Legislative Council,
General Assembly
State of Delaware

Title 28

Sports and Amusements

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Chapter 1
Combative Sports and Combative Sports Entertainment
Subchapter I
General Provisions

§ 101 Legislative intent and findings; statutory construction.

(a) It is the intent of the General Assembly in enacting this chapter to regulate amateur and professional combative sports and combative sports entertainment. Unregulated combative sports and combative sports entertainment matches, contests, and events threaten the health, safety, and welfare not only of their participants, but also of those charged with staging and judging them, those who train to participate in them at a future time, and in some cases those who attend them.

(b) To the end of furthering the substantial and compelling interest of the people of this State in regulating combative sports and combative sporting entertainment events, and in order to promote the health, safety and welfare, of those effected by combative sports and combative sports entertainment in Delaware, this chapter shall be liberally construed so as to effectuate its purposes.

(76 Del. Laws, c. 413, § 2; 77 Del. Laws, c. 438, §§ 2-5.)

§ 102 Definitions.

The following words, terms, and phrases shall, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

(1) “Amateur boxing” shall mean any boxing event, as herein defined, which is sanctioned by an amateur boxing association recognized by the Director, such as, but not limited to, the International Amateur Boxing Association, Golden Gloves USA Boxing, Inc. or Mid-Atlantic Association, and for which boxers who engage in a match or contest where no purse of cash or any other article of value is awarded for that boxer’s participation or victory, and who has never received any purse of cash or other article of value for that boxer’s participation or victory in a match or contest, which is greater than the maximum amount permitted by the Division, as defined in rule and regulations of the Division.

(2) “Bout” shall mean 1 combative sports match, as defined herein.

(3) “Boxing” shall mean the act, activity, or sport of attack and defense in which a participant delivers blows with that participant’s fists, especially according to rules requiring the use of boxing gloves and limiting legal blows to those striking above the waist and on the front or sides of the opponent.

(4) “Boxing match” shall mean a single boxing bout wherein participants use their best efforts to prevail through knockout, technical knockout, judges’ decision or any other manner of determining victory which are consistent with the rules governing boxing and authorized by the rules and regulations of the Division.

(5) “Combative fighting” shall include, but not be limited to such terms as “toughman fighting”, “toughwoman fighting”, “badman fighting”, “extreme fighting”, and all such similar terms or names, and shall mean any unsanctioned combative sports or wrestling match, contest or exhibition between 2 or more participants and where members of the public are selected from the audience to participate with or without protective headgear, who use their hands, with or without gloves, or their feet, or both, and who compete for a financial prize or any item of pecuniary value, and which match, contest, tournament, championship or exhibition is not recognized or sanctioned by any international, national or regional professional sanctioning organization recognized by the Director.

(6) “Combative sports” shall include all professional boxing and mixed martial arts and all amateur boxing and mixed martial arts.

(7) “Combative sports entertainment”, included but not limited to “celebrity boxing”, “entertainment boxing” and all such similar terms or names shall mean a display of skill for the purpose of entertaining an audience, consisting of choreographed or simulated combat in which techniques commonly used in combative sports are employed by participants. The participants do not exert their best effort and the winner is determined prior to the match.

(8) “Contest” shall mean a bout or group of bouts involving contestants competing in a professional or amateur combative sports or permitted combative sports entertainment event.

(9) “Contestant” shall mean a person who competes in any licensed combative sports event or permitted combative sports entertainment event.

(10) “Council” shall mean the Combative Sports Advisory Council.

(11) “Director” shall mean the Director of the Division of Professional Regulation of the Department of State.

(12) “Division” shall mean the Division of Professional Regulation of the Department of State.

(13) “Event” shall mean an organized series of contests and/or individual matches presented as a single occasion.

(14) “Mixed martial arts” shall mean combative discipline in which a combination of controls, takedowns, submissions and striking techniques are employed by trained practitioners.

(15) “Professional” shall mean a person who engages in a match or contest where a purse of cash or other article of value is awarded for that person’s participation or victory which is greater than the maximum amount permitted by the Division to be awarded to an amateur, as defined in the Division’s rule and regulations.

(16) “Professional boxing” shall mean a boxing match as herein defined, which is sanctioned by a professional boxing association recognized by the Director, such as, but not limited to, the World Boxing Association or the World Boxing Conference of the North American Boxing Association, and for which the boxers are compensated financially.

(17) “Promoter” shall mean any person, regardless of job title, who arranges, advertises, produces, stages or conducts a combative sports or combative sports entertainment event.

(18) “Secretary” means the Secretary of State or designee.

(76 Del. Laws, c. 413, § 2; 70 Del. Laws, c. 186, § 1; 77 Del. Laws, c. 438, §§ 6-14.)

Subchapter II

Powers and Duties of the Division

§ 103 Rules and regulations.

(a) In the interest and for the protection of the public health, safety, and welfare, the Division of Professional Regulation shall promulgate and enforce rules and regulations relating to the regulation of combative sports and combative sports entertainment events in Delaware.

(b) The Division shall have the following powers and duties related to the regulation of combative sports and combative sporting entertainment events:

(1) To make and publish rules regulating all professional and amateur combative sports and combative sports entertainment events held in the State, and such rules shall have the force and effect of law;

(2) To accept applications for and issue licenses and permits for combative sports or combative sports entertainment events held in the State. Such licenses and permits shall be issued in accordance with rules duly adopted by the Division;

(3) To suspend or revoke licenses and to fine licensees or permittees for any violation of this statute or any regulation made pursuant thereto;

(4) To charge fees to be determined by the Director of any license or permit authorized hereby; and the amount charged for fees imposed under this chapter shall approximate and reasonably reflect costs necessary to defray the expenses of the Council, as well as the proportional expenses incurred by the Division. There shall be a separate fee charged for each service or activity, but no fee shall be charged for a purpose not specified in this chapter;

(5) To establish reasonable qualifications for any applicant seeking a license or permit, or to be registered, pursuant to this chapter;

(6) To establish criteria to determine whether and when a bond shall be posted by a permittee or licensee, the amount of any bond it requires to be posted, and any other conditions relating to the posting of a bond, including those relative to any waiver or exclusion from such posting requirement;

(7) To provide for the designation and assignment of an agent who shall:

a. Be present at all times during any combative sports or combative sports entertainment event to which that agent is assigned;

b. Represent the State and act on behalf of the Division at such event for all reasons consistent with the Division’s authority under this chapter; and

c. Exercise and enforce this chapter and the Division’s regulations including, but not limited to:

1. The authority to veto the decisions of event officials and participants for good cause; and

2. The authority to halt any or all matches undertaken during the event, or to halt the entire event.

d. Any such agent, and any of its authorized representatives and employees, shall be treated as an agency of the State and/or a public officer or employee of the State, for purposes of subchapter I of Chapter 40 of Title 10;

(8) To be present at licensed and permitted events in all areas where contestants are prepared and evaluated, including dressing rooms and ringside;

(9) To veto the decisions of event officials and participants for good cause; and the authority to halt any or all matches undertaken during the event, or to halt the entire event for good cause.

(76 Del. Laws, c. 413, § 2; 70 Del. Laws, c. 186, § 1; 77 Del. Laws, c. 438, §§ 15-19.)

§ 104 Investigative authority; complaints.

(a) The Director, or the Director’s designee, shall investigate either by complaint or sua sponte all allegations of violation of statutory or regulatory provisions regulating combative sports and combative sports entertainment in the State, and in doing so, an agent of the Division may enter, at a reasonable time and without prior notice, any place of business or other establishment or building in which activity alleged to violate this chapter may occur. All violations shall be investigated as prescribed in § 8735(h) of Title 29. The Secretary, or the Secretary’s designee, shall have the authority to suspend or revoke any license or permit or to impose an administrative penalty on any licensee or permittee for any violation of this statute or any rules or regulations made pursuant thereto. Any license may be suspended pending a hearing before the Secretary, or the Secretary’s designee, for any statutory or regulatory violation which, in the opinion of the Director, or the Director’s designee presents an imminent threat to the safety of the contestants or to the health, welfare or safety

of the general public. The Director, or the Director's designee, shall immediately inform the promoter of the combative sports and/or combative sports entertainment event and the manager of each contestant in the event of the nature of the violation and the reason for the suspension. All violations shall be heard by the Secretary, or the Secretary's designee within 30 days of the suspension. All hearings regarding statutory or regulatory violations shall be governed by the provisions set forth in the Delaware Administrative Procedures Act, Chapter 101 of Title 29. The proceeds of all administrative penalties imposed by the Secretary shall be paid to the Division.

(b) Any person wishing to make a complaint against any licensee or permittee shall file such a complaint in the form and manner set forth in § 8735(h) of Title 29.

(76 Del. Laws, c. 413, § 2; 70 Del. Laws, c. 186, § 1; 77 Del. Laws, c. 438, § 20.)

Subchapter III

Licensing, Registration, and Permits

§ 105 Combative sports license.

(a) No person shall participate in a professional combative sports event unless licensed by the Division or the Division's designated agent and the following conditions exist:

(1) Where the promoter presents proof of insurance sufficient to provide medical care of the nature and quality recognized as falling within the standard of medical care in the State by the medical community of the State; and

(2) Where a physician, licensed to practice medicine by the Delaware Board of Medical Licensure and Discipline, is in attendance under the authority of the Division or its designated agent; and

(3) Where the promoter, contestant, referee, timekeeper, seconds and judges shall be licensed by the Division or its designated agent; and

(4) Where the event is held in accordance with the sanctioning organization's rules, bylaws, guidelines or other such conditions.

(5) Where all license fees have been paid to license the event, in an amount established by the Director or the Division's designee.

(6) No contestant shall be licensed to participate in a combative sports event unless certified as physically and mentally fit by a medical doctor licensed by the State for professional combative sports events. The medical examination of the contestant shall take place no sooner than 5 days prior to the combative sports event. The costs of the examination shall be paid by the promoter and not deducted from or charged against the purse or other monetary or financial compensation awarded to the contestant. Medical certification of all contestants shall be presented to the Division prior to the combative sports event. The criteria for physical and mental fitness shall be established by rule.

(7) All contestants who suffer loss of consciousness or who have been injured seriously as a result of blows received to the head or body shall be supervised for a period not to exceed 120 days by a licensed medical doctor. The determination of loss of consciousness or of serious injury shall be made only by a medical doctor licensed by the State and approved by the Director, or the Director's designee, for attendance at the event. The Secretary, or the Secretary's designee, shall suspend the license to engage in combative sports of any contestant who shall have suffered loss of consciousness or serious injury as a result of blows received to the head or body for a period of no less than 60 days. Such suspension shall remain effective unless and until such contestant shall present to the Secretary, or the Secretary's designee, a certificate of medical clearance on a form approved by the Director and signed by a medical doctor licensed in the State certifying that the contestant is physically and mentally fit to engage in combative sports.

(b) No person shall participate in an amateur combative sports event unless that event is permitted by the Division and the following conditions exist:

(1) Where such combative sports event is sanctioned by an amateur sanctioning organization recognized by the Director; and

(2) Where such amateur combative sports event is permitted by the Division;

(3) Where the event is held in accordance with the Division's rules, bylaws and guidelines or other such conditions;

(4) Where a fee has been paid to permit the event, in an amount established by the Director.

