

CALIFORNIA GAMBLING CONTROL COMMISSION  
**INITIAL STATEMENT OF REASONS**  
CGCC-GCA-2009-03-C

**HEARING DATE:** None Scheduled.

**SUBJECT MATTER OF PROPOSED REGULATIONS:** Assistance to Bingo Players with Disabilities.

**SECTIONS AFFECTED:** California Code of Regulations, Title 4, Division 18, Section 12482.

**SPECIFIC PURPOSE OF REGULATORY PROPOSAL:**

**INTRODUCTION:**

Pursuant to its authority under Penal Code Section 326.5(p)(6), the California Gambling Control Commission (Commission) is proposing to adopt regulations that will establish means by which the operator of a bingo game shall offer assistance to players with disabilities. The proposed regulations prescribe options for providing reasonable accommodation to a disabled player, but at the same time do not impose an undue hardship on the operators because the accommodations do not require significant difficulty or expense. The adoption of the proposed regulations will implement one element of the California Remote Caller Bingo Act (CRCBA),<sup>1</sup> as mandated by Penal Code section 326.5.

**BACKGROUND:**

Senate Bill (SB) 1369 authorizes “remote caller bingo” as a game that would allow specific nonprofit organizations to use audio or video technology to remotely link designated in-state facilities to conduct live bingo games, if authorized pursuant to a local ordinance and approved by the Commission. The Commission is required to regulate remote caller bingo, including but not limited to, the development of regulations for licensure and registration of persons who conduct remote caller bingo games, or who manufacture and distribute remote caller bingo equipment and supplies. The Commission is also given authority to license manufacturers and distributors of bingo card-minding devices, and to approve those devices for use in the play of both remote caller bingo and traditional bingo games.

According to the author, SB 1369 is intended to provide nonprofit organizations an opportunity to increase their fundraising ability by authorizing remote caller bingo, which will allow charities across the State to combine their games and offer larger prizes than allowed under current law. The author states, “The demand for services from California charities is increasing due to the

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<sup>1</sup> Chapter 748, Statutes of 2008 (SB 1369, Cedillio and Battin, et al.).

economy, unemployment and our state budget cuts. At the same time, charitable donations are down and charities are faced with turning away people for whom it is their mission to serve. Charities desperately need new tools to increase their ability to raise funds to keep up with the demand for their services.”

Penal Code section 326.5, subdivision (o), provides that electronic or video displays shall not be used in connection with the game of bingo, except in connection with the caller’s drawing of the numbers or symbols, public display of that drawing, and except in connection with the use of hand-held, portable card-minding devices used by players who are physically present at a bingo game. Subdivision (p) provides that players who are physically present at a bingo game may use hand-held, portable card-minding devices that meet specified requirements to assist in monitoring the numbers or symbols announced in a live game. This subdivision also requires that the Commission approve any card-minding device in advance of its use. Paragraph (6) of subdivision (p) provides that the Commission may adopt regulations specifying the means by which the operator of a bingo game may offer assistance to players with disabilities in order to enable those players to participate in a bingo game. This paragraph further specifies that the means of providing assistance shall not be through any electronic, electromechanical, or other device or equipment that accepts the insertion of any coin, currency, token, credit card, or other means of transmitting value, and does not constitute or is not a part of a system that constitutes a video lottery terminal, slot machine, or devices prohibited by Chapter 10 (commencing with Section 330).

Business and Professions Code section 19850.6 directs the Commission to adopt appropriate emergency regulations as soon as possible, with the initial regulatory action to be filed with the Office of Administrative Law (OAL) by May 1, 2009. The initial regulatory action for the interim approval of bingo card-minding devices was filed with OAL on December 18, 2008<sup>2</sup> and became effective January 1, 2009. The emergency adoption of Section 12482 was approved by OAL on May 18, 2009<sup>3</sup> and became effective on that date. Section 12482 will remain in effect for 180 days during which time this proposed action is being pursued in compliance with Government Code section 11346.1(e).

**PROPOSED ACTION:**

This proposed action permanently establishes Section 12482 in Article 1, Chapter 8, Division 18, Title 4 of the California Code of Regulations, as follows:

- Section 12482 clarifies the statutory authority and purpose for the proposed regulation and requires the operator of a bingo game to provide certain reasonable accommodations for players with disabilities consistent with definitions set forth in the Americans with Disabilities Act (ADA), when those disabilities would affect their ability to participate in the play of bingo games. These provisions are intended to allow players with disabilities an equal opportunity to participate in a bingo game, as follows:
  1. Subsection (a) lists the means by which the operator of a bingo game shall accommodate players with disabilities that affect their ability to mark bingo cards. These means

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<sup>2</sup> See OAL File No. 2008-1218-06 E.

