

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 77
BINGO AND RAFFLES

67-7701. PURPOSE AND POLICY. It is hereby declared that all bingo games and raffles in Idaho must be strictly controlled and administered, and it is in the public interest for the state to provide for the administration of charitable bingo games and raffles to protect the public from fraudulently conducted bingo games and raffles, to assure that charitable groups and institutions realize the profits from these games, to prohibit professionals conducting bingo games or raffles for fees or a percentage of the profit and to provide that all expenditures by a charitable or nonprofit organization in conducting bingo games and raffles are in the best interest of raising moneys for charitable purposes.

[67-7701, added 1993, ch. 391, sec. 2, p. 1449; am. 2013, ch. 251, sec. 1, p. 610.]

67-7702. DEFINITIONS. As used in this chapter:

(1) "Bingo" means the traditional game of chance played for a prize determined prior to the start of the game.

(a) Upon approval by the bingo-raffle advisory board, a licensee may offer bingo games in which players are allowed to select their own numbers if the cards used to conduct the games have controls that provide an audit trail adequate to determine all winning number combinations.

(b) Card-minding devices are prohibited. Autodaubing features are prohibited.

(c) Bingo shall not include "instant bingo," which is a game of chance played by the selection of one (1) or more prepackaged bingo cards, with the winner determined by the appearance of a preprinted winning designation on the bingo card.

(2) "Bingo-raffle advisory board" means a board of six (6) persons chosen by the governor to make advisory recommendations regarding bingo and raffle operations and regulation in Idaho.

(3) "Charitable organization" means an organization that has been in continuous existence in the county of operation of the charitable bingo game or raffle for at least one (1) year, that conducts charitable activities, and that is exempt from taxation under section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(8), 501(c)(10), 501(c)(19) or 501(d) of the Internal Revenue Code and is exempt from income taxation under [title 63](#), Idaho Code, as a bona fide nonprofit charitable, civic, religious, fraternal, patriotic or veterans organization or as a nonprofit volunteer fire department, or as a nonprofit volunteer rescue squad, or as a nonprofit volunteer educational booster group, parent-teacher organization or association. If the organization has local branches or chapters, the term "charitable organization" means the local branch or chapter operating the bingo or raffle game.

(4) "Commission" means the Idaho state lottery commission as defined in section [67-7404](#), Idaho Code.

(5) "Duck race" means a charitable raffle played by releasing numbered, inanimate toys (ducks) into a body of moving water. A person who has been assigned the same number as the first duck to cross a predetermined point in the water (the finish line) is the winner. Other prizes may be awarded on the ba-

sis of the order in which the ducks cross the finish line. With the exception of determining "net proceeds," all restrictions and requirements applicable to the conduct of charitable raffles in this chapter shall also apply to the conduct of duck races.

(6) "Electronic bingo card" or "face" means an electronic facsimile of a bingo card or face, from a permutation of bingo cards formulated by a manufacturer licensed in Idaho, which is stored and/or displayed in a bingo card-monitoring device. An electronic bingo card or face is deemed to be a form of disposable paper bingo card.

(7) (a) "Electronic bingo device" means an electronic device used by a bingo player to monitor bingo cards purchased at the time and place of a licensed organization's bingo session and that:

- (i) Provides a means for bingo players to input numbers announced by a bingo caller;
- (ii) Requires the player to manually enter the numbers as they are announced by a bingo caller;
- (iii) Compares the numbers entered by the bingo player to the numbers contained on bingo cards previously stored in the electronic database of the device;
- (iv) Identifies winning bingo patterns; and
- (v) Signals only the bingo player when a winning bingo pattern is achieved.

(b) "Electronic bingo device" does not mean or include any device into which coins, currency, or tokens are inserted to activate play, or any device that is interfaced with or connected to any host system which can transmit or receive any ball call information, site system or any other type of bingo equipment once the device has been activated for use by the bingo player.

(8) "Gross revenues" means all moneys paid by players during a bingo game or session for the playing of bingo or raffle events and does not include money paid for concessions; provided that the expenses of renting electronic bingo devices from a licensed vendor and the fees collected from players for the use of electronic bingo devices must be reported separately on the organization's annual bingo report and must be netted for purposes of determining gross revenues as follows: only fees collected from players in excess of the rental charges paid to licensed vendors will be considered to be a part of gross revenues; and if the costs of renting electronic bingo devices from a licensed vendor exceed the fees collected from players for use of electronic bingo devices, the difference will be considered an administrative expense for purposes of section [67-7709](#)(1)(d), Idaho Code.

(9) "Host system" means the computer hardware, software and peripheral equipment of a licensed manufacturer that is used to generate and download electronic bingo cards to a licensed organization's site system and that monitors sales and other activities of a site system.

(10) "Nonprofit organization" means an organization incorporated under [chapter 30, title 30](#), Idaho Code.

(11) "Organization" means a charitable organization or a nonprofit organization.

(12) "Person" shall be construed to mean and include an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" shall also be con-

strued to mean and include departments, commissions, agencies and instrumentalities of the state of Idaho, including counties and municipalities and agencies or instrumentalities thereof.

(13) "Raffle" means a game in which the prize is won by random drawing of the name or number of one (1) or more persons purchasing chances.

(14) "Session" means a period of time not to exceed eight (8) hours in any one (1) day in which players are allowed to participate in bingo games operated by a charitable or nonprofit organization.

(15) "Site system" means the computer hardware, software and peripheral equipment used by a licensed organization at the site of its bingo session that provides electronic bingo cards or bingo card monitoring devices to players, and that receipts the sale or rental of such cards and devices and generates reports relative to such sales or rentals.