(5) No contestant shall be licensed to participate in a combative sports event unless certified as physically and mentally fit by a medical doctor licensed by the State for amateur combative sports events. The medical examination of the contestant shall take place no sooner than 5 days prior to the combative sports event. The costs of the examination shall be paid by the promoter and not deducted from or charged against the purse or other monetary or financial compensation awarded to the contestant. Medical certification of all contestants shall be presented to the Division prior to the combative sports event. The criteria for physical and mental fitness shall be established by rule.

(6) All contestants who suffer loss of consciousness or who have been injured seriously as a result of blows received to the head or body shall be supervised for a period not to exceed 120 days by a licensed medical doctor. The determination of loss of consciousness or of serious injury shall be made only by a medical doctor licensed by the State and approved by the Director, or the Director's designee, for attendance at the event. The Secretary, or the Secretary's designee, shall suspend the license to engage in combative sports of any contestant who shall have suffered loss of consciousness or serious injury as a result of blows received to the head or body for a period of no less than 60 days. Such suspension shall remain effective unless and until such contestant shall present to the Secretary, or the

Secretary's designee, a certificate of medical clearance on a form approved by the Director and signed by a medical doctor licensed in the State certifying that the contestant is physically and mentally fit to engage in combative sports.

(76 Del. Laws, c. 413, § 2; 70 Del. Laws, c. 186, § 1; 77 Del. Laws, c. 319, § 1; 77 Del. Laws, c. 438, §§ 21-34.)

§ 106 Combative sports entertainment permit.

(a) No person may advertise, hold, conduct, or exhibit any combative sports entertainment event unless the person first obtains from the Division a permit to advertise, hold, conduct, or exhibit the specific combative sports entertainment event. A permit is only valid for the single occasion for which it is issued. All forms of advertising shall prominently display the permit number issued for the event. If the advertisement is in other than a written format the permit number shall be verbally announced within the advertisement.

(b) Submit a permit application and pay a fee as determined by the Director.

(76 Del. Laws, c. 413, § 2; 77 Del. Laws, c. 438, §§ 35-37.)

§ 106A Combative sports entertainment requirements.

(a) No person shall hold, conduct, or exhibit any combative sports entertainment event unless such person:

(1) Provides for emergency equipment and personnel to be present at the permitted event. Minimum emergency equipment and personnel shall consist of an ambulance and 2 EMTs who shall be present and on site at all times during the event; and

(2) Provides for adequate security personnel to maintain order and provide safety during and after the event.

(b) If the services of any fire company, police agency, paramedic, and/or emergency medical services provider are used for any participant of a combative sport entertainment event then the promoter of such event shall be responsible for and shall pay the costs of the services provided by the fire company, police agency, paramedic, and/or emergency medical services provider.

(77 Del. Laws, c. 438, § 38.)

Subchapter IV
Exceptions

§ 107 Exceptions.

The licensing, permitting, registration and bonding requirements set forth in the chapter do not apply to a match, contest, or event, or the participants therein:

(1) To any intramural or intermural combative sports event or athletic competition of any school, college, or university accredited by the Delaware Department of Education or any combative sports event held on any federal military reservation, provided that those participating in such an event are students or faculty of such school, college or university or students or faculty from a school, college or university inside or outside the State and accredited by the appropriate State educational authority or members of the armed forces of the United States or enrolled in and supervised by the Delaware State Police Academy.

(2) [Reserved.]

(76 Del. Laws, c. 413, § 2; 77 Del. Laws, c. 438, § 39.)

Subchapter V
Penalties; Injunctive Relief

§ 108 Penalties.

(a) Combative fighting, as defined herein, shall be prohibited in the State. All participants in a combative fighting event, including, but not limited to contestants, promoters, managers, matchmakers, seconds, judges, timekeepers and referees, shall be subject to prosecution under Title 11.

(b) No combative sports or combative sports entertainment event shall be permitted unless licensed by the Division or its designated agents. All participants in such an unlicensed combative sports or combative sports entertainment event, including, but not limited to, contestants, promoters, managers, matchmakers, seconds, judges, timekeepers and referees, shall be subject to prosecution under Title 11 for applicable offenses.

(c) Any promoter who has been found guilty by the Secretary, or the Secretary's designee, of promoting an unsanctioned combative sports match shall be assessed an administrative penalty of no less than $500 nor more than $1,000 per individual combative sports match regardless of the number of matches scheduled.

(d) Any promoter who has been found guilty by the Secretary, or the Secretary's designee, of promoting an unsanctioned combative sports entertainment event shall be assessed an administrative penalty of no less than $500 nor more than $1000 per event scheduled.

(e) If the services of any fire company, police agency, paramedic, and/or emergency medical services provider are used for any participant in any unsanctioned combative sports and/or combative sports entertainment event then the promoter of such event shall be responsible for and shall pay the costs of the services provided by the fire company, police agency, paramedic, and/or emergency medical services provider in addition to any other penalties specified herein.

(76 Del. Laws, c. 413, § 2; 70 Del. Laws, c. 186, § 1; 77 Del. Laws, c. 438, §§ 40-42.)

§ 109 Injunctive relief.

(a) The Division may seek injunctive relief in any court of competent jurisdiction of this State to enjoin any person from undertaking any combative sports or combative sports entertainment event in violation of this chapter or of the Division's regulations or to compel obedience to any order of the Director relating to combative sports and combative sports entertainment.

(b) In addition to any other statutory or regulatory sanction that may be imposed, the Director shall have the authority to apply to the Delaware Court of Chancery for an injunction, restraining order or any other order as may be appropriate to enjoin any person, partnership, organization, corporation, limited liability company, limited partnership or limited partnership from:

(1) Promoting or offering to promote any unlicensed amateur or, professional combative sports event or combative sports entertainment event;

(2) Advertising or offering to advertise any unlicensed amateur or professional combative sports event or combative sports entertainment event;

(3) Conducting or offering to conduct any unlicensed amateur or professional combative sports event or combative sports entertainment event; or

(4) Competing or offering to compete in any unlicensed amateur or professional combative sports event or combative sports entertainment event.

(c) Any court of competent jurisdiction in this State may assess and compel payment of a civil penalty pursuant to this section.

(76 Del. Laws, c. 413, § 2; 77 Del. Laws, c. 438, §§ 43-48.)

Subchapter VI

Combative Sports Advisory Council

§ 110 Combative Sports Advisory Council.

(a) The Division shall establish a Combative Sports Advisory Council.

(b) The Advisory Council shall be composed of 7 members who shall be appointed by the Director of the Division of Professional Regulation. The members shall include the following:

(1) One member shall be a physician licensed by and a resident in the State with an expertise in sports medicine.

(2) One member, who is currently, or shall have been a full-time member of a Delaware police agency or a federal agency with law-enforcement responsibilities with no less than 3 years experience in the areas of gambling, organized crime or related areas.

(3) One member shall be a Delaware resident with no less than 3 years experience as a boxer.

(4) One member shall be a Delaware resident with no less than 3 years experience as a mixed martial arts practitioner.

(5) One member shall be a Delaware resident with no less than 3 years experience as a promoter.

(6) One member shall be a Delaware resident with no less than 3 years experience as a referee.

(7) One member shall be a public member that shall not be, nor ever have been a boxer, promoter, manager, second, referee or judge or employed by a boxer, manager, second, referee or judge nor have been engaged in an activity directly related to boxing. The public member shall be accessible to inquiries, comments and suggestions from the public.

(c) The Combative Sports Advisory Council shall:

(1) Hold open, public meetings as required by the Director, and in accordance with the provisions of the Delaware Freedom of Information Act (Chapter 100 of Title 29) and the Delaware Administrative Procedures Act (Chapter 101 of Title 29), to discuss issues relating to the state of combative sports and combative sports entertainment in Delaware including, but not limited to: rules and regulations, proposed legislation, policy guidelines, amateur and professional participation in combative sports and combative sports entertainment events, and such other issues as it deems appropriate;

(2) Submit to the Director of the Division of Professional Regulation proposed rules, regulations, legislation, or policy guidelines relating to the conduct of combative sports and combative sports entertainment matches, contests, and events, and the participants therein;

(3) Upon the request of the Director or any licensee or permittee or upon a motion of $^{2}/_{3}$ of the Council, review any rule, regulation, statutory provision, or policy guideline issued by the Division governing any amateur or professional combative sports or combative sports entertainment event for the purpose of advising the Division as to the fairness or a violation thereof; and

(4) Review all written reports submitted by a referee following a combative sports or combative sports entertainment match the end of which was not satisfactory to the referee and make recommendations thereon to the Division.

(d) The Council may review at the request of the Director all applications for any license or permit issued by the Division for the purpose of regulating the conduct of amateur and professional combative sports or combative sports entertainment event within Delaware. When reviewing such applications, the Council shall review any medical or criminal histories contained therein in executive session, and such histories shall be exempt from disclosure under the Delaware Freedom of Information Act [Chapter 100 of Title 29].

(e) The Advisory Council may require any licensee, permittee, registrant, medical personnel, or other person identified in the Division's regulations to submit 1 or more reports relating to any match, contest, or event in order to fulfill its duties under subsection (c) of this section. Such reports shall be submitted under oath and notarized on a form approved by the Division. Refusal by any licensee, permittee, or registrant to comply with the Advisory Council's reporting requirement pursuant to this subsection shall be deemed sufficient grounds for immediate censure, suspension, or revocation of the respective license, permit or registration.

(f) The Advisory Council may hear oral testimony from any witness having relevant evidence in any matter relating to any match, contest, or event in order to fulfill its duties under subsection (c) of this section. Such testimony shall be given under oath and permanently preserved on audio recording tape, by stenographic transcript, or in another manner pursuant to the Division's regulations.

(76 Del. Laws, c. 413, § 2; 77 Del. Laws, c. 438, §§ 49-58.)

Subchapter VII

Grounds for Refusal to Issue a License or Permit; Disciplinary Procedures

§ 111 Revocation, suspension, censure, reprimand, probation, fine, license or permit refusal.

The Secretary or the Secretary's designee may refuse a license or permit, suspend or revoke a license or permit issued or allowed pursuant to this chapter, or may reprimand, censure or fine a licensee or permittee, if the Secretary or the Secretary's designee has reasonable grounds to believe that the applicant, licensee, registrant, or permittee has:

(1) Violated a provision of this chapter or of the Division's regulations;

(2) Been adjudged guilty in another jurisdiction of violating any statute or regulation governing combative sports or any combative sports entertainment event prohibited or regulated by the Division;

(3) Been disciplined by any sanctioning organization recognized by the Division;

(4) Pleaded guilty to, or been convicted of, any crime that is substantially related to combative sports or combative sports entertainment in any jurisdiction, including but not limited to bribery, gambling, racketeering, combative fighting or organized-crime activities;

(5) Been found to have committed an administrative violation in any jurisdiction for acts constituting bribery, gambling, racketeering, combative fighting or organized-crime activities;

(6) Been afflicted with a physical or mental disability or impairment that renders the applicant, licensee, registrant, or permittee no longer capable of exercising the rights or discharging the duties granted pursuant to the license, registration, or permit; provided, however, that the Division must consider, as a mitigating factor, the person's participation in the Voluntary Treatment Option Program as set forth in § 8735(n) of Title 29;

(7) Failed to complete at the direction of the Division, its designee or of the Council, any paperwork or administrative formalities in connection with the applicant's, licensee's, registrant's, or permittee's participation in or association with a combative sports or combative sports entertainment match conducted in this State, as defined in rule and regulation; or

(8) Engaged in an activity that, in the opinion of the Director, warrants refusal of license or permit, censure, probation, issuing a reprimand or fine, suspension, or revocation in order to preserve the integrity of combative sports and combative sports entertainment in Delaware.

