

**TITLE 4.**  
**CALIFORNIA GAMBLING CONTROL COMMISSION**

**NOTICE OF PROPOSED REGULATORY ACTION**  
**ASSISTANCE TO BINGO PLAYERS WITH DISABILITIES**

CGCC-GCA-2009-03-C

**NOTICE IS HEREBY GIVEN** that the California Gambling Control Commission (Commission) is proposing to take the action described below in the Informative Digest and Policy Statement Overview.

**NO PUBLIC HEARING SCHEDULED**

At this time, the Commission has not scheduled a public hearing. Any interested person, or his or her authorized representative, may request a hearing pursuant to Government Code section 11346.8. A request for a hearing should be directed to the person(s) listed under Contact Persons no later than 15 days prior to the close of the written comment period.

**WRITTEN COMMENT PERIOD**

Written comments relevant to the proposed regulatory action, including those sent by mail, facsimile, or e-mail, may be submitted to the Commission at any time during the public comment period. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than 5:00 p.m. on August 24, 2009**. Written comments should be directed to one of the individuals designated in this notice as a contact person. **Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission.**

**ADOPTION OF PROPOSED ACTION**

After the close of the public comment period, the Commission, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by Sections 19850.5 and 19850.6 of the Business and Professions Code, and Sections 326.3 and 326.5, Penal Code; and to implement, interpret or make specific Sections 19850.5 and, 19850.6 of the Business and Professions Code, and Sections

326.3 and 326.5 of the Penal Code; the Commission is proposing to adopt the following changes to Chapter 8 of Division 18 of Title 4 of the California Code of Regulations:

### **INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW**

#### **INTRODUCTION:**

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>1</sup> and became effective January 1, 2009. The emergency adoption of Section 12482 was approved by OAL on May 18, 2009<sup>2</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).

#### **SPECIFIC PROPOSAL:**

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>3</sup> as mandated by Penal Code section 326.5.

#### **EXISTING LAW:**

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).

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<sup>1</sup> See OAL File No. 2008-1218-06 E

<sup>2</sup> See OAL File No. 2009-0508-03 E

<sup>3</sup> Chapter 748, Statutes of 2008 (SB 1369, Cedillio and Battin, et al.)

Title 4, California Code of Regulations, Section 12482, currently 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).

Title 4, California Code of Regulations, Section 12486, currently establishes requirements for the interim approval of card-minding devices, and any modifications to approved devices, as well as the use of those devices in the play of bingo.

**EFFECT OF REGULATORY ACTION:**

This proposal makes permanent Section 12482, adopted as an emergency regulation effective May 18, 2009, in Article 1, Chapter 8, Division 18, Title 4 of the California Code of Regulations 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 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. 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.
  - b. If the operator of a bingo game charges a fee for the use of an electronic card-minding device, 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). 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.
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.
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).

**FISCAL IMPACT ESTIMATES****FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:**

None.

**NONDISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES:**

None.

**LOCAL MANDATE:**

None.

**COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH GOVERNMENT CODE SECTION 17561 REQUIRES REIMBURSEMENT:**

None.

**IMPACT ON BUSINESS:**

The Commission has made the initial determination that this 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.

**IMPACT ON JOBS/NEW BUSINESSES:**

The Commission has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

**COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:**

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**EFFECT ON HOUSING COSTS:**

None.

**EFFECT ON SMALL BUSINESS:**

The Commission has determined that the proposed regulatory action may affect small businesses if any affected charity qualifies as a small business.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would either be 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 action described in this Notice.

## **INITIAL STATEMENT OF REASONS, INFORMATION AND TEXT OF PROPOSAL**

The Commission has prepared an Initial Statement of Reasons and the exact language for the proposed action and has available all the information upon which the proposal is based. Copies of the language and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Commission at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833-4231.

## **AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS**

All the information upon which the proposed action is based is contained in the Rulemaking File that will be available for public inspection and copying at the Commission's office throughout the rulemaking process. Arrangements for inspection and/or copying may be made by contacting the backup contact person named below.

Upon its completion, the Final Statement of Reasons will also be available. A copy of the Final Statement of Reasons may be obtained, once it has been prepared, by making a written request to one of the contact persons named below or by accessing the Commission's Web site listed below.

## **CONTACT PERSONS**

All comments and inquiries concerning the substance of the proposed action should be directed to the following **primary** contact person:

James B. Allen, Regulatory Actions Manager  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833-4231  
Telephone: (916) 263-4024  
Fax: (916) 263-0499  
E-mail: Jallen@cgcc.ca.gov

Requests for a copy of the Initial Statement of Reasons, proposed text of the regulation, modified text of the regulation, if any, or other technical information upon which the proposed action is based should be directed to the following **backup** contact person:

Joy Calkin, Staff Services Analyst  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833-4231  
Telephone: (916) 263-0700  
Fax: (916) 263-0452  
E-mail: Jcalkin@cgcc.ca.gov

## **WEB SITE ACCESS**

Materials regarding this proposed action are also found on the Commission's Web site at [www.cgcc.ca.gov](http://www.cgcc.ca.gov).