



SC REVENUE RULING #92-16

SUBJECT: "Two Anyway Bingo" Games
"Almost Two Anyway Bingo" Games
(Bingo)

TAX MANAGER: John P. McCormack

EFFECTIVE DATE: January 1, 1993

REFERENCE: S.C. Code Ann. Section 12-21-3410 (Supp. 1991)
S.C. Code Ann. Section 12-21-3420 (Supp. 1991)

AUTHORITY: S.C. Code Ann. Section 12-4-320 (Supp. 1991)
SC Revenue Procedure #87-3

SCOPE: A Revenue Ruling is the Commission's official interpretation of how tax law is to be applied to a specific set of facts. A Revenue Ruling is public information and remains a permanent document until superseded by a Regulation or is rescinded by a subsequent Revenue Ruling.

Questions:

1. May a bingo operation play a game commonly referred to as "Two Anyway Bingo"?
2. May a bingo operation play a game commonly referred to as "Almost Two Anyway Bingo"?

Facts:

Recently, questions have arisen concerning two methods of playing a game known as "Two Anyway Bingo" and "Almost Two Anyway Bingo". Prior to a game, the caller announces the configuration or configurations that will win the game. Typically, a configuration is a line, a square, four corners, inside four corners, or a postage stamp. In "Two Anyway Bingo" the caller requires a player to achieve any two of several configurations in order to achieve bingo. However, in "Almost Two Anyway Bingo" a

player can achieve bingo by completing one configuration and covering all but one of the spaces of the second configuration. For example, in a game of "Almost Two Anyway Bingo" the winning player may cover all five spaces necessary to create a line and cover only three of the four spaces necessary to create a postage stamp.

Discussion:

Article 23 of Chapter 21 of Title 12 of the South Carolina Code of Laws regulates the game of bingo in this State. Specifically, the law sets forth who may establish a bingo operation, the licenses and taxes that are due, how the game is to be played and various other requirements.

The issue at hand concerns how the game is played. This is addressed in Code Sections 12-21-3410 and 12-21-3420.

Code Section 12-21-3410 reads:

- (A) The game of bingo must be played in the following manner:
- (1) Bingo is played by more than one player and a caller who is associated with the house. Each player pays an amount certain for each card to be played during the course of a game and may purchase the card for a specified number of games. After the player has purchased a card or cards for a specified number of games, the house cannot require or accept an additional payment or consideration by the player in order to complete the specified number of games.
 - (2) Before each game begins, the caller shall announce to the players the configurations that will win the game. A configuration consists of covering a number of grids in some geometrical design such as, but not limited to, a line, square, or the four corners of the card.
 - (3) At the beginning of each game, the caller also shall announce the prize, specifically stating the dollar amount or merchandise that will be awarded to the winner. After the prize has been announced and the game has begun, the prize must not be diminished or altered. The prize must be awarded to the winner of that game without delay. For multiple winners, the prize must be divided equally among the winners.
 - (4) The caller shall draw numbers from the cage one at a time. As each number is selected, it is announced to the players. If a player has a card with the called number on it, he may use a marker to cover the square which contains the number. After the number is announced, it must be indicated on the master-board by the caller.

- (5) When a player covers sufficient squares on a card to achieve the winning configuration, he may indicate to the caller. The caller shall require that the player's card be checked against the master-board in the presence of the other players to determine if the squares were covered accurately. If it is determined by the caller that the player accurately has covered the squares and achieved the preannounced configuration, the player is declared the winner. If it is determined that the player has not covered the squares accurately and achieved the preannounced configuration, play continues in that game.
- (6) All devices, including the master-board, used to show what numbers have been called during a game must not be changed or turned off until the winners are verified. (Emphasis added.)

Code Section 12-21-3420 reads, in part:

In addition to the manner of play prescribed in Section 12-21-3410, the following procedures apply to the conduct of the game:

* * * *

- (7) Before the start of play, the caller shall announce the winning configuration of covered squares for that particular game
- (8) The prize must be awarded to the first person who successfully achieves the winning configuration of covered squares. (Emphasis added.)
- (9) Balls must be selected randomly by an indiscriminate process.
- (10) Only one number may be called at a time.

Finally, it should be noted that Code Section 12-21-3320(3) defines the term "card", and specifically authorizes one free space in the center of the card.

The following quote from 73 Am. Jur. 2d., Statute, Section 191 provides guidance:

The different parts of a statute reflect light upon each other, and statutory provisions are regarded as in pari materia where they are parts of the same act. Hence, a statute should be construed in its entirety, and as a whole.

All parts of the act should be considered, and construed together. It is not permissible to rest a construction upon any one part alone, or upon isolated words, phrases, clauses, or sentences, or to give undue effect thereto. The legislative

intention, as collected from an examination of the whole as well as the separate parts of a statute, is not to be defeated by the use of particular terms.

With respect to the questions at hand, the following can be concluded:

- (1) While the statute uses both the plural and the singular form of the word "configuration" in the different subsections of the Bingo Act, the Commission, in considering every aspect of the Act, has determined that the caller can require the players to complete one or a designated number of configurations in order to achieve bingo. Also, the caller can allow the players to achieve bingo if they complete one or more of several preannounced configurations.
- (2) The configuration or configurations that will win the game must be announced by the caller before the game begins.
- (3) The caller is required to select only one number at a time and the caller must announce that number to the players.
- (4) After the number is called, the players, if they have that number, must cover that number with a marker.
- (5) A configuration is defined as the covering of a number of spaces to create a geometric design.
- (6) The winner is the first player or players to cover the spaces in a manner that forms the configuration or configurations as announced by the caller prior to the game.
- (7) No free spaces, other than the one authorized by the statute for the center square of the card, are allowed.

See also SC Revenue Ruling #91-11 and Code Section 12-21-3320(3).

Based on the above, "Two Anyway Bingo" is permissible. However, "Almost Two Anyway Bingo" is not permissible since the statute requires that each number the player uses to complete the preannounced configuration be one that has been announced by the caller after he has randomly selected it from the cage. The one exception to this rule is the one free space authorized by Code Section 12-21-3320(3).

In addition, this method does not meet the statutory definition of a configuration. A configuration is the "covering" of a number of spaces in some geometrical design.

Conclusion:

1. The method of playing bingo, which is described in the Facts and is commonly referred to as "Two Anyway Bingo" is permissible under the bingo statute.
2. The method of playing bingo, which is described in the Facts and is commonly referred to as "Almost Two Anyway Bingo" is not permissible under the bingo statute.

SOUTH CAROLINA TAX COMMISSION

s/A. Crawford Clarkson, Jr.
A. Crawford Clarkson, Jr., Chairman

s/T. R. McConnell
T. R. McConnell, Commissioner

s/James M. Waddell, Jr.
James M. Waddell, Jr., Commissioner

Columbia, South Carolina
December 8, 1992