(76 Del. Laws, c. 413, § 2; 70 Del. Laws, c. 186, § 1; 77 Del. Laws, c. 438, §§ 59-62.)

§ 112 Forfeiture of purse.

The Director may order any combative sports or combative sports entertainment participant or manager who has received a purse of cash, or any other article of value, in an amount in excess of $1,000 to forfeit the same to the Division for any serious violation of this chapter or Division regulations. The Division shall establish by regulation guidelines for determining what violations of this chapter or of the Division's regulations are considered serious violations requiring a participant or manager to forfeit of a purse.

(76 Del. Laws, c. 413, § 2; 77 Del. Laws, c. 438, § 63.)

§ 113 Judicial review; appeal from decision or order.

(a) Any person aggrieved by a decision or order of the Secretary or the Director relating to combative sports or combative sports entertainment may seek judicial review thereof by appealing the matter to the Superior Court within 30 days of the dated the decision was mailed.

(b) Any appeal taken pursuant to this section does not stay the effect of the decision or order of the Director which is the subject of the appeal. The court may order a stay upon a showing of irreparable harm to the appellant. The court may require a bond if it orders a stay pursuant to this section.

(c) Any appeal taken pursuant to this section shall be on the record to the extent one exists. Where no record exists, the court may remand the matter to the Director for the purposes of establishing a record or may, for good cause shown, retain the matter and accept such additional evidence as it deems necessary to render a decision in the matter. If the court retains the matter, it may affirm or reverse the decision or order, or may remand the matter to the Director for further proceedings.

(76 Del. Laws, c. 413, § 2; 77 Del. Laws, c. 438, § 64.)

§ 114 Service of process.

Notice of an appeal filed pursuant to § 113 of this title shall be served upon the Director, or the Director's designee, and all other parties of record who are subject to the decision or order, together with such other material and information as required by the court. Service of process shall be perfected pursuant to the Rules of the Superior Court governing service of process in civil proceedings.

(76 Del. Laws, c. 413, § 2.)

§ 115 Certification of record.

(a) Upon being served with a notice of appeal pursuant to § 113 of this title the Director, or the Director's designee, shall certify to the court the record of the proceedings to which the petition relates, if one exists.

(b) The petitioner shall pay all costs associated with the preparation and certification of the record pursuant to this section, which shall be paid upon the conclusion of the proceedings at the direction of the court.

(76 Del. Laws, c. 413, § 2.)

Chapter 3
Horse Racing [Transferred].

Subchapter I
Delaware Thoroughbred Racing Commission

§§ 301-309 [Transferred].

Transferred.

Subchapter II
License to Conduct Racing Meet; Taxes

§§ 321-330 [Transferred].

Transferred.

Subchapter III
Regulatory Provisions, Offenses and Penalties

§§ 341-347 [Transferred].

Transferred.

Subchapter IV
Wagering or Betting by Pari-Mutuel Machines or Totalizators

§§ 361-369 [Transferred].

Transferred.

Chapter 4
Horse Racing in Kent County

Subchapter I

License to Conduct Racing Meet; Taxes

§ 401 Authority for horse racing in Kent County on five-eighths mile track.

Horse racing for stake, purse or reward at and upon a race track of no less than $^5/_8$ of a mile in circumference may be conducted in Kent County subject to this chapter. Such horse racing may be conducted during either daylight or evening hours, or both.

(28 Del. C. 1953, § 401; 56 Del. Laws, c. 119.)

§ 402 License as required.

Any person desiring to conduct horse racing for any stake, purse or reward in Kent County during any calendar year shall first obtain a license to do so from the Delaware Thoroughbred Racing Commission.

(28 Del. C. 1953, § 402; 56 Del. Laws, c. 119; 63 Del. Laws, c. 143, § 14.)

§ 403 Application; inspections and examinations; rejection; award of dates and maximum racing days.

(a) Any person desiring to conduct a horse racing meet within Kent County during any calendar year shall file an application with the Secretary of the Commission on or before a date to be fixed by the Commission. The application shall specify the days on which such racing is desired to be conducted and shall be in such form and supply such data and information, including a blueprint of the track and specifications of its surface and blueprints and specifications of buildings and grandstand on the land where the meet is to be conducted as the Commission prescribes; provided, however, that it shall not be necessary for the applicant to submit blueprints and specifications with the application if the race meet for which a license is requested to be conducted is at a track for which the Commission granted a license the preceding year.

(b) The blueprints and specifications shall be subject to the approval of the Commission, which, at the expense of the applicant, may order such engineering examination thereof as the Commission deems necessary. The erection and construction of the track, grandstand and buildings of any applicant for a license to conduct horse racing under this chapter shall be subject to the inspection of the Commission, which may order such engineering examination as the Commission deems necessary at the expense of the applicant and may employ such inspectors as the Commission considers necessary for that purpose.

(c) The Commission may reject any application for a license for any cause which it deems sufficient, and the action of the Commission shall be final.

(d) The Commission shall, on or before January 15 of each year, award all dates for horse racing in Kent County within the current year, but the dates so awarded shall not exceed 55 days in the aggregate. The decision of the Commission on the award of all dates shall be final.

(e) No more than 2 horse racing meets shall be held in Kent County in any 1 year.

(f) The Commission may meet subsequently to January 15 of each year and award dates for horse racing within the limits provided in this section on application submitted to it, provided that the days so awarded in no way conflict with any other provision of this chapter.

(g) No license to conduct horse racing under the provisions of this section shall be granted except to a private stock corporation formed and existing under the laws of this State for the purpose of conducting horse racing and businesses incident thereto in compliance with the following conditions and requirements:

(1) Before a license shall be issued under the provisions of this chapter, the applicant shall file with the Commission, in addition to other requirements of this chapter, the names, addresses and the terms of office of its directors and officers and at such other time or times thereafter as they may be changed, the names and addresses of such directors and officers, a copy of the certificate of incorporation duly certified by the Secretary of the State and a copy of its bylaws. Such applicant shall file with the Commission a copy of any amendment to its certificate of incorporation, duly certified as aforesaid, within 10 days after the effective date of any such amendment;

(2) The board of directors of the applicant shall not be less than 5 in number;

(3) The applicant shall have no other office except in this State;

(4) Every applicant for a license shall file with the Commission, at the time of application for a license, a statement of its resources and liabilities. The Commission shall have access at all times to the books, records and accounts of the licensee;

(5) No license shall be issued unless a majority of the board of directors and officers shall be bona fide residents of this State.

(28 Del. C. 1953, § 403; 56 Del. Laws, c. 119; 56 Del. Laws, c. 245; 57 Del. Laws, c. 304; 59 Del. Laws, c. 178, § 1.)

§ 404 Application and license fees.

(a) Any person, upon applying to the Commission for a license to conduct a horse racing meet pursuant to this chapter during any calendar year, shall, at the time of making the application, pay to the Secretary of the Department of Finance a fee of $500.

(b) Any person who is granted a license by the Commission to conduct a horse racing meet pursuant to this chapter during any calendar year shall, at the time the license is granted, pay to the Secretary of the Department of Finance an additional fee of $250.

(28 Del. C. 1953, § 404; 56 Del. Laws, c. 119; 57 Del. Laws, c. 741, § 32A.)

§ 405 Issuance.

Upon the award of dates to any applicant, the Commission shall issue a license for the holding of the meet or meets during the dates awarded to the applicant. The license shall be subject to all rights, regulations and conditions from time to time prescribed by the Commission.

(28 Del. C. 1953, § 405; 56 Del. Laws, c. 119.)

§ 406 Suspension or revocation; appeal.

(a) Any license issued by the Commission shall be subject to suspension or revocation by the Commission for any cause whatsoever which the Commission deems sufficient. If any license is suspended or revoked, the Commission shall state publicly its reasons for so doing and cause an entry of the reasons to be made on the minute book of the Commission, and its action shall be final.

(b) The propriety of such action shall be subject to review upon questions of law only by the Superior Court of Kent County. The action of the Commission shall stand unless and until reversed by the Court.

(28 Del. C. 1953, § 406; 56 Del. Laws, c. 119.)

§ 407 Rules of Jockey Club and of National Steeplechase and Hunt Association [Repealed].

Repealed by 63 Del. Laws, c. 143, § 15, eff. July 13, 1981.

§ 408 Inspection of racing premises prior to meet.

Not less than 5 days prior to the opening of any meet authorized by the Commission, the Commission, at the expense of the licensee for the meet, shall cause to be made an inspection of the track, grandstand and buildings where the meet is to be held, and, unless such track, grandstand and buildings are found to be safe for animals and persons or are rendered safe prior to the opening of the meet, the license for the meet shall be withdrawn.

(28 Del. C. 1953, § 408; 56 Del. Laws, c. 119.)

§ 409 Rules, regulations and special powers of Commission; subpoenas; contempt; perjury.

(a) (1) The Commission shall adopt regulations governing the operation of thoroughbred racing including the regulation of betting in connection therewith and the regulation of the conduct of all participants in any racing meet, to insure the integrity and security of the conduct of meetings held pursuant to this chapter. Such regulations shall include provisions for disciplinary measures for violations thereof including the imposition of fines, suspension or revocation of licenses or permits, and ejection or expulsion from a licensee's premises.

(2) a. The Commission shall have the authority to impose a fine of up to $5,000 for any violation of its regulations.

b. The stewards of a race meeting acting in accordance with such regulations if authorized by the Commission shall have the authority to impose disciplinary measures, including fines, suspension or revocation of licenses or permits, and ejection or exclusion from a licensee's premises.

c. All fines imposed pursuant to this section shall be paid over to the General Fund upon receipt by the Commission.

d. A person fined or otherwise disciplined by the stewards of a race meeting shall have a right of appeal to the Commission and for a hearing before the Commission. Any person fined or otherwise disciplined by the Commission shall have a right of appeal to the Superior Court of the State.

e. The action of the Commission shall stand unless and until reversed by the Court.

(3) The Commission may request and receive assistance from, and rely upon information provided by, the Thoroughbred Racing Protective Bureau, and state or federal law enforcement agencies, in the investigation of any matters within its jurisdiction.

(b) The Commission may make rules governing, restricting or regulating the rate or charge by a licensee for admission or for the performance of any service or the sale of any article on the premises of a licensee.

(c) All proposed extensions, additions or improvements to the buildings, stables or improvements on tracks or property owned or leased by a licensee under this chapter shall be subject to the approval of the Commission.

(d) The Commission may compel the production of any and all books, memoranda or documents showing the receipts and disbursements of any person licensed under the provisions of this chapter to conduct racing meets.

(e) The Commission may at any time require the removal of any employee or official employed by any licensee under this chapter.

(f) The Commission may require that the books, records and financial or other statements of any person licensed under the provisions of this chapter shall be kept in such form or in such manner as the Commission prescribes. The Commission may visit, investigate and place expert accountants and such other persons as it deems necessary, in the offices, tracks or places of business of any such person for the purpose of satisfying itself that the Commission's rules and regulations are strictly complied with. The salaries and expenses of such expert accountants or other persons shall be paid by the person to whom they are assigned.