(16) "Vendor" means an applicant, licensee or manufacturer, distributor or supplier, licensed or unlicensed, that furnishes or supplies bingo or raffle equipment, disposable or nondisposable cards, and any and all related gaming equipment.

[67-7702, added 1993, ch. 391, sec. 2, p. 1449; am. 1994, ch. 281, sec. 1, p. 875; am. 1995, ch. 350, sec. 1, p. 1152; am. 1996, ch. 382, sec. 1, p. 1295; am. 2000, ch. 340, sec. 1, p. 1135; am. 2003, ch. 301, sec. 1, p. 827; am. 2005, ch. 259, sec. 1, p. 795; am. 2005, ch. 356, sec. 1, p. 1125; am. 2006, ch. 16, sec. 28, p. 63; am. 2008, ch. 43, sec. 1, p. 99; am. 2013, ch. 251, sec. 2, p. 610; am. 2017, ch. 58, sec. 34, p. 129.]

67-7703. BINGO-RAFFLE ADVISORY BOARD ESTABLISHED. There is established the bingo-raffle advisory board, which is responsible for making recommendations for the improvement of bingo and raffle operations and regulation to the state lottery commission, the governor and the legislature, including recommendations for administrative rules.

[67-7703, added 1995, ch. 350, sec. 2, p. 1153; am. 1996, ch. 382, sec. 2, p. 1297; am. 2000, ch. 340, sec. 2, p. 1137.]

67-7704. BINGO-RAFFLE ADVISORY BOARD -- MEMBERS -- APPOINTMENT -- QUALIFICATIONS. (1) The bingo-raffle advisory board shall consist of six (6) members appointed by the governor and confirmed by the senate. Members shall be selected and appointed because of their ability and disposition to serve the state's interest and for knowledge of bingo and raffle operations. Members appointed by the governor shall serve at the pleasure of the governor, and shall be residents over twenty-five (25) years of age who have experience in administering, conducting or regulating bingo or raffle operations. There shall be one (1) member from each of the following six (6) districts initially established as follows:

- (a) District No. 1. The counties of Benewah, Bonner, Boundary, Kootenai and Shoshone.
- (b) District No. 2. The counties of Clearwater, Idaho, Latah, Lewis and Nez Perce.
- (c) District No. 3. The counties of Ada, Adams, Boise, Canyon, Elmore, Gem, Payette, Owyhee, Valley and Washington.
- (d) District No. 4. The counties of Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka and Twin Falls.
- (e) District No. 5. The counties of Bannock, Bear Lake, Bingham, Caribou, Franklin, Oneida and Power.

(f) District No. 6. The counties of Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison and Teton.

(2) The terms of appointed members of the bingo-raffle advisory board shall be three (3) years. At the end of a term, a member continues to serve until a successor is appointed and qualifies. A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies. A vacancy of the board shall be filled in the same manner as regular appointments are made, and the term shall be for the unexpired portion of the regular term. No member of the board shall have a direct or indirect pecuniary interest in any contract or agreement entered into by the board. No more than three (3) members of the board shall belong to the same political party.

[67-7704, added 1995, ch. 350, sec. 3, p. 1153; am. 2000, ch. 340, sec. 3, p. 1137; am. 2013, ch. 251, sec. 3, p. 612.]

67-7705. QUORUM -- MEETINGS -- MINUTES -- COMPENSATION. A majority of the qualified membership of the bingo-raffle advisory board is a quorum. The advisory board may not act unless at least four (4) members agree. The advisory board shall meet at least three (3) times per year, and may meet more often as it deems necessary. Written notice of the time and place of each meeting shall be given to each board member. The advisory board shall select or elect one (1) of its members to be chairman, one (1) of its members to be vice-chairman and one (1) of its members to be secretary. The secretary of the advisory board shall promptly send the lottery commission a certified copy of the minutes of each meeting of the advisory board. The minutes shall include a copy of the current recommendations of the board, including recommended administrative rules. Members of the bingo-raffle advisory board shall receive compensation as provided in section [59-509\(b\)](#), Idaho Code. Members are entitled to reimbursement for reasonable travel expenses incurred in the performance of their duties as a member, as provided by law.

[67-7705, added 1995, ch. 350, sec. 4, p. 1154; am. 1996, ch. 382, sec. 3, p. 1297; am. 2000, ch. 340, sec. 4, p. 1138.]

67-7706. BINGO-RAFFLE ADVISORY BOARD -- POWERS -- DUTIES. The bingo-raffle advisory board shall review the operation and regulation of bingo games and raffle events in Idaho, and shall make recommendations to the state lottery commission regarding, but not limited to, the following issues:

(1) The issuances of licenses for the operation of bingo games and raffle events, including the denial, suspension or revocation of licenses;

(2) The collection of fees, penalties, fines and other moneys from organizations conducting or applying to conduct bingo games and/or raffle events;

(3) The maintenance by bingo operators of records and the efficacy of the statutes and rules requiring maintenance of records;

(4) The recordation and reporting of income from bingo games and raffle events to the state lottery commission, and the efficacy of the statutes and rules governing recordation and reporting;

(5) The efficacy and profitability of income and expenditure limits placed on organizations, by statute or rule, operating bingo games and/or raffle events in the state;

(6) The type, scope, manner, and frequency of bingo games and/or raffle events conducted in Idaho, and the efficacy of the statutes or rules governing those considerations;

(7) Possible cooperative agreements with county, city, and other local and state agencies that would enhance the safety and profitability of bingo games and/or raffle events;

(8) Possible written agreements or contracts with other states or any agency or contractor of another state for the operation and promotion of joint bingo games and/or raffle events that would enhance the safety and profitability of bingo and raffle operations in Idaho;

(9) What rules should be promulgated by the state lottery commission to ensure the safe, orderly and trustworthy operation of bingo games and/or raffle events in Idaho.

