

BAO 2005-0304-0045	Date Issued: 04/26/2005	View Request <a href="#">RQ 2005-0304-0045</a>
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Summary:	Neither the Bingo Enabling Act nor the Charitable Bingo Administrative Rules prohibits a licensed, authorized organization from placing a limit on the number of electronic machines a person may play or a restriction on who may purchase the use of them so long as the limitations or restrictions do not violate TEX. OCC. CODE § 2001.412.
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CERTIFIED MAIL NO. 7001 2510 0001 4202 4500

BAO # 2005-0304-0045

April 26, 2005

Foy Belvin  
331 N. Longview Street  
Apt. B-5  
Kilgore TX 75662

Re: Bingo equipment

Dear Mr. Belvin:

On March 4, 2005, the Texas Lottery Commission (Commission) received your advisory opinion request. Below is your question followed by the Commission's answer.

Please advise if it is legal for a charity to place not only a limit on the number of electronic machines a person may play at a single session of bingo, and or place a restriction on who may purchase them.

ANSWER:

Tex. Occ. Code § 2001.412 (the Bingo Enabling Act) provides:

A person may not be denied admission to a bingo game or the opportunity to participate in a game because of race, color, creed, religion, national origin, sex, or disability or because the person is not a member of the licensed authorized organization conducting the bingo game.

Neither the Bingo Enabling Act nor the Charitable Bingo Administrative Rules (16 Tex. Admin. Code Chapter 402) prohibits a licensed, authorized organization from placing a limit on the number of electronic machines a person may play or a restriction on who may purchase the use of them so long as the limitations or restrictions do not violate Tex. Occ. Code § 2001.412.

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## **SUMMARY**

Neither the Bingo Enabling Act nor the Charitable Bingo Administrative Rules prohibits a licensed, authorized organization from placing a limit on the number of electronic machines a person may play or a restriction on who may purchase the use of them so long as the limitations or restrictions do not violate Tex. Occ. Code § 2001.412.

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This advisory opinion cannot be construed as a tax ruling or otherwise interpretive of the Internal Revenue Code. The information provided is completely limited to the context of the Bingo Enabling Act and the Charitable Bingo Administrative Rules.

This advisory opinion is based on the laws, rules, and regulations in effect at the time of its issuance. All of the information provided herein is subject to change in law.

This opinion is purely advisory in nature and is limited to the particular questions at issue and to the facts presented in the request. Therefore, this opinion must not be relied upon as a previous determination regarding any conduct which is not substantially consistent with the opinions and facts stated in the request.

Yours truly,

William L. Atkins, Director  
Charitable Bingo Operations Division

cc: C. Tom Clowe, Jr., Chairman  
James A. Cox, Jr., Commissioner  
Rolando Olvera, Commissioner  
Kimberly L. Kiplin, General Counsel