(g) The Commission may issue, under the hand of any Commissioner and the seal of the Commission, subpoenas for the attendance of witnesses and the production of books, papers and documents before the Commission and may administer oaths or affirmations to the witnesses whenever in the judgment of the Commission it is necessary for the effectual discharge of its duties. If any person refuses to obey any subpoena or to testify or to produce any books, papers or documents, the Commission may apply to the Superior Court of Kent County, and, thereupon, the Court shall issue its subpoena requiring the person to appear and to testify or to produce the books, papers and documents. Whoever fails to obey or refuses to obey a subpoena of the Court shall be guilty of contempt of court and shall be punished accordingly. False swearing on the part of any witness shall be deemed perjury and shall be punished as such.

(28 Del. C. 1953, § 409; 56 Del. Laws, c. 119; 63 Del. Laws, c. 143, § 16.)

§ 410 Licensee's annual financial statement.

Every licensee shall file with the Commission not later than 4 months after the close of its fiscal year a statement, duly certified by an independent public accountant, of its receipts from all sources whatsoever during the fiscal year and of all expenses and disbursements, itemized in the manner and form directed by the Commission, showing the net revenue from all sources derived by the licensee during the fiscal year covered by such statement.

(28 Del. C. 1953, § 410; 56 Del. Laws, c. 119.)

§ 411 Tax on admissions; books and records; inspection.

(a) Every person licensed to hold a horse racing meet within Kent County shall pay to the Secretary of the Department of Finance a tax of 10 cents on each admission on each day of any such meet, excepting admissions of persons performing any duty or work in connection with the holding of the meet and excepting admissions of spouses of jockeys, owners and trainers of horses participating in the meet. The licensee may collect such amount from each ticket holder in addition to the amount charged for the ticket of admission.

(b) Accurate records and books shall at all times be kept and maintained by the licensee showing the number of admissions, employees of the licensee and spouses of jockeys, owners and trainers of horses excepted, for each racing day of each horse racing meet. The Secretary of the Department of Finance, or the Secretary's duly authorized representative, shall at all reasonable times have access to the admission records of any licensee for the purpose of examining and checking the same and ascertaining whether or not the proper amount has been, or is being, paid to the State. The Secretary of the Department of Finance may also, from time to time, require sworn statements of the number or numbers of such admissions and prescribe blanks upon which the reports shall be made.

(28 Del. C. 1953, § 411; 56 Del. Laws, c. 119; 57 Del. Laws, c. 741, § 32B; 70 Del. Laws, c. 186, § 1.)

Subchapter II

Regulatory Provisions, Offenses and Penalties

§ 421 Application of chapter; simulcasts of races.

This chapter shall apply to horse races upon which wagering or betting is conducted in accordance with subchapter III of this chapter. For purposes of this chapter simulcasts of horse races or harness horse races displayed within the enclosure of any horse race meeting shall constitute horse racing within said enclosure.

(28 Del. C. 1953, § 421; 56 Del. Laws, c. 119; 57 Del. Laws, c. 229; 64 Del. Laws, c. 21, § 3.)

§ 422 Liability insurance of licensee.

Ten days before any horse racing meet may be held under this chapter, those licensed to conduct the meet shall deposit with the Commission a policy of insurance against personal injury liability which may be sustained at the meet. The insurance shall be in an amount approved by the Commission with premium prepaid.

(28 Del. C. 1953, § 422; 56 Del. Laws, c. 119.)

§ 423 Limitation on compensation that may be paid by licensee.

No salary, fee or compensation exceeding the sum of $2,000 shall be paid in any calendar year by any person licensed under this chapter, except to officials or employees actively engaged in the operations incident to the holding of the racing meet or in the maintenance of the racing plant.

(28 Del. C. 1953, § 423; 56 Del. Laws, c. 119.)

§ 424 Enforcement.

All officers of the law shall cooperate with the Commission for the proper enforcement of this chapter.

(28 Del. C. 1953, § 424; 56 Del. Laws, c. 119.)

§ 425 Aiding or abetting unlicensed meet; penalty.

Whoever aids or abets in the conduct of any meet within Kent County at which horse racing or horse races are permitted for any stake, purse or reward, and upon which wagering or betting is conducted as provided in this chapter, except in accordance with a license duly

issued and unsuspended or unrevoked by the Commission, shall be fined not less than $500 and not more than $10,000 for each day of such unauthorized meeting, or imprisoned.

(28 Del. C. 1953, § 425; 56 Del. Laws, c. 119.)

§ 426 Failure of licensee to pay tax on admissions; penalty.

(a) Whoever, being a licensee, fails or refuses to pay the amount found to be due by the Secretary of the Department of Finance as the tax on admissions shall be fined not more than $25,000 in addition to the amount due the Secretary of the Department of Finance.

(b) All fines up to the amount found to be due the Secretary of the Department of Finance and paid into court by a licensee guilty of violating this section shall be transmitted and paid over by the clerk of the court to the Secretary of the Department of Finance.

(28 Del. C. 1953, § 426; 56 Del. Laws, c. 119; 57 Del. Laws, c. 741, § 32B.)

§ 427 Restrictions on licensee acting as video lottery agent.

During any calendar year in which a licensee under this chapter has also been licensed by the Director of the State Lottery Office to maintain video lottery machines within the confines of a racetrack licensed under this chapter, an amount calculated pursuant to § 4815(b)(4) of Title 29 shall be added to the purses for the races to be held at the licensee's racetrack. The allocation of said sums among the races to be held at the licensee's racetrack shall be in accordance with contracts currently in force, or with the horse racing association recognized for purposes related to the allocation of purses, if applicable; provided, that all of such sums shall have been allocated no later than the end of the calendar year immediately following the calendar year of receipt of said sums by the licensee.

(69 Del. Laws, c. 446, § 21; 79 Del. Laws, c. 311, § 1.)

Subchapter III

Wagering or Betting by Pari-Mutuel Machines or Totalizators

§ 441 Place for wagering.

Within the enclosure of any horse racing meet licensed and conducted under this chapter, but not elsewhere, the wagering and betting on horse racing by the use of pari-mutuel machines or totalizators is authorized and permitted.

(28 Del. C. 1953, § 441; 56 Del. Laws, c. 119.)

§ 442 License to conduct pools; application; qualifications.

(a) The Commission may grant a license to any person to make, conduct and sell pools by the use of pari-mutuel machines or totalizators for the purpose of receiving wagers or bets on horse races within the enclosure of any horse racing meet licensed and conducted under this chapter, but not otherwise, under such regulations as the Commission prescribes.

(b) The Commission may prescribe regulations governing the granting of applications for licenses, the granting of licenses and the conditions under which any licensee may conduct, sell or make any such pool.

(c) The qualifications of any licensee shall be such as to afford a reasonable belief that the licensee will be financially responsible and will conduct the business of operating the pools in a proper and orderly manner. A licensee to make, conduct and sell such pools shall be a person licensed to conduct a horse racing meet under this chapter.

(28 Del. C. 1953, § 442; 56 Del. Laws, c. 119.)

§ 443 Revocation of license.

All licenses for the operation of pools as provided in this chapter shall be revocable at any time, without hearing, at the absolute discretion of the Commission.

(28 Del. C. 1953, § 443; 56 Del. Laws, c. 119.)

§ 444 Rules, regulations and special powers of Commission.

(a) The Commission may require the keeping of books and records by a licensee of a pool in such forms, or in such manner, as the Commission prescribes. The Commission may also regulate the duties of any employee of any such licensee, and visit, investigate and place expert accountants and such other persons as it deems necessary in the office or place of business of any person licensed to operate a pool for the purpose of satisfying itself that the Commission's rules and regulations are strictly complied with.

(b) The Commission may also issue, under its hand and seal, subpoenas for the attendance of witnesses and production of books, papers and documents of the licensee before the Commission and may administer oaths or affirmations to the witnesses whenever in the judgment of the Commission it is necessary for the effectual discharge of its duties. If any person refuses to obey any subpoena, to testify or to produce any books, papers or documents, then the Commission may apply to the Superior Court of Kent County and thereupon the Court shall issue its subpoena requiring the person to appear and testify or to produce the books, papers and documents before the Commission. Any person failing to obey or refusing to obey a subpoena of the Court is guilty of contempt of court and shall be punished accordingly. False swearing on the part of any witness shall be deemed perjury and shall be punished as such.

(28 Del. C. 1953, § 444; 56 Del. Laws, c. 119.)

§ 445 Tax on pari-mutuel and totalizator pools.

(a) (1) Every person engaged in the business of conducting a horse racing meet under this chapter shall pay as a tax to this State a percentage of the total contributions to all pari-mutuel and totalizator pools conducted or made on each racing day on any and every racetrack licensed under this chapter and on all races that day at such track.

(2) The percentage of such pari-mutuel and totalizator pools to be paid as such tax shall be as follows:

a. One percent if the total daily contributions to such pools do not exceed $400,000;

b. Three percent if the total daily contributions to such pools exceed $400,000 but do not exceed $600,000;

c. Five percent if the total daily contributions to such pools exceed $600,000.

(3) The tax shall be computed daily and shall be paid by a certified check on a weekly basis. Each check shall be transmitted by the licensee to the Secretary of the Department of Finance no later than Wednesday following the week for which the tax is due.

(b) In addition to the other taxes required by this section, every person engaged in the business of conducting a horse racing meet under this chapter shall pay as a tax to this State 2 percent of the total contributions to all special pari-mutuel and totalizator pools conducted or made on each racing day on any and every racetrack licensed under this chapter. Special pari-mutuel and totalizator pool means a separate wagering pool in which an interest is represented by a single wager on 2 or more horses, and shall include, but not be limited to daily doubles, exactas, quinellas, perfectas, tri-perfectas, twin doubles and big exactas.

(28 Del. C. 1953, § 445; 56 Del. Laws, c. 119; 57 Del. Laws, c. 741, § 32C; 58 Del. Laws, c. 298, § 3; 60 Del. Laws, c. 164, § 1; 60 Del. Laws, c. 165, § 1.)

§ 446 Licensee's commissions on pari-mutuel and totalizator pools.

(a) The Commission shall authorize commissions pursuant to subsection (b) of this section on pari-mutuel or totalizator pools to all licensees operating a racing meet pursuant to this chapter. The commission shall be a portion of the total daily contributions to all pari-mutuel or totalizator pools conducted or made at the racing meet and at every race at that meet, plus the odd cents of all redistributions to be made on all pari-mutuel or totalizator pool contributions exceeding the sum equal to the next lowest multiple of 10, such odd cents to be calculated upon the basis of each dollar wagered.

(b)

	IF TOTAL DAILY CONTRIBUTIONS TO SUCH
16 ½%	$1.00 to $400,000
14 ½%	$400,001 to $600,000
12 ½%	over $600,000.

(28 Del. C. 1953, § 446; 56 Del. Laws, c. 119; 60 Del. Laws, c. 164, § 2.)

§ 447 Deduction of federal taxes from total of contributions.

For the purpose of making any of the calculations of amounts payable to the State and to the licensee under §§ 445 and 446 of this title, no federal taxes, if any, shall be deducted from the amount of total contributions before applying the percentage specified in those sections.

(28 Del. C. 1953, § 447; 56 Del. Laws, c. 119.)

§ 448 Disposition of moneys for unclaimed pari-mutuel tickets.

All sums held by any licensee for payment of outstanding pari-mutuel tickets not claimed by the person or persons entitled thereto within a period of 1 year following the last day of the meet shall be paid by certified check to the Commission. If the Commission finds such payment correct it shall transmit the check to the State Treasurer.

(28 Del. C. 1953, § 448; 56 Del. Laws, c. 119.)

Subchapter IV
Jurisdiction and Effect

§ 461 Authority of Delaware Thoroughbred Racing Commission; "Commission" defined.