The bingo-raffle advisory board shall, at least twice a year, report to the state lottery commission addressing the operations and activities of the advisory board and the major issues facing bingo operators in the state. The lottery security division shall provide a final annual report to the governor, the lottery commission, the president pro tempore of the senate and the speaker of the house of representatives of the Idaho legislature.

[67-7706, added 1995, ch. 350, sec. 5, p. 1155; am. 2000, ch. 340, sec. 5, p. 1138; am. 2013, ch. 251, sec. 4, p. 613.]

67-7707. BINGO BY CHARITABLE OR NONPROFIT ORGANIZATIONS. (1) It is lawful for a charitable or nonprofit organization to conduct bingo sessions or games in accordance with the provisions of this chapter and the rules of the state lottery commission. Any charitable or nonprofit organization, any member of a charitable or nonprofit organization, or any person that conducts a bingo session or game in violation of any provision of this chapter or the rules of the state lottery commission may be assessed a civil penalty not in excess of ten thousand dollars (\$10,000) per violation. Additionally, any person knowingly conducting a bingo session or game in violation of the provisions of this chapter or the rules of the state lottery commission may be charged under the gambling laws contained in [chapter 38, title 18](#), Idaho Code. Violations will be prosecuted by the county prosecuting attorney.

(2) No person under the age of eighteen (18) years may play bingo in games where a cash prize is offered or where the prize exceeds twenty-five dollars (\$25.00) in value for merchandise.

[(67-7707) 67-7703, added 1993, ch. 391, sec. 2, p. 1450; am. 1994, ch. 281, sec. 2, p. 876; am. and redesi. 1995, ch. 350, sec. 6, p. 1155; am. 1996, ch. 382, sec. 4, p. 1297; am. 2000, ch. 340, sec. 6, p. 1139; am. 2013, ch. 251, sec. 5, p. 614.]

67-7708. LIMIT ON SESSIONS AND BINGO PRIZES. The number of sessions or games of bingo conducted or sponsored by a charitable or nonprofit organization shall be limited to three (3) sessions per week and such sessions shall not exceed a period of eight (8) hours per day. The maximum prize that may be offered or paid for any one (1) game of bingo, and the maximum aggregate amount of prizes that may be offered or paid for any one (1) session of bingo, shall be set by rule of the state lottery commission.

[(67-7708) 67-7704, added 1993, ch. 391, sec. 2, p. 1450; am. and redesi. 1995, ch. 350, sec. 7, p. 1156; am. 2013, ch. 251, sec. 6, p. 614.]

67-7709. ACCOUNTING AND USE OF BINGO PROCEEDS.

(1) (a) All funds received in connection with a bingo game required to be licensed pursuant to this chapter and the rules of the state lottery commission shall be placed in a separate bank account that is in the name of and controlled by the charitable or nonprofit organization. No funds may be disbursed from this account except the charitable or nonprofit organization may expend proceeds for prizes, advertising, rent including, but not limited to, renting space, chairs, tables, equipment and electronic bingo devices, utilities, the purchase of supplies and equipment in playing bingo, taxes and license fees related to bingo, the payment of compensation, and for the purposes set forth below for the remaining proceeds.

(b) Funds from bingo accounts must be withdrawn by preprinted, consecutively numbered checks or withdrawal slips, signed by an authorized representative of the licensed authorized organization and made payable to a person. A check or withdrawal slip shall not be made payable to "cash," "bearer" or a fictitious payee. The nature of the payment made shall be noted on the face of the check or withdrawal slip. Checks for the bingo account shall be imprinted with the words "bingo account" and shall contain the organization's bingo license name on the face of each check. A licensed authorized organization shall keep and account for all checks and withdrawal slips, including voided checks and withdrawal slips. Electronic transfers from the bingo account may be used for payments made to another governmental agency.

(c) Any proceeds available in a bingo account after payment of the expenses set forth in paragraph (1) (a) of this subsection shall inure to the charitable or nonprofit organization to be used for religious, charitable, civic, scientific testing, public safety, literary or educational purposes or for purchasing, constructing, maintaining, operating or using equipment or land, or a building or improvements thereto, owned, leased or rented by and for the charitable or nonprofit organization and used for civic purposes or made available by the charitable or nonprofit organization for use by the general public from time to time, or to foster amateur sports competition, or for the prevention of cruelty to children or animals, provided that no proceeds shall be used or expended directly or indirectly to compensate officers or directors. The licensed bingo operation must maintain records for five (5) years on forms prescribed by the commission or pursuant to rules prescribed by the commission showing the charitable activities to which the proceeds described in this paragraph are applied. No employees of the charitable or nonprofit organization may be compensated from bingo proceeds except as provided in this subsection.

(d) (i) All gross revenues received from bingo games by a charitable or nonprofit organization must be disbursed in the following manner, unless otherwise provided in section [67-7708](#), Idaho Code: not less than twenty percent (20%) of gross revenues shall be used for charitable purposes enumerated in this subsection, and a maximum of eighteen percent (18%) of the gross revenues may be used for administrative expenses associated with the charitable bingo game. An organization requesting an exemption from the disbursement percentages provided in this paragraph for administrative costs shall request such an exemption from the state lottery commission.

(ii) Two hundred fifty dollars (\$250) or one-tenth of one percent (.1%) of annual gross revenues, as per the previous year's annual bingo report whichever is greater may be paid as wages for the conduct of any one (1) bingo session. Such wages shall be paid on an hourly basis, shall be directly related to the preparation, conduct of and cleaning following a bingo session, and shall be paid out of the organization's separate bank account unless the director of lottery security has given prior written permission to pay wages out of another account. Such wages shall be part of the eighteen percent (18%) gross revenues used for administrative expenses.