<sup>3</sup> See OAL File No. 2009-0508-03 E, which is hereby incorporated by reference.

include the use of card-minding devices, the waiver of fees, and alternative methods for claiming prizes. Specifically, those accommodations include the following:

- (a) Paragraph (1) requires the operator of a bingo game that offers card-minding devices, to reserve a minimum of two card-minding devices for use by players with disabilities. This is designed to assist players with those types of disabilities who may have difficulties playing paper bingo by ensuring that at least two card-minding devices are reserved for their use. The use of these devices will allow these individuals an equal opportunity to participate in a bingo game. If there are no requests for use of the devices by players with disabilities prior to fifteen minutes before the scheduled start of a session, the operator may make the reserved card-minding devices available for use by any player. If there are no requests for use of the reserved card-minding devices by players with disabilities, there is no harm in allowing the operator to make these devices available for use by any player.
  - (b) If the operator of a bingo game charges a fee for the use of the electronic card-minding devices, paragraph (2) requires the operator to waive the fee and to waive any minimum purchase requirement imposed on players utilizing electronic card-minding devices, for players with disabilities described in subsection (a). The requirement to waive the rental fee and any minimum purchase requirement is intended not only to assist players with disabilities by allowing them to use the card-minding devices and therefore participate in a game of bingo, but also to remove any financial barrier resulting from the limitation in their choices of the manner of play. Because of the limitations resulting from a particular disability, a player may have no other option for play but the use of a card-minding device. Thus, requiring the payment of a fee or imposing a minimum purchase requirement may be viewed as discriminatory. Without being subject to additional fees and minimum purchase requirements with no viable alternative, disabled players will be afforded an equal opportunity to participate in the play of bingo games. Disabled players are not relieved of the requirement to pay any fee or to comply with any minimum purchase requirement, imposed on players that do not use card-minding devices.
  - (c) Paragraph (3) requires the operator of a bingo game to allow players with disabilities described in subsection (a) to present a print out of winning cards, or other evidence of a winning card approved by the Commission, in order to claim a prize. This is intended to assist players with disabilities who have difficulties marking tangible paper cards. Those players with disabilities are allowed to present a print out of winning cards, or other evidence of a winning card approved by the Commission, in lieu of marked tangible cards, to claim a prize.
2. Subsection (b) requires the operator of a bingo game to allow players with disabilities consistent with definitions set forth in the ADA, when such disabilities would restrict their ability to verbally announce "BINGO," to utilize a form of visual or audible signaling to notify the operator of a winning pattern or "bingo," which may include a flag, paddle, light, horn, bell or whistle, or other means approved by the Commission. The use of a form of visual or audible signaling device to notify the operator of a winning

pattern or “bingo” allows players with disabilities to announce “BINGO” when they are unable to do so verbally.

3. Subsection (c) requires the operator of a bingo game to allow players with disabilities consistent with definitions set forth in the ADA, when such disabilities would restrict their ability to mark cards, or announce “BINGO,” to bring another individual to assist them in playing bingo. The assisting individual shall not count towards the 750-player maximum applicable to remote caller bingo provided in Penal Code section 326.3(i). This is intended to assist players with disabilities by allowing them to bring another individual to assist them in playing bingo. The assisting individual may help players with disabilities to recognize the numbers or symbols called, mark cards, push buttons on the card-minding devices, announce “BINGO,” or claim a prize, when the players with disabilities have difficulties doing so themselves. The exclusion of the assisting individual from the 750-player maximum applicable to remote caller bingo is designed to eliminate a potential reason for denying entry of an individual to provide assistance to a disabled player.

#### **UNDERLYING DATA:**

Technical, theoretical or empirical studies or report relied upon: None.

#### **BUSINESS IMPACT:**

The Commission has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### **SPECIFIC TECHNOLOGIES OR EQUIPMENT:**

The proposed regulations do not mandate the use of specific technologies or equipment.

#### **CONSIDERATION OF ALTERNATIVES:**

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives that were considered and the reasons each alternative was rejected:

No reasonable alternative has been considered or otherwise identified and brought to the attention of the Commission.