(a) The Delaware Thoroughbred Racing Commission as created and existing under Chapter 101 of Title 3 shall have jurisdiction over horse racing in Kent County pursuant to this chapter and shall have authority to grant licenses therefor as provided in this chapter.

(b) The word "Commission" as it appears in this chapter shall mean the Delaware Thoroughbred Racing Commission as created and existing pursuant to Chapter 3 of this title.

(28 Del. C. 1953, § 461; 56 Del. Laws, c. 119; 63 Del. Laws, c. 143, § 17.)

§ 462 Effect of chapter.

No provision of this chapter shall in any way be construed to repeal any provision contained in Chapter 101 of Title 3, provided, however, that where any provision of this chapter shall be in conflict with any provision of Chapter 3 of this title, the provisions of this chapter shall control with respect to horse racing in Kent County.

(28 Del. C. 1953, § 462; 56 Del. Laws, c. 119.)

Chapter 5
Harness Racing [Transferred].

Subchapter I

Delaware Harness Racing Commission

§§ 501-510 [Transferred].

Transferred.

Subchapter II

License to Conduct Harness Racing Meet; Taxes

§§ 521-530 [Transferred].

Transferred.

Subchapter III

Regulatory Provisions, Offenses and Penalties

§§ 541-546 [Transferred].

Transferred.

Subchapter IV

Wagering or Betting by Pari-Mutuel Machines or Totalizators

§§ 551-558 [Transferred].

Transferred.

Subchapter V

Delaware Standardbred Development Fund

§§ 561-570 Definitions; Delaware Standardbred Development Fund; Board of Trustees of the Fund; use of the Fund; conditions for races and participation; scheduling of races; location of races; rules of the Board; budget procedures; advertising budget; operating budget [Repealed].

Repealed by 72 Del. Laws, c. 74, § 1, effective June 28, 1999.

Chapter 7
Influencing Results of Sporting Events by Bribery and Other Unlawful Means

§ 701 Bribing participant in sporting event; penalty.

Whoever directly or indirectly gives or promises to give any money or valuable thing as a bribe, present or reward to any person taking part or intending to take part, as a professional or amateur participant, in any baseball, football or basketball game, boxing match or other sporting contest, with intent to induce such person to lose or cause the loss or attempts to lose or cause the loss of any such game, match or contest by such person or by the team or side of such person shall be fined not more than $3,000 or imprisoned not more than 3 years, or both.

(Code 1935, § 3898A; 46 Del. Laws, c. 231; 28 Del. C. 1953, § 701.)

§ 702 Participant in sporting event soliciting or receiving bribe.

Whoever takes part or expects to take part, in any baseball, football or basketball game, boxing match or other sporting contest as a professional or amateur participant, who shall solicit or receive, directly or indirectly, any money or valuable thing, as a bribe, present or reward to lose or cause the loss or to attempt to lose or cause the loss of such game, match or contest, by such person or by the team or side of such person shall be fined not more than $3,000 or imprisoned not more than 3 years or both.

(Code 1935, § 3898A; 46 Del. Laws, c. 231; 28 Del. C. 1953, § 702.)

§ 703 Bribing official of sporting event.

Whoever directly or indirectly gives or promises to give any money or valuable thing as a bribe, present or reward to any person acting or intending to act as a referee, umpire, judge, timer, measurer or as an official for any purpose, for any amateur or professional athletic or sporting game, match or contest with intent to induce such person to act corruptly in making decisions, rulings, interpretations or adjudications or in the performance of his official duties in connection therewith shall be fined not more than $3,000 or imprisoned not more than 3 years or both.

(Code 1935, § 3898A; 46 Del. Laws, c. 231; 28 Del. C. 1953, § 703.)

§ 704 Official of sporting event soliciting or receiving bribe.

Whoever acting or intending to act as a referee, umpire, judge, timer, measurer or as an official for any purpose for any amateur or professional athletic or sporting game, match or contest, solicits or receives, directly or indirectly, any money or valuable thing, as a bribe, present or reward to act corruptly in making any decision, ruling, interpretation or adjudication or in any matter in the performance of his or her official duties in connection therewith shall be fined not more than $3,000 or imprisoned not more than 3 years or both.

(Code 1935, § 3898A; 46 Del. Laws, c. 231; 28 Del. C. 1953, § 704; 70 Del. Laws, c. 186, § 1.)

§ 705 Influencing result of horse race or harness horse race; penalty.

(a) No person shall influence or attempt to influence the result of a race conducted by a licensee of the Delaware Harness Racing Commission or of the Delaware Racing Commission by:

(1) Influencing or having any understanding or connivance with any owner, jockey, groom or other person associated with or interested in any stable, horse or race in which any horse participated or is to participate in order to prearrange or predetermine the result of any such race;

(2) Interfering or attempting to interfere with, tampering with, injuring or destroying by the use of any narcotic, drug, stimulant, appliance or by any other means any horse that is to participate in a running race or a harness race in this State, whether such horse is the property of such person or another;

(3) Allowing or permitting a horse over which such person has control to participate in a race with the knowledge of any interference with, tampering with or any injury to such horse by any narcotic, drug, stimulant, appliance or by any other means;

(4) Causing, instigating, counseling or in any way aiding or abetting in any interference with, tampering with, injury to or destruction of any horse that is to participate in a running or harness race in this State by the use of any narcotic, drug, stimulant, appliance or by any other means.

(b) The owner of any horse affected in any manner as provided in subsection (a) of this section shall permit any member of the commission which issued the license for the meet at which or during which any horse was affected as above outlined, or any person appointed by such commission for that purpose, to make such test as the commission deems proper in order to determine whether any such horse has been interfered with, tampered with, injured or destroyed by the use of any narcotic, drug, stimulant, appliance or by any other means.

(c) Whoever violates any provision of this section shall be fined not less than $1,000 nor more than $5,000 or imprisoned for not less than 1 year nor more than 5 years or both.

(Code 1935, § 3898A; 46 Del. Laws, c. 231; 28 Del. C. 1953, § 705.)

§ 706 Prohibited Substances Protests; testing.

(a) *Protest; Request for Super Test.* — (1) If a licensed owner, trainer, driver, or claimant has a reasonable belief that a competing or clamed horse has, or may have, an unfair competitive advantage due to a violation of the Delaware Harness Racing Commission (DHRC) rules, that owner, trainer, driver, or claimant may file a "Prohibited Substances Protest" with the DHRC.

(2) A "Prohibited Substances Protest" empowers the owner, trainer, driver, or claimant to request that any horse or horses he or she competes against or claims in a specified race have a blood and urine sample collected and then tested at an official Association of Racing Commissioners International (ARCI) approved laboratory of his or her choice. The designated laboratory shall employ state-of-the-art testing methods when testing these protested samples, which shall include, but not be limited to, Enzyme-Linked Immunosorbent Assay (ELISA), Thin Layer Chromatography (TLC), Gas Chromatography Mass Spectrometry (GCM-S), Liquid Chromatography Mass Spectrometry Mass Spectrometry (LCMSMS), and Total Carbon Dioxide (TCO2) tests.

(3) The owner, trainer, driver, or claimant must file a verbal protest with either the starter or paddock judge before the race has been made official. The starter or paddock judge must notify the Presiding Judge immediately, who shall order a veterinary assistant to escort and remain with the horse in accordance with established policy for obtaining a blood and urine sample. Within 15 minutes after the official sign has been posted for the race in which the protested horse competed, the protesting party shall file a written protest with the paddock judge and post a deposit of $1,000 which shall be used to offset the following costs:

a. The collection of sufficient blood and urine samples, including the costs of the State Veterinary Assistant and State Veterinarian and all necessary collection apparatus;

b. The packing of and transportation of these samples by bonded courier to the selected laboratory; and

c. All costs incurred by the state-of-the-art testing methods employed by the ARCI laboratory.

(4) In the event the costs exceed the $1,000 deposit, the protesting party shall be required to post additional moneys to cover such costs.

(5) The owner and/or trainer of the protested horse shall have the right to be present during the collection, packaging and shipping of these test samples.

(6) Upon completion of all testing, the laboratory shall notify the DHRC of the results. The DHRC shall immediately notify the trainer of the protested horse as well as the protesting party of these test results.

(7) If the test results substantiate a violation of the DHRC rules in effect on the date of the race, the trainer of the tested horse shall be afforded the same rights every trainer receives when charged with any rules violation. This shall include the right to request a split sample test at a designated ARCI laboratory that has agreed to accept split samples from the DHRC.

(8) Penalties shall be assessed in accordance with the DHRC penalty recommendations for a violation of the rules in effect on the date of the race. In no case, however, shall the penalty imposed for a medication violation be less than a $500 fine. If the test results substantiate the presence of antibodies to erythropoietin (EPO), darbepoietin, or any EPO analogues, in addition to any DHRC penalties, the horse shall immediately be placed on the steward's list and shall not be permitted to enter a race until the horse tests negative for the presence of EPO, darbepoietin, or any EPO analogue antibody or antibodies previously detected and said horse is removed from the steward's list. All testing must be performed by the DHRC official lab.

(9) If the test results substantiate a violation of the DHRC rules in effect on the date of the race, a successful claimant may void the claim in accordance with DHRC rules.

(10) Any moneys remaining from the protest deposit after costs shall be returned to the protesting party even if a violation of the rules is not detected. If a violation is detected, costs shall be assessed against the trainer of the protested horse and the Commission shall reimburse the protesting party upon receipt thereof.

(11) The owner, trainer, driver, or claimant who files a Prohibited Substances Protest pursuant to this section shall be immune from civil liability for filing the protest.

(b) *Routine Post-Race Testing.* — (1) Routine Post-Race Testing shall include but not be limited to screening for antibodies to erythropoietin (EPO), darbepoietin, or any EPO analogues.

(2) Any claimed horse not otherwise selected for testing by the racing officials shall be tested if requested by the claimant at the time the claim form is submitted in accordance with the DHRC rules.

(3) The successful claimant shall have the right to void the claim should the forensic analysis be positive for any prohibited substance, illegal level of a permitted medication, or presence of antibodies to erythropoietin (EPO), darbepoietin, or any EPO analogues.

(4) If the test results substantiate the presence of antibodies to erythropoietin (EPO), darbepoietin, or any EPO analogues, in addition to assessing penalties in accordance with the DHRC rules, the horse shall immediately be placed on the steward's list and shall not be permitted to enter a race until the horse tests negative for the presence of EPO, darbepoietin, or any EPO analogue antibody or antibodies previously detected and said horse is removed from the steward's list. All testing must be performed by the DHRC official lab.

(72 Del. Laws, c. 455, § 1; 70 Del. Laws, c. 186, § 1; 74 Del. Laws, c. 236, § 1.)

Chapter 8
Purchase of Rifles and Shotguns in States Contiguous to This State

§ 801 Definitions.

(a) As used in this chapter, the term “a state contiguous to this State” shall mean any state having a common border with this State.

(b) As used in this chapter, all other terms shall be given the meaning prescribed in 18 U.S.C. § 921 (the Gun Control Act of 1968), and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereafter modified.

(28 Del. C. 1953, § 801; 57 Del. Laws, c. 393.)

§ 802 Lawful acts.

It shall be lawful for a person residing in this State, including a corporation or other business entity maintaining a place of business in this State, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this State and to receive or transport such rifle or shotgun into this State, subject, however, to such other laws of the State or its political subdivision as may be applicable and subject to § 102 of the Gun Control Act of 1968, 18 U.S.C. § 922.