(2) Any charitable or nonprofit organization conducting bingo games pursuant to this chapter shall prepare a statement at the close of its license year and shall file such statement with the state lottery. The statement shall be prepared on a form prescribed by the lottery commission and shall include, at a minimum, the following information:

- (a) The number of bingo sessions conducted or sponsored by the licensed organization;
- (b) The location and date at which each bingo session was conducted;
- (c) The gross revenues of each bingo session;
- (d) The fair market value of any prize given at each bingo session;
- (e) The number of individual players participating in each session;
- (f) The number of cards played in each session;
- (g) The amount paid in prizes at each session;
- (h) The amount paid to the charitable or nonprofit organization;
- (i) All disbursements from bingo revenue and the purpose of those disbursements must be documented on a general ledger and submitted with the annual bingo report to the Idaho lottery commission; and
- (j) An accounting of all gross revenues and the disbursements required by statute and rule of the state lottery commission must be retained in records with the organization, including the date of each transaction and the name and address of each payee for all prize payments in excess of one hundred dollars (\$100) and the disbursements of funds to charitable activities, including the identity of the charity and/or purpose and use of the disbursements by the charity. Such records shall be retained for a period of five (5) years.

(3) Any organization required to be licensed to conduct bingo operations under the provisions of this chapter shall use only nonreusable colored bingo paper or electronic bingo paper so that all sales may be tracked. The nonreusable colored paper must have a series and serial number on each card. At the conclusion of each session, all organizations using nonreusable bingo paper must track their bingo sales per session by recording the series and serial numbers of all paper sold, damaged, donated or used for promotion in that session. Each such organization shall keep a ledger of the numbers of all such papers used during each session. All paper must be tracked as either sold, damaged, donated, used for promotion, or omitted from the original distributor or manufacturer. Paper tracking ledgers and invoices from the distributor or manufacturer for nonrefundable colored bingo paper must be kept with the permanent records for that bingo operation.

(4) Any person who shall willfully or knowingly furnish, supply or otherwise give false information in any statement filed pursuant to this section shall be guilty of a misdemeanor.

(5) All financial books, papers, records and documents of an organization shall be kept as determined by rule of the state lottery and shall be open to inspection by the county sheriff of the county, or the chief of police of the city, or the prosecuting attorney of the county where the bingo game was held, or the attorney general or the state lottery at reasonable times and during reasonable hours.

(6) Every charitable or nonprofit organization whose annual gross revenues exceed two hundred thousand dollars (\$200,000) from the operation of bingo games shall provide the state lottery with a copy of an annual audit of the bingo operation. The audit shall be performed by an independent certified public accountant who is licensed in the state of Idaho and who meets peer review requirements set forth by the Idaho state board of accountancy. The audit shall be submitted to the Idaho state lottery within ninety (90) days after the end of the license year.

[(67-7709) 67-7705, added 1993, ch. 391, sec. 2, p. 1450; am. 1994, ch. 281, sec. 3, p. 876; am. and redesi. 1995, ch. 350, sec. 8, p. 1156; am. 1996, ch. 382, sec. 5, p. 1298; am. 2000, ch. 340, sec. 7, p. 1140; am. 2003, ch. 301, sec. 2, p. 828; am. 2003, ch. 314, sec. 1, p. 858; am. 2005, ch. 259, sec. 2, p. 797; am. 2008, ch. 43, sec. 2, p. 102; am. 2012, ch. 259, sec. 1, p. 719; am. 2013, ch. 251, sec. 7, p. 615.]

67-7710. RAFFLES -- DUCK RACES. (1) It is lawful for any charitable or nonprofit organization to conduct raffles in accordance with the provisions of this chapter. Any charitable or nonprofit organization or any person that conducts a raffle in violation of any provision of this chapter may be assessed a civil penalty not in excess of ten thousand dollars (\$10,000) per violation. Additionally, any person knowingly conducting a raffle in violation of any provision of this chapter or rule of the state lottery commission may be charged under the gambling laws of the state contained in [chapter 38, title 18](#), Idaho Code, and may be assessed a civil penalty by the lottery not in excess of ten thousand dollars (\$10,000) per violation. It shall not constitute a violation of state law to advertise a charitable raffle conducted pursuant to this section. It is lawful to participate in a charitable raffle conducted pursuant to this chapter. A charitable raffle conducted lawfully pursuant to this chapter is not gambling for purposes of [chapter 38, title 18](#), Idaho Code.

(2) Raffle drawings must be held in Idaho and shall be limited to twelve (12) per charitable or nonprofit organization per year, provided that this limitation shall not apply to public or private elementary schools, secondary schools or higher education institutions located in this state. The maximum aggregate value of cash prize(s) that may be offered or paid for any one (1) raffle, which is not a duck race is one thousand dollars (\$1,000) and if merchandise is used as a prize and it is not redeemable for cash, there shall be no limit on the maximum amount of value for the merchandise. For duck races, there shall be no limit on the maximum amount of the value of a cash prize if the cash prize is underwritten by insurance. If a duck race offers a cash prize that is not underwritten by insurance, the maximum aggregate value of the cash prize(s) is one thousand dollars (\$1,000). There shall be no limit on the maximum of value for merchandise used as a prize in a duck race if the merchandise is not redeemable for cash.

(3) As used in this subsection, "net proceeds of a charitable raffle" means the gross receipts less the cost of prizes awarded. "Net proceeds of a duck race" shall mean gross receipts, less the cost of prizes awarded and the

rental cost of the ducks used in the race. No less than eighty percent (80%) of the net proceeds of a raffle shall be used by the charitable or nonprofit organization for charitable, religious, educational, civic or other charitable purposes.

