

# Preliminary Draft of Proposed Rules

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

July 15, 2021

### 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.<sup>1</sup>

This is a preliminary draft of the proposed rules that may be revised before the August 24, 2021 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 **August 19, 2021**.<sup>2</sup>

Please note the following formatting key:

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

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

2 *Amendments to Rules 3.1.5(b) and (d) concerning closing a bingo game:*

3 (b) The caller may not call the next ball removed from the machine or otherwise  
4 selected, until the signaled bingo is verified or invalidated. IF A BINGO HAS BEEN  
5 SIGNALLED AND A WORKER ACKNOWLEDGES THE PLAYER BUT THE CALLER WAS  
6 UNAWARE AND CONTINUES TO CALL THE NEXT BALL, THE EFFECT OF THE PRECEDING  
7 BALL IS SUSPENDED PENDING VERIFICATION OR INVALIDATION OF THE LAST BINGO. If the  
8 signaled bingo is verified, the caller must return the ball to the machine unless  
9 the verified bingo is part of a multi-part or continuing game.

10 *[No changes to (c)]*

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<sup>1</sup> Sections 24-4-103(2.5) and (3)(a), C.R.S. (2020). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

<sup>2</sup> Section 24-4-103(4)(a), C.R.S. (2020). “[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 (d) When a player or worker signals "Bingo", a worker on the floor must place the  
2 card, sheet, or electronic bingo aid device in front of at least one other player AT A  
3 DIFFERENT TABLE to confirm the bingo.

4 *Amendments to Rule 5.4.1 and 5.4.3 concerning progressive pull tab operations:*

5 5.4.1 Number allowed. A licensee may not offer, put into play or have in play more than one  
6 progressive pull tab deal at any time. A LICENSEE MAY OPEN THE NEXT DEAL IN THE PULL TAB  
7 GAME IF A WINNER IS NOT IMMEDIATELY DISCOVERED. THE LICENSEE MUST ANNOUNCE THE  
8 WINNER OF THE DEAL TWICE AND ALLOW A REASONABLE AMOUNT OF TIME FOR THE WINNER TO  
9 CLAIM THEIR PRIZE. IF NO WINNER COMES FORWARD, THE LICENSEE MUST DISPLAY THE FLARE  
10 CARD FOR AT LEAST 15 DAYS TO ALLOW TIME FOR THE WINNER TO CLAIM THEIR PRIZE.

11 *[No changes to 5.4.2]*

12 5.4.3 Offered for play. Once a progressive pull tab game starts at a bingo occasion, a licensee  
13 must offer the game at each succeeding bingo occasion sponsored by the licensee until  
14 the jackpot is won. If a progressive pull tab game starts on the licensee's premises, the  
15 licensee must offer the game on each successive day that the premises are open. A  
16 LICENSEE MAY SUSPEND PLAY OF PROGRESSIVE PULL TAB GAMES ONLY WHILE OPERATING A  
17 PARI-MUTUEL BINGO OCCASION. ONCE THE PARI-MUTUEL OCCASION HAS ENDED, THE  
18 PROGRESSIVE PULL TAB GAME MUST CONTINUE DURING THE NEXT REGULAR BINGO OCCASION.

19 *Amendments to Rule 8.4 concerning progressive raffles, including New Rule 8.4.1(b)(1). Current Rule*  
20 *8.4.1(b)(1) is amended and re-codified as Rule 8.4.1(b)(1)(ii):*

21 (b) Playing card progressive raffles

22 (1) ~~The licensee must select a Jackpot Prize Card from either a~~ A LICENSEE  
23 MAY CONDUCT A PLAYING CARD PROGRESSIVE RAFFLE GAME BY SELECTING A  
24 JACKPOT PRIZE CARD FROM EITHER:

25 (i) A SPECIFICALLY DESIGNED PREPACKAGED GAME PURCHASED FROM A  
26 LICENSED SUPPLIER; OR

27 (ii) A standard deck of 52 cards or a standard deck of 52 cards plus  
28 two joker cards (for a total of 54 playing cards).

29 *New Rule 8.4.1(b)(2):*

30 (2) IF USING A PREPACKAGED GAME:

31 (i) THE BOARD MUST HAVE A SERIAL NUMBER AND THE LICENSEE MUST  
32 RETAIN THE USED BOARD FOR AT LEAST SIX MONTHS AFTER THE FINAL  
33 GAME.

