
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 379 Session of
2021

INTRODUCED BY FONTANA AND COSTA, MARCH 10, 2021

REFERRED TO COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT,
MARCH 10, 2021

AN ACT

1 Amending the act of December 19, 1988 (P.L.1262, No.156),
2 entitled "An act providing for the licensing of eligible
3 organizations to conduct games of chance, for the licensing
4 of persons to distribute games of chance, for the
5 registration of manufacturers of games of chance, and for
6 suspensions and revocations of licenses and permits;
7 requiring records; providing for local referendum by
8 electorate; and prescribing penalties," in tavern gaming,
9 further providing for definitions, for licenses, for
10 application, for approval, for distribution of net revenue,
11 for tavern games tax, for host municipality tavern games tax
12 and for enforcement.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 902 of the act of December 19, 1988
16 (P.L.1262, No.156), known as the Local Option Small Games of
17 Chance Act, is amended by adding a definition to read:

18 Section 902. Definitions.

19 The following words and phrases when used in this chapter
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 * * *

23 "Tavern game." A tavern daily drawing, tavern weekly

1 drawing, tavern raffle or game of chance.

2 * * *

3 Section 2. Sections 903(b)(4), (5), (6) and (7) and (e),
4 904, 905(c), 909, 909.1(a) and (c) and 909.2(a) and (c) of the
5 act are amended to read:

6 Section 903. Licenses.

7 * * *

8 (b) Information.--The application under subsection (a) shall
9 include the following information:

10 * * *

11 (4) [Certified consent by the applicant, including each
12 owner and officer of the restaurant licensee, to a background
13 investigation by the bureau.] A criminal history record
14 information report issued under 18 Pa.C.S. Ch. 91 (relating
15 to criminal history record information).

16 (5) Relating to criminal information under paragraph
17 (4), disclosure of all arrests and citations of the
18 applicant, including nontraffic summary offenses. The
19 information shall include all of the following:

20 (i) A brief description of the circumstances
21 surrounding the arrest or issuance of the citation.

22 (ii) The specific offense charged.

23 (iii) The ultimate disposition of the charge,
24 including any dismissal, plea bargain, conviction,
25 sentence, pardon, expungement or order of Accelerated
26 Rehabilitative Disposition.

27 (6) Financial background and interests and transactions
28 as required by the bureau.

29 (7) Relating to citations of the applicant issued under
30 the Liquor Code or any other discipline or penalty

1 administered or issued by a Commonwealth agency.

2 * * *

3 [(e) Background investigation.--Each applicant shall include
4 information and documentation as required to establish personal
5 and financial suitability, honesty and integrity. Information
6 shall include:

7 (1) Criminal history record information.

8 (2) Financial background information.

9 (3) Regulatory history before the board or other
10 Commonwealth agency.

11 (4) Other information required by the bureau.]

12 * * *

13 Section 904. Application.

14 (a) Application fee.--An applicant shall pay the board a
15 nonrefundable application fee of [~~\$1,000~~] \$500.

16 [(b) Investigative fee.--An applicant shall pay an
17 investigative fee of \$1,000 to the bureau.]

18 (c) [~~Costs.--In addition to the fee under subsection (b),~~
19 an] Investigative costs.--An applicant and any owner and officer
20 of the applicant shall pay for the actual costs of a background
21 investigation conducted by the bureau [~~that exceed the~~
22 application fee] not to exceed \$1000. The bureau may:

23 (1) Charge an estimated amount to be provided prior to
24 the background investigation.

25 (2) Submit for reimbursement from the applicant for the
26 additional costs incurred in the background investigation.

27 (d) Funds.--Funds collected under [~~subsections (b) and~~
28 subsection (c) shall augment the funds appropriated to the
29 Pennsylvania Gaming Control Board under 4 Pa.C.S. (relating to
30 amusements).

1 Section 905. Approval.

2 * * *

3 (c) Fee.--Upon approval, the applicant shall pay a \$2,000
4 license fee to be deposited in the General Fund. The annual
5 renewal fee shall be [~~\$1,000~~] \$500.

6 * * *

7 Section 909. Distribution of net revenue.

8 Beginning January 1, [~~2014~~] 2021, the net revenue from tavern
9 games received by a licensee shall be distributed as follows:

10 (1) [~~Sixty~~] Fifty percent of the net revenue obtained in
11 any calendar year shall be paid to the Commonwealth.

12 (2) [~~Thirty-five~~] Fifty percent of the net revenue
13 obtained in any calendar year may be retained by the
14 licensee.

15 [(3) Five percent shall be paid to the Commonwealth and
16 deposited into the restricted receipts account established in
17 section 909.3.]

18 Section 909.1. Tavern games tax.

19 (a) Imposition.--There is imposed a tax of [~~60%~~] 50% of the
20 net revenue from tavern games sold by a licensed distributor to
21 a licensee within this Commonwealth.

22 * * *

23 (c) Other games.--In an instance where the tavern game is
24 not required to be purchased from a licensed distributor under
25 this act, a tax of [~~60%~~] 50% is imposed upon the net revenue
26 from tavern daily drawings, tavern weekly drawings and tavern
27 raffles under section 908.1 and must be paid to the Commonwealth
28 by the licensee.

29 * * *

30 Section 909.2. Host municipality tavern games tax.

1 (a) Imposition.--[There] In addition to the tavern games tax
2 under section 909.1, there is imposed a tax of 5% of the net
3 revenue from tavern games sold by a licensed distributor to a
4 licensee within this Commonwealth[.] in a municipality that has
5 adopted an ordinance imposing a host municipality tavern games
6 tax under this section and has filed the ordinance with the
7 Department of Revenue.

8 * * *

9 (c) Other games.--In an instance where the tavern game is
10 not required to be purchased from a licensed distributor under
11 this act, a tax of 5% is imposed in a municipality that has
12 adopted an ordinance imposing a host municipality tavern games
13 tax under subsection (a) upon the net revenue from tavern daily
14 drawings and tavern raffles under section 908.1 and must be paid
15 to the Commonwealth and deposited into the restricted receipts
16 account established in section 909.3.

17 * * *

18 Section 3. Section 913(f) of the act is amended by adding a
19 paragraph to read:

20 Section 913. Enforcement.

21 * * *

22 (f) Suspension, revocation or failure to renew.--

23 * * *

24 (3) A third violation of this chapter shall result in a
25 revocation of a license issued under this chapter. A licensee
26 shall be ineligible to apply for or be awarded a license
27 under this chapter for a period of five years after a
28 revocation.

29 Section 4. This act shall take effect in 60 days.