(28 Del. C. 1953, § 802; 57 Del. Laws, c. 393.)

§ 803 Not applicable to federal licensees.

This chapter shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

(28 Del. C. 1953, § 803; 57 Del. Laws, c. 393.)

Chapter 9
Miscellaneous Provisions
Subchapter I
General Provisions

§ 901 License for shows and other exhibitions.

(a) Whoever for money or other reward in any city or town in this State exhibits any images or pageantry, sleight of hand, tricks, puppet shows, circus, any feats of balancing, personal agility, strength or dexterity, or any theatrical exhibition, without a license first obtained as provided in this section shall forfeit and pay to the city or town a fine as set by the city or town.

(b) The mayor of any city, the commissioners of any town, or if there are no commissioners, any justice of the peace residing in or nearest to such town, may grant a license for such exhibitions on receiving for the use of the city or town such sum as they deem proper, not less than $5.00, for every such exhibition.

(c) Whoever wilfully suffers any unlicensed exhibition to be had or made in any house or upon any premises in his possession shall pay to the city or town a fine as set by the city or town.

(d) This section does not extend to any permanently established museum, nor to any merely literary, scientific or musical exhibition.

(Code 1852, §§ 883-886; Code 1915, §§ 3436, 3437; Code 1935, §§ 3896, 3897; 28 Del. C. 1953, § 901; 64 Del. Laws, c. 310, §§ 1, 2.)

§ 902 Exclusion of offensive patrons.

The proprietor of a theatre or other public place of amusement is not obliged to receive into the proprietor's show, or admit into the place where the proprietor is pursuing the proprietor's occupation, any person whose presence there would be offensive to the major part of the proprietor's spectators or patrons and thereby injure the proprietor's business.

(15 Del. Laws, c. 194, § 2; Code 1915, § 3576; Code 1935, § 4070; 28 Del. C. 1953, § 902; 70 Del. Laws, c. 186, § 1.)

§ 903 Shooting galleries; regulations; penalties.

(a) No person shall keep a gallery or booth or other convenience for the purpose of target shooting or other trials of skill by the use of firearms within the borders of any town or city, or within 300 yards of any road or public passway, within this State, or at any place of public resort, unless the gallery or booth or other convenience is enclosed with walls not less than 10 feet in height and not less than 4 inches in thickness sufficient to prevent ball or shot from the firearms from escaping from or passing through the gallery or booth.

(b) No person apparently under the influence of intoxicating liquor, a person with a mental disability or otherwise incapacitated shall be allowed by such keeper to participate in the target shooting or other trials of skill by the use of firearms in such gallery, booth or other convenience.

(c) Whoever violates this section, shall be fined not less than $50, nor more than $200, $^1/_2$ of which shall go to the person informing and the other $^1/_2$ to the General Fund of this State, and in default of the payment of the fine shall be imprisoned for not less than 1 nor more than 3 months.

(19 Del. Laws, c. 266, §§ 1-3; Code 1915, §§ 3457-3459; Code 1935, §§ 3927-3929; 28 Del. C. 1953, § 903; 49 Del. Laws, c. 57, § 1; 79 Del. Laws, c. 371, § 29.)

§ 904 Antique slot machines.

No person shall offer or make available any slot machine as a form of public amusement or entertainment. An individual may, however, possess and privately use antique slot machines if such machines are not used for gambling purposes. For purposes of this section, a slot machine is an antique slot machine if such machine is at least 25 years old.

(68 Del. Laws, c. 252, § 3.)

§ 905 Bowling alleys.

Any person of a good moral character may keep and maintain a bowling alley or tenpin alley. The bowling alley or tenpin alley shall be kept in an orderly manner. It may not be used for purposes of gambling but simply as a means of recreation and exercise.

(11 Del. Laws, c. 432, § 1; Code 1915, § 3571; Code 1935, § 4062; 28 Del. C. 1953, § 905.)

§ 906 Prohibition of horse racing on Good Friday or Easter Sunday.

There shall be no horse racing of any kind on Good Friday or Easter Sunday.

(28 Del. C. 1953, § 906; 59 Del. Laws, c. 25, § 1.)

§ 907 Liability insurance required of automobile race operator; penalty.

(a) Every person who is engaged in the business of conducting motor vehicle races, or who is required to be licensed as an "automobile race operator" pursuant to § 2301(a) of Title 30 shall carry comprehensive general liability insurance to protect persons sustaining bodily

injury or property damage while on the premises, with the exception of participants and their employees and employees of agents of the track and/or the operator. The amount of coverage to be so provided shall not be less than $100,000 per person, or $500,000 per occurrence. Property damage insurance shall be maintained in the amount of $25,000 per occurrence. A current policy and certificate of insurance shall be kept at the office of the person in the business and on file with the State Insurance Commissioner.

(b) Whoever violates any provision of this section shall be fined not less than $2,000, nor more than $5,000, proceeds to go to the General Fund of this State.

(c) Nothing contained in subsection (b) of this section shall be construed to relieve any person from tort liability.

(d) The Superior Court of this State shall have exclusive original jurisdiction of any violation of this section, notwithstanding any provision of the Delaware Code to the contrary.

(28 Del. C. 1953, § 907; 57 Del. Laws, c. 696.)

Subchapter II

Outdoor Musical Festivals

§ 925 Definitions.

As used in this subchapter:

(1) "Outdoor musical festival" means any group or groups of persons participating in musical entertainment in open spaces and not in a permanent structure;

(2) "Promoter" means the organizer, operator, producer or the person or persons, or corporation staging the outdoor musical festival and the owner, tenant and lessee of the land upon which the outdoor musical festival is performed;

(3) "Spectator" means a gathering of 1,000 or more persons who pay a consideration for the purpose of viewing or hearing the outdoor musical festival.

(28 Del. C. 1953, § 925; 57 Del. Laws, c. 466, § 1.)

§ 926 Permits for outdoor musical festival.

(a) No promoter shall hold or conduct any outdoor musical festival where spectators will be present without first obtaining permits from the Division of Public Health, or its successor and the Superintendent of the State Police, except that in incorporated municipalities of more than 5,000 persons the chief of police of that incorporated area shall be the person to issue such permit instead of the Superintendent of the State Police.

(b) The Division of Public Health shall not issue a permit until the following provisions are met:

(1) The promoters post a cash bond in an amount to be determined by the Division, not to exceed $50,000; and

(2) The promoters establish adequate sanitation and health facilities that are in accordance with the rules and regulations governing outdoor musical festivals adopted by the Division of Public Health.

(c) The Superintendent of the State Police, or the chief of police of any incorporated municipality of more than 5,000 persons, shall not issue a permit until the promoter furnishes evidence that he has provided:

(1) Adequate security for the safety of the spectators and their property, and

(2) Adequate arrangements for the orderly flow of traffic to, at and from the outdoor musical festival.

(d) The Division of Public Health shall retain the bond required in subsection (b) of this section for a period of 30 days after the outdoor musical festival has terminated. In the event the promoters fail to remove all trash, debris or residue and repair any damage to personal property, real property, crops or livestock belonging to another person created or caused by the outdoor musical festival or the spectators within 72 hours after its termination, then, in that event, the Division of Public Health may use as much of the bond money as is needed to remove the trash, debris or residue and repair the damage to personal property, real property, crops or livestock. Any moneys unexpended from the bond shall be returned by the Division of Public Health to the promoter 30 days after termination of the outdoor musical festival.

(28 Del. C. 1953, § 926; 57 Del. Laws, c. 466, § 1; 57 Del. Laws, c. 614, §§ 1-3; 70 Del. Laws, c. 147, § 29.)

§ 927 License.

No promoter shall obtain a license pursuant to § 2301 of Title 30 until the promoter has first obtained the permits required by § 926 of this title.

(28 Del. C. 1953, § 927; 57 Del. Laws, c. 466, § 1; 70 Del. Laws, c. 186, § 1.)

§ 928 Penalties.

(a) Any person or corporation who organizes, operates, produces, stages or permits an outdoor musical festival to be organized, operated, produced or staged on land which that person or corporation owns or leases without having first obtained the required permits and license shall be fined not less than $3,000 nor more than $5,000 and may be imprisoned not more than 6 months.

(b) Jurisdiction over this offense shall be in the Superior Court.

(28 Del. C. 1953, § 928; 57 Del. Laws, c. 466, § 1; 70 Del. Laws, c. 186, § 1.)

Subchapter III

Regulation of Sponsors and Promoters of Public Entertainment Events Other Than Boxing, Wrestling, Racing and Outdoor Music Festivals

§ 929 Definitions.

The following words, terms and phrases, when used in this subchapter, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

(1) "Contract" shall mean a written agreement between the "promoter" and the "sponsor" which sets forth the authority, responsibility and liability of each party and, most specifically, the financial details of the agreement.

(2) "Entertainment event" shall mean any form of circus or carnival, stage play, variety show, concert, magic, puppet or mime show, pageant, musical or similar type of public entertainment program other than combative sports, wrestling, racing and outdoor music festivals.

(3) "Promoter" shall mean any person who, privately or as a business agent for a professional enterprise, offers services to another person or organization and in return for the use of that person's/organization's name as sponsor, and a fee, commission or profit share, acquires, advertises and conducts a paid entertainment event for the general public.

(4) "Sponsor" shall mean any person or organization who agrees, verbally or in writing, to authorize the use of their name as an indorsement for, and supporter of, a paid public entertainment event promoted by another individual or business enterprise.

(67 Del. Laws, c. 372, § 1; 70 Del. Laws, c. 186, § 1; 81 Del. Laws, c. 79, § 42.)

§ 930 Sponsors' responsibilities.

(a) (1) Each sponsor shall demand that any promoter, offering fund-raising services in the form of entertainment events, exhibit said promoter's current year occupational license required by § 2301(a) or (b) of Title 30.

(2) If a sponsor enters into an agreement with a promoter, without having first verified said promoter's credentials and occupational license status, the sponsor assumes joint liability with the promoter for any failures of service promised by the promoter to the consumer public.

(b) Sponsors may, if they so desire, charge the promoter a fee for the use of their name (individual or organization) in promotional material concerning the entertainment event. Such fee shall not be less than $500 and shall be specifically stated in the contractual agreement between sponsor and promoter.

(67 Del. Laws, c. 372, § 1.)

§ 931 Promoters' responsibilities.

(a) Each promoter (individual and/or firm) shall acquire a Delaware annual occupational license and pay such other fees as are established in § 2301 of Title 30.

(b) Promoters shall comply with § 901(b) of this title by obtaining any licenses or permits which may be required by the local jurisdiction where an entertainment event is to be presented.

(c) Each promoter shall fully reimburse the sponsor for any sponsor's advance expense payments or loans, before any other expenses, commissions or fees are paid from the proceeds of the event.

(67 Del. Laws, c. 372, § 1.)

§ 932 Contracts.

(a) All contractual agreements between promoters and sponsors shall be written in clear text, plain language.

(b) The contractual agreement shall contain, in an appropriate location, the promoter's current Delaware occupational license number.

(c) Distribution of the profits of the venture shall be stated specifically as a percentage for the sponsor and the promoter or as a specific dollar share for the sponsor.

(d) Any fees or commissions agreed to for the promoter shall be considered as a part of the promoter's share of the profits and not an operating expense of preparing for and conducting the event.

(67 Del. Laws, c. 372, § 1.)

Chapter 11
Bingo and Charitable Gaming [Repealed].