34 (ii) THE LICENSEE MUST POST THE JACKPOT PRIZE CARD FOR THE  
35 RAFFLE WITH THE BOARD'S SERIAL NUMBER AT THE LOCATION OF THE  
36 PROGRESSIVE RAFFLE GAME. THE LICENSEE MUST POST JACKPOT  
37 PRIZE CARD SO THAT IT IS OUT OF THE REACH OF ALL PLAYERS BUT  
38 ALSO FULLY VISIBLE TO ALL PLAYERS.

39 (iii) THE LICENSEE MUST BREAK OR TEAR OPEN THE JACKPOT PRIZE  
40 CARD'S WINDOW IN PLAIN VIEW OF ALL INDIVIDUALS PRESENT.

1 *Current Rule 8.4.1(b)(2) is re-codified as Rule 8.4.1(b)(3)(i) and Current Rules 8.4.2(a) through (c) are re-*  
2 *codified as Rules 8.4.1(b)(3)(ii) through (iv):*

3 ~~(2)~~(3) IF USING A PLAYING CARD DECK WITH ENVELOPES OR OTHER CONTAINERS:

4 (i) The licensee must place the cards from the deck in identical  
5 separate envelopes or other containers, one card per container,  
6 through which the card is not visible. The container must be  
7 sealed so that the licensee must tear, break, or rip a portion of  
8 the container in order to access the card.

9 ~~8.4.2(a)~~(ii) Before sealing cards in the containers, the games  
10 manager and at least one other licensee member must verify  
11 that all cards are present.

12 ~~8.4.2(b)~~(iii) The licensee must shuffle the envelopes containing the  
13 cards before putting them on public display.

14 ~~8.4.2(c)~~(iv) Once the licensee places the envelopes on display, the  
15 licensee must keep them in a locked container at all times except  
16 during drawings. Only the games manager and licensee officers  
17 are allowed access to the keys for the container.

18 *Current Rules 8.4.1(b)(3) through (6) are amended and re-codified as Rule 8.4.1(b)(4)(i) through (iv):*

19 ~~(3)~~(4) FOR BOTH METHODS OF PLAYING CARD PROGRESSIVE RAFFLES:

20 (i) After selling raffle tickets, the licensee must hold a drawing with  
21 the pool containing all tickets purchased for that drawing.

22 ~~(4)~~(ii) The purchaser of the drawn ticket is given the opportunity to  
23 select one or more of the WINDOWS OR envelopes. The number of  
24 WINDOWS OR envelopes selected per draw must remain constant  
25 throughout the progression.

26 ~~(5)~~(iii) If the ticket purchaser selects the WINDOW OR envelope  
27 containing the Jackpot Prize Card, the ticket purchaser wins the  
28 raffle prize amount, consisting of the prize money accumulated  
29 since the last winning draw.

30 ~~(6)~~(iv) If the ticket purchaser's selected WINDOW OR envelope does not  
31 contain the Jackpot Prize Card, there is no winner and the prize  
32 amount is added to the jackpot for the next drawing.

33 8.4.2 Additional rules for BOTH METHODS OF playing card progressive raffles

34 *[Current Rules 8.4.2 (a) through (c) are re-codified as Rules 8.4.1(b)(3)(ii) through (iv) above]*

35 *Amendments to Current Rules 8.4.2(d) through (g), including renumbering:*

36 ~~(d)~~(A) A ticket holder must be present at the drawing in order to claim a progressive  
37 raffle prize. If the winning ticket purchaser is not present at the drawing, the  
38 licensee must continue to draw tickets until selecting a ticket purchaser who is  
39 present.

- 1                   (e)-(B) If the WINDOW OR envelope selected by the drawing winner does not contain the  
2                   Jackpot Prize Card, the licensee must display the selected card at all future  
3                   drawings until the licensee awards the jackpot prize.
- 4                   (f)-(C) The A-licensee must determine the amount of the jackpot based on a percentage  
5                   of gross raffle ticket sales from each raffle in the progressive sequence, not to  
6                   exceed 70%.
- 7                   (g)-(D) The licensee may offer a cash consolation prize for a winning ticket purchaser  
8                   that does not select the Jackpot Prize Card.
- 9                   (1)        Consolation prizes do not count against the \$15,000 maximum  
10                  progressive raffle prize limit.
- 11                  (2)        Before conducting a progressive raffle offering a consolation prize, the  
12                  licensee must designate the consolation prize as either a specified  
13                  amount or a specified percentage of the gross proceeds collected from  
14                  the sale of raffle tickets for a particular drawing.

15    *Current Rule 15.6.3 is repealed:*

16                   ~~15.6.3—The Secretary of State will send a fine to Central Collection Services for collection if it is~~  
17                   ~~not paid within 90 days of the payment deadlines listed in Rules 15.6.2(a) (c).~~