(4) Any licensed charitable or nonprofit organization conducting raffles pursuant to this chapter shall prepare a statement at the close of its license year and shall file such statement with the state lottery. The statement shall be prepared on a form prescribed by the lottery commission and shall include, at a minimum, the following information:

- (a) The number of raffles conducted or sponsored by the charitable or nonprofit organization;
- (b) The location and date at which each raffle was conducted;
- (c) The gross revenues of each raffle;
- (d) The fair market value of any prize given at each raffle;
- (e) The amount paid in prizes at each raffle;
- (f) The amount paid to the charitable or nonprofit organization;
- (g) An accounting of all gross revenues and the disbursements required by statute and rule of the state lottery commission that shall be retained in the organization's records for a period of five (5) years.

(5) Every charitable or nonprofit organization whose annual gross revenues exceed two hundred thousand dollars (\$200,000) from the operation of raffle events shall provide the state lottery with a copy of an annual audit of the raffle events. The audit shall be performed by a certified public accountant who is licensed in the state of Idaho and who meets the peer review requirements set forth by the Idaho state board of accountancy. The audit shall be submitted to the Idaho state lottery within ninety (90) days after the end of the license year.

[(67-7710) 67-7706, added 1993, ch. 391, sec. 2, p. 1451; am. 1994, ch. 281, sec. 4, p. 878; am. and redesar. 1995, ch. 350, sec. 9, p. 1158; am. 1996, ch. 382, sec. 6, p. 1299; am. 1999, ch. 134, sec. 1, p. 380; am. 2000, ch. 340, sec. 8, p. 1141; am. 2005, ch. 356, sec. 2, p. 1127; am. 2012, ch. 259, sec. 2, p. 721; am. 2013, ch. 251, sec. 8, p. 617.]

67-7711. LICENSING PROCEDURE. (1) Any charitable or nonprofit organization not exempt pursuant to section [67-7713](#), Idaho Code, desiring to operate bingo sessions or games or charitable raffles shall make application for a license to the state lottery. The state lottery shall review the license application and shall approve or deny the issuing of a license within fifteen (15) calendar days of receipt of the license application. The state lottery may deny the application if it determines that the applicant has not met requirements for an application imposed in this chapter and rules promulgated pursuant to this chapter or upon any ground for which an application for renewal of a license could be denied or for which an existing licensee's license could be revoked or suspended. Whenever an application is denied, it shall be returned to the applicant by the state lottery with specific reasons for the denial. When a license application is approved by the state lottery, the state lottery shall issue a license to the applicant. No person or charitable or nonprofit organization, except those exempt pursuant to section [67-7713](#), Idaho Code, shall operate or conduct a bingo session or game or charitable raffle until it has received a license from the state lottery. The license shall expire one (1) year after the date it was issued.

(2) Each application and renewal application shall contain the following information:

(a) The name, address, date of birth, driver's license number and social security number of the applicant and, if the applicant is a corporation, association or other similar legal entity, the name, home address, date of birth, driver's license number and social security number of each of the officers of the organization, as well as the name and address of the directors, or other persons similarly situated, of the organization;

(b) The name, home address, date of birth, driver's license number and social security number of each person or persons responsible for managing the bingo session or game or raffle;

(c) (i) In the case of charitable organizations, a copy of the application for recognition of exemptions and a determination letter from the internal revenue service that indicates the organization is a charitable organization and states the section under which that exemption is granted, except that if the organization is a state or local branch, lodge, post or chapter of a national organization, a copy of the determination letter of the national organization shall satisfy this requirement; and

(ii) In the case of incorporated nonprofit organizations, a copy of a certificate of existence issued by the secretary of state pursuant to [chapter 30, title 30](#), Idaho Code, establishing the organization's good standing in the state.

(d) The location at which the applicant will conduct the bingo session or games or drawings for the raffles.

(3) The operation of bingo sessions or games or charitable raffles shall be the direct responsibility of, and controlled by, the governing body of the organization and the members of the governing body shall be held responsible for the conduct of the bingo sessions or games or raffles. No directors or officers of an organization or persons related to them either by marriage or blood within the second degree shall receive any compensation derived from the proceeds of a bingo session or raffle regulated under the provisions of this chapter. An organization shall not contract with any person for the purpose of conducting a bingo session or providing bingo services or conducting a raffle on the organization's behalf, provided that this prohibition does not prevent a bingo organization from hiring employees and paying wages as provided in section [67-7709](#)(1)(d)(ii), Idaho Code. However, if the state lottery commission has entered into an agreement or contract with another state for the operation or promotion of joint bingo sessions, the charitable or nonprofit organization may participate in that contract or agreement.

(4) Different chapters of an organization may apply for and share one (1) license to conduct raffles as long as the information required in subsection (2) of this section is provided to the lottery prior to the issuance of the license.

(5) The organization may apply for the license to coincide with the organization's fiscal year.

[(67-7711) 67-7707, added 1993, ch. 391, sec. 2, p. 1452; am. 1994, ch. 281, sec. 5, p. 879; am. and redesig. 1995, ch. 350, sec. 10, p. 1158; am. 1996, ch. 382, sec. 7, p. 1300; am. 2000, ch. 340, sec. 9, p. 1142; am. 2008, ch. 43, sec. 3, p. 104; am. 2013, ch. 251, sec. 9, p. 618; am. 2017, ch. 58, sec. 35, p. 131.]

