED, THE LICENSEE MUST
29 CONTINUE TO DRAW TICKETS UNTIL A WINNER IS DETERMINED.

30 (C) IF AN EVENT IN RULE 5.4.7(A)(1)–(3) OCCURS WITHOUT LICENSEE'S FOREKNOWLEDGE
31 BEFORE THE DATE OF THE LAST AUTHORIZED BINGO OCCASION, THE LICENSEE MUST
32 CONTACT THE SECRETARY OF STATE FOR APPROVAL OF A MEANS OF DETERMINING A
33 WINNER AND AWARDING ANY JACKPOT PRIZE.

34 *New Rule 6.1.2 concerning a licensee's use of a bingo aid device:*

35 6.1.2 COMPATIBLE DEVICE. A LICENSEE MUST USE A BINGO AID DEVICE THAT IS COMPATIBLE WITH THE
36 TYPE OF BINGO BEING PLAYED.

37 *Current Rules 6.1.2 and 6.1.3 are renumbered to Rules 6.1.3 and 6.1.4.*

38 *Current Rule 6.4.2 is amended concerning the number of faces that can be programmed for an electronic*
39 *aid bingo device:*

40 6.4.2 Maximum number of faces. A licensee may not program an electronic bingo aid device to
41 play more than 54100 faces per bingo game.

1 *Current Rule 8.4.1(b)(1)(i) is amended to clarify the requirements for prepackaged playing cards*
2 *used in progressive raffles:*

3 (b) Playing card progressive raffles

4 (1) A licensee may conduct a playing card progressive raffle game by
5 selecting a Jackpot Prize Card from either:

6 (i) A specifically designed prepackaged game purchased from a
7 licensed supplier WHICH CONTAINS IMAGES OF A STANDARD DECK OF
8 52 CARDS OR A STANDARD DECK OF 52 CARDS PLUS TWO JOKER CARDS
9 (FOR A TOTAL OF 54 PLAYING CARD IMAGES); or

10 *Current Rule 8.4.7 concerning progressive raffles is repealed and replaced:*

11 8.4.7 ~~If a licensee's license expires, is not renewed, is suspended, revoked, or surrendered, or~~
12 ~~if the licensee permanently terminates its operations or terminates its operations at a~~
13 ~~particular location before awarding a progressive raffle jackpot, the licensee must~~
14 ~~determine a winner and award the jackpot prize on the last posted drawing date at the~~
15 ~~location where the progression was started. CONDITIONS AFFECTING THE AWARD OF THE FINAL~~
16 ~~PROGRESSIVE RAFFLE JACKPOT PRIZE.~~

17 (A) IF THE LICENSEE PLANS, EXPECTS, OR OTHERWISE FORESEES THE OCCURRENCE OF AN
18 EVENT LISTED IN (1), (2), OR (3) BELOW, THE LICENSEE MUST ENSURE THAT IT CAN STILL
19 DETERMINE A WINNER AND AWARD THE PROGRESSIVE RAFFLE JACKPOT PRIZE BEFORE
20 THE OCCURRENCE OF THE EVENT ON THE LAST POSTED DRAWING DATE AT THE
21 LOCATION WHERE THE PROGRESSION WAS STARTED:

22 (1) PERMANENT TERMINATION OF LICENSEE'S OPERATIONS;

23 (2) PERMANENT TERMINATION OF LICENSEE'S OPERATIONS AT A PARTICULAR
24 LOCATION; OR

25 (3) LOSS OF LICENSE THROUGH EXPIRATION, NONRENEWAL, SUSPENSION,
26 REVOCATION, OR SURRENDERING.

27 (B) IF AN EVENT IN RULE 8.4.7(A)(1)–(3) OCCURS WITHOUT THE LICENSEE'S
28 FOREKNOWLEDGE BEFORE THE DATE OF THE LAST POSTED DRAWING DATE, THE
29 LICENSEE MUST CONTACT THE SECRETARY OF STATE FOR APPROVAL OF A MEANS OF
30 DETERMINING A WINNER AND AWARDING ANY JACKPOT PRIZE(S).

31 *Current Rule 9.1.2 is amended to clarify the maximum game prize for strip card bingo:*

32 9.1.2 Maximum game prize. Licensees may award any amount as a prize for any single game
33 of bingo so long as the total value of prizes offered at the bingo occasion does not exceed
34 \$2,000. PER SECTION 24-21-602(5.5), C.R.S., LICENSEES MAY AWARD UP TO \$1,000 FOR ANY
35 SINGLE GAME OF STRIP CARD BINGO, AS LONG AS THE TOTAL VALUE OF PRIZES OFFERED AT THE
36 BINGO OCCASION DOES NOT EXCEED \$2,000.

37 *Current Rule 10.1.2(a) concerning gross receipts for sold cards is amended:*

38 10.1.2 Each licensee must record the following receipts:

39 (a) Gross receipts collected for all cards, INCLUDING BINGO STRIP CARDS, packs and
40 sheets sold for each occasion.

1 *[No changes to subsections (b) and (c).]*

2 *Current Rule 13.1.4 is amended to fix a grammatical error:*

3 13.1.4 Software Manufacturers. Companies that produce bingo, pull tab, or raffle software must
4 hold a manufacturer's license and comply with all statutes and rules pertaining to bingo-
5 raffle manufacturers in Colorado.