Subchapter I
Purpose, Scope, Definitions and Referendums

§ 1101 Purpose and scope [Repealed].

(28 Del. C. 1953, § 1101; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 4; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1102 Definitions [Repealed].

(28 Del. C. 1953, § 1102; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 2, 3, 6; 65 Del. Laws, c. 180, § 1; 67 Del. Laws, c. 16, §§ 1, 2, 8; 78 Del. Laws, c. 102, §§ 1-3; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1103 Referendums in general elections [Repealed].

(28 Del. C. 1953, §§ 1110, 1111; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 6; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1104 Applicability of general election laws; conduct of referendum [Repealed].

(28 Del. C. 1953, § 1112; 51 Del. Laws, c. 65, § 1; 51 Del. Laws, c. 354; 70 Del. Laws, c. 186, § 1; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

Subchapter II
Delaware Board of Charitable Gaming [Repealed].

§ 1120 Composition; term of office; vacancies; compensation; organization [Repealed].

Repealed by 63 Del. Laws, c. 144, § 1.

§ 1121 Expenses and personnel [Repealed].

Repealed by 71 Del. Laws, c. 138, § 4, eff. July 3, 1997.

§ 1122 Duties; rules and regulations; forms [Repealed].

(28 Del. C. 1953, § 1122; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 4, 5; 77 Del. Laws, c. 22, §§ 1, 2; 78 Del. Laws, c. 102, § 4; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1123 Continuous study of operation of this chapter and similar laws [Repealed].

(28 Del. C. 1953, § 1123; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1124 Reports and recommendations by Board [Repealed].

(28 Del. C. 1953, § 1124; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

Subchapter III
Licensing

§ 1130 Power to license [Repealed].

(28 Del. C. 1953, § 1130; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 4-6; 77 Del. Laws, c. 22, § 3; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1131 Application; eligibility [Repealed].

(28 Del. C. 1953, § 1131; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 4-6; 77 Del. Laws, c. 22, §§ 4-8; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1132 Conditions for granting permits or licenses [Repealed].

(28 Del. C. 1953, § 1132; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 4, 5; 69 Del. Laws, c. 216, §§ 2, 4; 71 Del. Laws, c. 444, § 5; 77 Del. Laws, c. 22, §§ 9-16; 77 Del. Laws, c. 112, § 2; 78 Del. Laws, c. 102, § 2; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1133 License fees; exceptions [Repealed].

(28 Del. C. 1953, § 1133; 51 Del. Laws, c. 65, § 1; 54 Del. Laws, c. 102; 55 Del. Laws, c. 160; 62 Del. Laws, c. 17, § 1; 64 Del. Laws, c. 93, § 1; 64 Del. Laws, c. 100, §§ 4-6; 67 Del. Laws, c. 16, §§ 3, 4; 77 Del. Laws, c. 22, §§ 17, 18, 20-23; 78 Del. Laws, c. 102, § 2; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1134 Duration of permit or license [Repealed].

(28 Del. C. 1953, § 1134; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 4, 6; 77 Del. Laws, c. 22, §§ 24, 25; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1135 Refusal to permit or license; hearing [Repealed].

(28 Del. C. 1953, § 1135; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; 77 Del. Laws, c. 22, §§ 26, 27; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1136 Amendments to permits or licenses [Repealed].

(28 Del. C. 1953, § 1136; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; 77 Del. Laws, c. 22, §§ 28-30; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1137 Permits and license provisions; display [Repealed].

(28 Del. C. 1953, § 1137; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; 77 Del. Laws, c. 22, §§ 31-35; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1138 Supervision [Repealed].

(28 Del. C. 1953, § 1138; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; 77 Del. Laws, c. 22, §§ 36, 37; 78 Del. Laws, c. 102, § 1; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1139 Limitations and regulations under license [Repealed].

(28 Del. C. 1953, § 1139; 51 Del. Laws, c. 65, § 1; 58 Del. Laws, c. 335; 59 Del. Laws, c. 367, § 1; 61 Del. Laws, c. 355, § 1; 62 Del. Laws, c. 325, § 1; 64 Del. Laws, c. 100, §§ 4, 5, 7-9; 67 Del. Laws, c. 16, §§ 5, 6; 69 Del. Laws, c. 216, §§ 1, 3; 71 Del. Laws, c. 444, §§ 1-4; 77 Del. Laws, c. 22, §§ 38-46, 48-50; 77 Del. Laws, c. 112, § 1; 78 Del. Laws, c. 102, §§ 2, 5; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1140 Reports after games; records; examinations; applicability [Repealed].

(28 Del. C. 1953, § 1140; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 4, 5; 67 Del. Laws, c. 16, § 7; 77 Del. Laws, c. 22, §§ 51-54; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

Subchapter IV

Enforcement

§ 1150 Immunity from arrest for violation of gambling laws; exceptions [Repealed].

(28 Del. C. 1953, § 1150; 51 Del. Laws, c. 65, § 1; 70 Del. Laws, c. 186, § 1; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1151 Investigations and hearings; witnesses; books and documents [Repealed].

(28 Del. C. 1953, § 1151; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 4, 5; 70 Del. Laws, c. 186, § 1; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1152 Privilege against self-incrimination [Repealed].

(28 Del. C. 1953, § 1152; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; 70 Del. Laws, c. 186, § 1; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1153 Contempt; application to Superior Court; order [Repealed].

(28 Del. C. 1953, § 1153; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; 70 Del. Laws, c. 186, § 1; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1154 Suspension or revocation of license [Repealed].

(28 Del. C. 1953, § 1154; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; 77 Del. Laws, c. 22, § 55; 78 Del. Laws, c. 102, § 2; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1155 Institution of prosecutions [Repealed].

(28 Del. C. 1953, § 1155; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; 70 Del. Laws, c. 186, § 1; repealed by 79 Del. Laws, c. 199, § 2, eff. Feb. 25, 2014.)

§ 1156 Penalties [Repealed].

Repealed by 63 Del. Laws, c. 390, § 8, effective July 21, 1982.

Chapter 15
Delaware Board Of Charitable Gaming
Subchapter I
Purpose, Scope, Definitions and Referendums

§ 1501 Purpose and scope.

This chapter shall provide for referendums on games and the regulation and control of games, provided that the district in which it is conducted votes in favor of such games. Games shall be conducted in Delaware only by those licensed under this chapter and subject to the limitations herein.

(28 Del. C. 1953, § 1101; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 4; 79 Del. Laws, c. 199, § 4.)

§ 1502 Definitions.

As used in this chapter:

(1) "Board" means the Delaware Board of Charitable Gaming;

(2) "Districts" means those districts mentioned in article II, § 17A or § 17B of the state Constitution;

(3) "Game or games" means bingo, instant or sealed game, and charitable gaming;

(4) "Members-only game" means any game of chance open for participation only to members of the sponsoring organization;

(5) "Organization" means a veterans', religious or charitable organization, volunteer fire company or fraternal society as defined in article II, § 17A or § 17B of the state Constitution.

(28 Del. C. 1953, § 1102; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 2, 3, 6; 65 Del. Laws, c. 180, § 1; 67 Del. Laws, c. 16, §§ 1, 2, 8; 78 Del. Laws, c. 102, §§ 1-3; 79 Del. Laws, c. 199, § 4; 80 Del. Laws, c. 416, § 1.)

§ 1503 Referendums in general elections.

In the event that a majority of all the members elected to each house of the General Assembly by the qualified electors in any district mentioned in article II, § 17A or § 17B of the state Constitution shall request in writing to the Speaker of the House of Representatives and to the President of the Senate, not less than 30 days preceding the next succeeding general election, that the question of license or no license of the playing of the game of bingo be submitted to a vote of the qualified electors of said district, the department of elections with jurisdiction over the district concerned shall cause to be printed on the ballots used in the next succeeding general election after said request the following question:

"Do you favor the licensing of the playing of the game of bingo within the limits of .....

(insert the words, "City of Wilmington," "Sussex County," "Kent County" or "New Castle County outside of the City of Wilmington," as the case may be)?"

(28 Del. C. 1953, §§ 1110, 1111; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 6; 79 Del. Laws, c. 199, § 4.)

§ 1504 Applicability of general election laws; conduct of referendum.

(a) Title 15, insofar as it is applicable shall apply to all referendums held under the provisions of this chapter. A voter may indicate that voter's answer to the question submitted by voting in the affirmative or negative.

(b) Each department of elections shall take steps to insure that the equipment and supplies used at the general election are adjusted and modified to the extent necessary to permit the recording, tabulation and certification of the referendum vote.

(c) The department of elections of each county shall constitute a board of canvass for the purpose of canvassing the vote in any referendum held under this chapter.

(d) The provisions of Title 15 and the Constitution of this State relating to the certification and canvassing of the vote in general elections shall be followed insofar as those provisions are applicable.

(e) The Governor shall certify and proclaim the results of any such referendum at the time he certifies and proclaims the results of the general election pursuant to the provision of § 5710 of Title 15.

(f) The State Election Commissioner is empowered to prescribe such procedure and to make such rules and regulations, not inconsistent with this section or any other law of this State, as the State Election Commissioner may deem necessary to insure uniformity of method in the 3 counties in certifying and canvassing the vote in any referendum held under this chapter.

(28 Del. C. 1953, § 1112; 51 Del. Laws, c. 65, § 1; 51 Del. Laws, c. 354; 70 Del. Laws, c. 186, § 1; 79 Del. Laws, c. 199, § 4.)

Subchapter II
Delaware Board of Charitable Gaming

§ 1505 Objectives; functions.

(a) The primary objective of the Delaware Board of Charitable Gaming, to which all other objectives and purposes are secondary, is to protect the public through the regulation of activities which involve charitable gaming.

(b) In meeting its objectives, the Board shall develop standards assuring professional competence; shall monitor complaints from the general public relating to practices of persons engaged in an activity regulated by this chapter; shall adjudicate at formal complaint hearings; shall develop rules and regulations; and shall impose sanctions where necessary against persons or occupational groups regulated by the Board.

(c) The State Lottery Office shall transfer appropriate funds to cover the cost to allow the Division of Professional Regulation to hire contractual investigators to conduct inspections and investigations. The State Lottery Office and the Division of Professional Regulation shall mutually agree upon the use of these funds for the hiring of contractual investigators.

(d) The Division of Professional Regulation shall be responsible for the administrative, ministerial, budgetary, clerical and exclusive investigative functions (including but not limited to the appointment, removal, compensation and duties of employees) as provided by law for the Board of Charitable Gaming.

(e) Notwithstanding any provision to the contrary, this chapter is not intended to apply and does not apply to the use of charitable video lottery machines pursuant to Chapter 48 of Title 29.

(63 Del. Laws, c. 144, § 2; 77 Del. Laws, c. 22, § 56; 78 Del. Laws, c. 102, §§ 1, 2, 6; 79 Del. Laws, c. 199, § 4.)

§ 1506 Members; Chair; meetings; quorum; records; conflict of interest.

(a) *Composition; Chair.* — The Delaware Board of Charitable Gaming shall be composed of 5 members. Membership of the Board shall include:

(1) The Director of the State Lottery Office or an employee of the State Lottery Office, who shall have work-related knowledge and experience in matters of gambling, and shall be appointed by and serve at the pleasure of the Governor;

(2) One member of a nonprofit/charitable organization;

(3) One member active and in good standing from the Delaware Volunteer Firefighter's Association; and

(4) Two members of the public.