67-7712. LICENSE FEES -- SUSPENSION OR REVOCATION. (1) Each organization that applies to the state lottery for a license pursuant to this chapter shall pay annually to the state lottery a nonrefundable license fee which shall be due upon submission of the application. License fees shall be based on the organization's gross revenues from bingo or raffle operations as required to be reported by statute or rule of the commission. Organizations with gross revenues of twenty-five thousand dollars (\$25,000) or less shall pay a fee of one hundred dollars (\$100). Organizations with gross revenues of twenty-five thousand dollars (\$25,000) to seventy-five thousand dollars (\$75,000) shall pay a fee of two hundred dollars (\$200). Organizations with gross revenues exceeding seventy-five thousand dollars (\$75,000) shall pay a fee of three hundred dollars (\$300). New organizations with no history of gross revenues shall pay a fee of one hundred dollars (\$100), and the gross revenues indicated in the organization's first annual report shall determine the license renewal fee.

(2) Any license issued pursuant to this chapter may be suspended or revoked by the state lottery if it is found that the licensee or any person connected with the licensee has violated any provision of this chapter or any rule of the lottery commission or ordinance of a county adopted pursuant to this chapter or:

(a) Has continued to operate bingo sessions or games after losing its tax exempt or nonprofit status or ceases to exercise independent control over its activities or budget as required under the provisions of this chapter;

(b) Has violated or has failed or refused to comply with the provisions of this chapter, or has violated the provisions of a rule of the lottery commission or has allowed such a violation to occur upon premises over which the licensee has substantial control;

(c) Has knowingly caused, aided or abetted, or conspired with another to cause, any person to fail or refuse to comply with the provisions, requirements, conditions, limitation or duties imposed in this chapter, or to fail or refuse to comply with a rule adopted by the state lottery commission;

(d) Has obtained a license or permit by fraud, misrepresentation or concealment, or through inadvertence or mistake;

(e) Has been convicted, forfeited bond, or has been granted a withheld judgment, upon a charge involving forgery, theft, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports to a governmental agency, or any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor, involving gambling activity, physical injury to individuals or moral turpitude;

(f) Denies the state lottery access to any place where a licensed game is conducted, denies access to any law enforcement officer, or fails promptly to produce for inspection or audit any records or items as required by law;

(g) Fails to have the license available for verification where the licensed game is conducted;

(h) Misrepresents or fails to disclose to the state lottery or any investigating law enforcement officer any material fact;

(i) Fails to demonstrate to the state lottery by clear and convincing evidence, qualifications for the license according to state law and the rules of the state lottery establishing such qualifications;

(j) Is subject to current prosecution or pending charges, or to a conviction regardless of whether it has been appealed, for any offense described in paragraph (e) of this subsection. At the request of an applicant for an original license, the state lottery may defer decision upon the application during the pendency of the prosecution or appeal;

(k) Has pursued or is pursuing economic gain in a manner or context which violates criminal or civil public policy of this state and creates a reasonable belief that the participation of the person in gaming operations by charitable or nonprofit organizations would be harmful to the proper operation of a lawful bingo or raffle.

(3) The state lottery may, upon its own motion or upon a written verified complaint of any other person, investigate the operation of any gaming purportedly authorized in this chapter. If the state lottery has reasonable cause to believe that any gaming as described in this chapter violates any of the provisions of this chapter or rules promulgated pursuant to this chapter, it may, in its discretion, place in probationary status, revoke, cancel, rescind or suspend any license. The state lottery may refuse to grant a renewal of the license or it may take other action as may be appropriate under this chapter and any rules promulgated pursuant to this chapter. If the state lottery shall refuse to grant a license or refuse to grant a renewal of a license or revoke, cancel, rescind or suspend a license, it shall give the applicant or licensee fifteen (15) calendar days' written notice of its intended action stating generally the basis for its action. Within the fifteen (15) calendar day notice period, the applicant or licensee shall indicate its acceptance of the decision of the state lottery or shall request a hearing to be held in the same manner as hearings in contested cases pursuant to [chapter 52, title 67](#), Idaho Code. The hearing shall be conducted within twenty-one (21) days of the request. The applicant or licensee may appeal the decision of the state lottery after the hearing within the same time and manner as provided for judicial review of actions pursuant to [chapter 52, title 67](#), Idaho Code. Failure to make the request for a hearing as provided herein, shall render the decision of the state lottery final and not subject to further appeal.

[(67-7712) 67-7708, added 1993, ch. 391, sec. 2, p. 1453; am. 1994, ch. 281, sec. 6, p. 880; am. and redesign. 1995, ch. 350, sec. 11, p. 1160; am. 1996, ch. 382, sec. 8, p. 1302; am. 2013, ch. 251, sec. 10, p. 619.]

67-7713. LICENSURE REQUIREMENTS. A charitable or nonprofit organization conducting a bingo game shall be required to obtain a license if the gross annual bingo sales are ten thousand dollars (\$10,000) or more. A charitable or nonprofit organization conducting a raffle shall be required to obtain a license if the maximum aggregate value of merchandise exceeds five thousand dollars (\$5,000).

[(67-7713) 67-7710, added 1993, ch. 391, sec. 2, p. 1455; am. and redesign. 1995, ch. 350, sec. 12, p. 1162; am. 1996, ch. 382, sec. 9, p. 1304; am. 2000, ch. 340, sec. 10, p. 1144; am. 2003, ch. 313, sec. 1, p. 857; am. 2013, ch. 251, sec. 11, p. 621.]

67-7714. RULES AND FORMS. The state lottery commission is authorized to promulgate rules consistent with this act in compliance with [chapter 52, title 67](#), Idaho Code, to implement the provisions of this act and shall prescribe standardized forms for implementation of this act.

[(67-7714) 1993, ch. 391, sec. 2, p. 1456; am. and redesign. 1995, ch. 350, sec. 13, p. 1162.]

67-7715. VENDORS -- LICENSING -- FEES. (1) No person or entity shall manufacture, sell, distribute, furnish or supply to any person or entity any gaming device, equipment or material, in this state or for use in this state, without first obtaining a vendor's license from the state lottery commission. Vendor licenses shall not be issued by the state lottery except respecting devices, equipment or material designed and permitted to be used in connection with activities authorized under this chapter. Provided however, that this licensing requirement shall apply only insofar as the state lottery commission has adopted rules implementing it as to particular categories of gaming devices and related material and equipment.

(2) Any person or entity that manufactures, sells, distributes, furnishes or supplies any gaming device, equipment or material, in this state or for use in this state shall make application for a vendor license to the state lottery. The state lottery shall review the license application and shall approve or deny the issuing of a license within fifteen (15) calendar days of receipt of the license application. The state lottery may deny the application if it determines that the applicant has not met the requirements imposed in this chapter and rules promulgated pursuant to this chapter. Whenever an application is denied, it shall be returned to the applicant by the state lottery with specific reasons for the denial. When the license application is approved by the state lottery, the state lottery shall issue a license to the applicant.

(3) Each application and renewal application shall contain the following information:

(a) The name, address, date of birth, driver's license number and social security number of the applicant and if the applicant is a corporation, proprietorship, association, partnership or other similar legal entity, the name, home address, date of birth, driver's license number and social security number of each of the officers of the corporation and their spouses, as well as the name and address of the directors and their spouses, or other persons similarly situated.

(b) The locations or persons with which the applicant will provide any gaming device, equipment or material in this state or for use in this state.

(4) Each applicant shall pay annually to the state lottery a nonrefundable license fee of five hundred dollars (\$500) which shall be due upon submission of the application.

(5) Each licensed vendor shall maintain records of all sales to organizations in Idaho for a period of five (5) years. Such records shall be provided to the lottery upon request.

(6) Any license issued pursuant to this section shall be suspended or revoked by the state lottery and the licensee may be assessed a civil penalty by the state lottery up to ten thousand dollars (\$10,000) per violation if it is found that the licensee or any person connected with the licensee has violated any provision of this chapter, particularly those in section [67-7712](#), Idaho Code, or any rule of the lottery commission.

[67-7715, added 1995, ch. 350, sec. 14, p. 1162; am. 1996, ch. 382, sec. 10, p. 1304; am. 2000, ch. 340, sec. 11, p. 1144; am. 2013, ch. 251, sec. 12, p. 621.]

67-7716. ELECTRONIC BINGO DEVICE AND SITE SYSTEMS -- APPROVAL REQUIRED. (1) Electronic bingo devices and site system software shall be sold, rented, leased or otherwise provided in this state only by a licensed manufacturer. Licensed manufacturers shall sell, rent, lease or otherwise provide such equipment only to a licensed distributor. A copy of any contractual agreement between a licensed manufacturer and a licensed distributor relative to the marketing of the manufacturer's equipment in this state, shall be provided to the commission.

(2) No electronic bingo device or site system software may be sold, rented, leased or otherwise provided to any person in this state for use in a bingo game conducted pursuant to this chapter unless and until such device and system software have been approved by the commission. Approval of the device or site system software will be based upon conformance with the requirements contained in this chapter and rules established by the commission for the testing and review of these types of devices and systems.

(3) A licensed manufacturer seeking approval of an electronic bingo device or site system software may be required to submit a prototype of the device or system software for testing and review, at the expense of the manufacturer, as required by the commission. Once approved, any hardware or software modifications must be preapproved by the commission. A licensed manufacturer shall be responsible for the actual costs of testing and examining bingo card monitoring devices, host systems and site system hardware.

[67-7716, added 2005, ch. 259, sec. 3, p. 799.]

67-7717. MANUFACTURING AND DISTRIBUTING REQUIREMENTS. (1) No electronic bingo device shall be able to monitor more than fifty-four (54) bingo faces per game. The licensed manufacturer or distributor must restrict the device to store no more than fifty-four (54) faces per bingo game in its electronic database. After July 1, 2005, the maximum amount of electronic bingo cards played per game may be set by rule of the commission.

(2) Each electronic bingo device that requires a site system to download electronic bingo cards to the device, shall have a unique and permanent identification number hardcoded into the device's software. The identification number shall be communicated from the device to the site system whenever the device is connected to the site system, and printed on all transaction logs including the player's receipt. Manual input of a device identification number into the site system or on any transaction log or receipt is prohibited.

(3) Each electronic bingo device shall be programmed to automatically erase all electronic bingo cards and/or bingo card face numbers stored in the device: (a) upon turning off the device after the last bingo game of the session has been played, or (b) by some secondary timing method established by the manufacturer and approved by the commission.

(4) No electronic bingo device shall be designed to allow bingo players the ability to design their own bingo cards by choosing, rearranging or placing numbers on a card.

(5) A site system shall not be able to engage in any type of sale, void or reload transaction unless an electronic bingo device is connected to and communicating with the site system.

(6) A site system shall be restricted to load no more than fifty-four (54) electronic bingo faces per bingo game into any one (1) electronic bingo device, and the site system must be interfaced with a printer which is capable of printing upon request, a continuous hard copy transaction log and a printout for the player showing the device identification number, and all of the bingo cards and their face numbers loaded into the device. A receipting function for electronic bingo cards must be self-contained within the site system and must record and print out on a copy which is given to the player, the device identification number, the date, number of electronic bingo cards purchased or loaded, and the total amount charged for the electronic bingo cards.

(7) A site system shall be able to provide the winning game patterns required for the entire bingo session on a hardcopy printout. The printout must be available upon demand at the bingo session.

(8) If the commission detects or discovers any malfunction or problem with an electronic bingo device or site system that could affect the security or integrity of the bingo game, the electronic bingo devices, or the site system, the commission may direct the manufacturer, distributor or licensed organization to cease providing or using the electronic bingo devices or site system, as applicable. The commission may require the manufacturer to correct the problem or recall the devices or system immediately upon notification by the commission to the manufacturer. Failure to take the corrective action requested may result in confiscation or seizure of the devices and/or site system.

(9) If a manufacturer, distributor or licensed organization detects or discovers any malfunction or problem with the electronic bingo devices or site system which could affect the security or integrity of the bingo game, bingo card monitoring devices, or site system, the manufacturer, distributor or licensed organization, as applicable, shall discontinue use of the devices or site system and notify the commission by telephone by the next working day of such action and the nature of the problem detected. The commission may request further explanation in writing if deemed necessary.

[67-7717, added 2005, ch. 259, sec. 4, p. 799.]

67-7718. LICENSED DISTRIBUTOR REQUIREMENTS AND DUTIES. (1) A licensed distributor shall purchase, rent, lease or otherwise obtain electronic bingo devices and site system software only from a manufacturer licensed by the commission. A licensed distributor shall sell, rent, lease or otherwise provide, only electronic bingo devices and site system software that have been approved by the commission.

(2) A licensed distributor shall sell, rent, lease or otherwise provide electronic bingo devices and site system software in this state only to an organization holding a charitable gaming bingo license.

(3) Before the initial use by the licensed organization, the licensed distributor must notify the commission in writing of the sale, rental, lease, provision, and/or installation of any electronic bingo devices or site system software. Such notification shall include:

- (a) The complete name and address of the licensed organization and its license number;
- (b) The type of equipment, including serial numbers, sold, rented, leased, provided or installed;
- (c) The expected start-up date for use of the equipment by the licensed organization; and

(d) A copy of any agreement between the licensed distributor and the organization for the use of the equipment.

(4) The licensed distributor shall serve as the initial contact for the licensed organization with respect to requests for installation, service, maintenance, or repair of electronic bingo devices and site systems, and for the ordering of electronic bingo cards, if applicable. The distributor may, as needed, enlist the aid of the licensed manufacturer in providing service, repair or maintenance of the devices or site system. A licensed manufacturer may, with commission approval, authorize or subcontract with a person or company to service, maintain or repair bingo card monitoring devices and/or site systems; however, the ultimate liability for such service, maintenance or repair shall be solely that of the licensed manufacturer.

(5) The licensed distributor shall invoice the licensed organization and collect any and all payments for the sale, rental, lease or other use of the electronic bingo cards, bingo card monitoring devices and site systems. The distributor may, at its discretion, allow the licensed manufacturer to generate the invoice; however, all payments by the licensed organization must be remitted directly to the distributor. The licensed distributor must ensure that its name, complete address, and telephone number appear on the invoice as well as the name, complete address and license number of the licensed organization.

(6) Electronic bingo devices may be transported by a licensed distributor from one (1) location to another for use by more than one (1) licensed organization provided the distributor notifies the commission of the rotation schedule of the devices. However, each licensed organization utilizing a site system must have its own site system, which cannot be moved from its bingo location or be used by another organization without prior approval from the commission.

[67-7718, added 2005, ch. 259, sec. 5, p. 801.]

67-7719. LICENSED ORGANIZATIONS -- USE OF ELECTRONIC BINGO DEVICES. (1) A licensed organization shall purchase, rent, lease or otherwise obtain electronic bingo devices and site system software only from an Idaho licensed distributor. A licensed organization may obtain terminals and/or printers to be used in conjunction with site system software obtained from a licensed distributor, from any source.

(2) The use of a player-owned electronic bingo device at a bingo session is prohibited.

(3) Electronic bingo devices shall be rented, leased or otherwise provided to bingo players only by the licensed organization conducting the bingo session, and only at the time and place of the bingo session. A bingo player using an electronic bingo device must be physically present on the premises, during the time of the bingo session, in order to be eligible to play bingo or win any bingo prize.

(4) Regardless of the number of electronic bingo devices made available for play, at least one (1) device shall be reserved by the licensed organization as a backup device, in the event a device in play malfunctions.

(5) Electronic bingo devices shall be made available to players on a first-come, first-served basis. No device may be reserved for any player, except a device may be reserved for any player with a disability that would restrict his or her ability to mark cards and such disability is consistent with definitions set forth in the Americans with disabilities act.

(6) No bingo player shall be allowed to utilize more than one (1) bingo card monitoring device at any time during a bingo occasion.

(7) An electronic bingo device cannot be used to monitor hard bingo cards or shutter cards.

(8) A licensed organization shall not permit a bingo player to choose or reject individual electronic bingo cards loaded into an electronic bingo device.

(9) At the licensed organization's discretion, a bingo player may, in addition to the maximum fifty-four (54) bingo cards per game which he or she purchases to monitor with an electronic bingo device, purchase additional disposable paper bingo cards to play using a manual daubing or marking method.

(10) An electronic bingo device shall be downloaded with electronic bingo cards by the licensed organization:

(a) Only upon payment by the player;

(b) Only on the premises of the licensed organization's bingo session;
and

(c) Only during the time of the bingo session.

(11) A licensed organization may, at its discretion, charge a separate fee to players for the use of an electronic bingo device. The fee charged must be separately stated on the cash register and bingo player's receipt and shall be included in the bingo cash receipts.

(12) The sale of all bingo cards used in conjunction with an electronic bingo device must be receipted by either cash register or site system. Additional disposable paper bingo card sales must be separately receipted and, in addition, the cash register and player's receipt must identify and show the sale of disposable paper bingo cards separately from that of electronic bingo cards.

[67-7719, added 2005, ch. 259, sec. 6, p. 802.]