The Board shall annually elect a Chair from among its membership.

(b) *Qualifications.* — No member of the Board of Charitable Gaming, while serving on the Board of Charitable Gaming, shall be an elected officer of any national, state or local professional or nonprofit organization that qualifies them for appointment to the Board of Charitable Gaming.

(c) *Appointment; term of office.* — (1) Members listed in paragraphs (a)(2) through (a)(4) of this section shall be appointed by the Governor with the consent of a majority of all members elected to the Senate.

(2) All board vacancies shall be filled with members of the same qualification required for the original appointment.

(3) Members listed in paragraphs (a)(2) through (a)(4) of this section may serve 2 consecutive terms.

(4) Members listed in paragraphs (a)(2) though (a)(4) of this section shall serve a term of 5 years and may be reappointed for 1 additional term.

(5) The term of an appointed member shall expire on the date specified in the appointment; however, the board member shall remain eligible to participate in board proceedings unless and until replaced by the Governor.

(6) The Chair shall serve in that office for 1 year, and is eligible to succeed himself or herself for an additional year.

(d) *Suspension or removal.* — A member of the Board may be suspended or removed by the Governor for misfeasance, nonfeasance or malfeasance. A member subject to disciplinary proceedings shall be disqualified from board business until the charge is adjudicated or otherwise concluded. A board member may appeal any suspension or removal to the Superior Court.

(e) *Compensation.* — Each member of the Board shall be reimbursed for all expenses involved in each meeting including travel, and in addition shall receive compensation per meeting attended in an amount determined by the Division in accordance with Del. Const. art. III, § 9.

(f) *Meetings; quorum.* — (1) The Board shall hold a regularly scheduled business meeting monthly and at such other times as the Chair deems necessary, or at the request of a majority of board members.

(2) Advance notice of any special meeting shall be given to all members.

(3) A majority of members shall constitute a quorum.

(4) Any member who fails to attend 3 consecutive meetings, or who fails to attend at least half of all regular meetings during any calendar year, shall automatically upon such occurrence be deemed to have resigned from office.

(g) *Records.* — Minutes of all meetings shall be recorded and copies of the record shall be maintained by the Division of Professional Regulation. All matters relating to a hearing held pursuant to statute shall be recorded and transcribed by the Division.

(h) *Conflict of interest.* — The provisions set forth for "employees" in § 5801 et seq. of Title 29 shall apply to all members of the Board, and to all agents and other persons appointed by or otherwise employed by the Board.

(63 Del. Laws, c. 144, § 2; 65 Del. Laws, c. 226, §§ 1, 2; 65 Del. Laws, c. 325, §§ 1, 2; 65 Del. Laws, c. 355, § 1; 70 Del. Laws, c. 186, § 1; 75 Del. Laws, c. 350, § 151; 77 Del. Laws, c. 22, §§ 57-59; 77 Del. Laws, c. 378, § 1; 78 Del. Laws, c. 102, §§ 1, 7, 8; 79 Del. Laws, c. 199, § 4; 81 Del. Laws, c. 85, § 29.)

§ 1507 Powers and duties.

The Board of Charitable Gaming shall have the power to consider and grant or deny applications, conduct investigations through the Division of Professional Regulation, impose penalties upon those not in compliance with the law or regulations, develop rules and regulations and enforce the provisions of this chapter.

(63 Del. Laws, c. 144, § 2; 77 Del. Laws, c. 22, § 60; 78 Del. Laws, c. 102, §§ 1, 2; 79 Del. Laws, c. 199, § 4.)

§ 1508 Duties; rules and regulations; forms.

(a) The Board shall:

(1) Supervise the administration of this chapter; and

(2) Adopt, amend and repeal rules and regulations governing the issuance and amendment of permits and licenses to conduct the games under such permits and licenses and schedules of rentals which may be paid for the leasing of equipment for use in connection with the games. The rules and regulations shall have the force of law and shall be adopted only after public hearings in accordance with the Administrative Procedures Act, Chapter 101 of Title 29. Such permits and licenses shall be issued to qualified volunteer fire companies, veterans' organizations, religious or charitable organizations, or fraternal societies. The Board shall also take measures to assure that games shall be fairly and properly conducted for the purposes and in the manner prescribed in the state Constitution and in this chapter. The Board shall prevent the game from being conducted for commercial purposes or private profit other than as authorized in the state Constitution and in this chapter. In order to provide uniformity in the administration of this chapter the Board shall prescribe forms of application for permits and licenses, amendment of permits and licenses, reports of the conduct of games and other matters incident to the administration of this chapter.

(b) A copy of the rules and regulations adopted by the Board shall be available at a reasonable cost.

(28 Del. C. 1953, § 1122; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 4, 5; 77 Del. Laws, c. 22, §§ 1, 2; 78 Del. Laws, c. 102, § 4; 79 Del. Laws, c. 199, § 4.)

§ 1509 Continuous study of operation of this chapter and similar laws.

(a) The Board shall conduct a continuous study and investigation of the operation of this chapter for the purpose of making recommendations to the General Assembly for amendments.

(b) The Board shall make a continuous study and investigation also of the operation and administration of similar laws which may be in effect in other states of the United States and of any literature on the subject which from time to time may be published or be available.

(28 Del. C. 1953, § 1123; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; 79 Del. Laws, c. 199, § 4.)

§ 1510 Reports and recommendations by Board.

The Board shall report to the Governor and the General Assembly biennially with its recommendations, if any, and at such other times as it may deem advisable.

(28 Del. C. 1953, § 1124; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; 79 Del. Laws, c. 199, § 4.)

Subchapter III
Licensing

§ 1511 Power to license.

(a) The Board may license an organization as defined in article II, § 17A or § 17B of the state Constitution to conduct the games, provided the organization is located in and seeks to conduct the game in a district which has approved the licensing of games by referendum.

(b) The Board may designate to the Director of the Division of Professional Regulation the authority to issue permits and licenses administratively using specified criteria agreed upon by the Board and the Director.

(28 Del. C. 1953, § 1130; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 4-6; 77 Del. Laws, c. 22, § 3; 79 Del. Laws, c. 199, § 4.)

§ 1512 Application; eligibility.

(a) Each applicant for a permit or license shall file with the Board a written application in the form prescribed in its rules and regulations, duly executed and notarized, in which shall be stated the name and address of the applicant together with sufficient facts relating to its organization to enable the Board to determine whether or not it is a bona fide organization eligible to conduct games within the meaning of article II, § 17A or § 17B of the state Constitution. The applicant shall supply such other facts as the Board may require.

(b) In each application there shall be designated the active member or members of the organization under whom the games are to be conducted. To the application shall be appended a statement by the applicant to indicate that if a permit or license is granted the undersigned will be responsible for the conduct of such game in accordance with the terms of this chapter, the permit or license and the rules and regulations governing the conduct of such games.

(c) Proof that contributions are considered tax deductible under § 170 of the Internal Revenue Code of the United States (26 U.S.C. § 170) shall be prima facie evidence that the applicant is an eligible organization within the meaning of article II, § 17A or § 17B of

the state Constitution, but the Board may require any additional information from the applicant which may be pertinent to the question of its eligibility.

(28 Del. C. 1953, § 1131; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 4-6; 77 Del. Laws, c. 22, §§ 4-8; 79 Del. Laws, c. 199, § 4.)

§ 1513 Conditions for granting permits or licenses.

(a) The Board or its designee shall make a review of the qualifications of each applicant and the merits of each application.

(b) The Board or its designee may issue a permit or license only after it determines that:

(1) The applicant is duly qualified to conduct games under the state Constitution and of this chapter and the rules and regulations governing the conduct of games; and

(2) The persons who intend to conduct the games are persons of good moral character and have never been convicted of crimes or crimes involving moral turpitude; and a bona fide active member shall be on the premises during the conduct of the event; and

(3) Such games are to be conducted in accordance with the provisions of the state Constitution and this chapter and in accordance with the rules and regulations governing the conduct of games; and

(4) The proceeds are to be disposed of as provided in the state Constitution and by this chapter; and

(5) No unreasonable salary, compensation or reward whatever will be paid or given to any member under whom the game is conducted.

(28 Del. C. 1953, § 1132; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 4, 5; 69 Del. Laws, c. 216, §§ 2, 4; 71 Del. Laws, c. 444, § 5; 77 Del. Laws, c. 22, §§ 9-16; 77 Del. Laws, c. 112, § 2; 78 Del. Laws, c. 102, § 2; 79 Del. Laws, c. 199, § 4.)

§ 1514 License fees; exceptions.

(a) There shall be a permit or license fee of $15 for each occasion upon which bingo or charitable gambling are to be conducted under such permit or license.

(b) The Board or its designee may issue a permit or license without fee to any bona fide organization eligible to conduct games within the meaning of article II, § 17A or § 17B of the state Constitution, provided such organization conducts games for recreational purposes, does not intend to make a profit, does not make a profit, does not charge a fee for participation and offers no prize in excess of $5.00 for any single game.

(28 Del. C. 1953, § 1133; 51 Del. Laws, c. 65, § 1; 54 Del. Laws, c. 102; 55 Del. Laws, c. 160; 62 Del. Laws, c. 17, § 1; 64 Del. Laws, c. 93, § 1; 64 Del. Laws, c. 100, §§ 4-6; 67 Del. Laws, c. 16, §§ 3, 4; 77 Del. Laws, c. 22, §§ 17, 18, 20-23; 78 Del. Laws, c. 102, § 2; 79 Del. Laws, c. 199, § 4.)

§ 1515 Duration of permit or license.

(a) No permit or license shall be effective for a period of more than 1 year from the date it was issued.

(b) No license shall be effective after the organization to which it was granted has become ineligible to conduct the game under any provision of article II, § 17A or § 17B of the state Constitution.

(c) No license shall be effective after the voters in any district designated in article II, § 17A or § 17B of the state Constitution have decided against games in a referendum held pursuant to that section and this title.

(28 Del. C. 1953, § 1134; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 4, 6; 77 Del. Laws, c. 22, §§ 24, 25; 79 Del. Laws, c. 199, § 4.)

§ 1516 Refusal to permit or license; hearing.

No properly submitted application for a license shall be refused by the Board or its designee until a hearing is held after proper notice to the applicant. At any such hearing the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application. The burden of proof shall be on the applicant.

(28 Del. C. 1953, § 1135; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; 77 Del. Laws, c. 22, §§ 26, 27; 79 Del. Laws, c. 199, § 4.)

§ 1517 Amendments to permits or licenses.

Any permit or license issued under this chapter may be amended by the Board or its designee if the subject matter of the proposed amendment could lawfully and properly have been included in the original license upon application and payment of an additional license fee.

(28 Del. C. 1953, § 1136; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; 77 Del. Laws, c. 22, §§ 28-30; 79 Del. Laws, c. 199, § 4.)

§ 1518 Permits and license provisions; display.

(a) Each permit shall be in the form prescribed in the rules and regulations of the Board and shall contain:

(1) The name and address of the permit holder;

(2) The number of times and the hours during which such games are to be conducted;

(3) The prize or prizes to be offered or given and the maximum wagering limit or limits;

(4) Any other information which may be required by the rules and regulations.

(b) Each permit or license shall be conspicuously displayed at the place where the game is to be conducted for the duration of the event.

(28 Del. C. 1953, § 1137; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; 77 Del. Laws, c. 22, §§ 31-35; 79 Del. Laws, c. 199, § 4.)

§ 1519 Supervision.

(a) The Board shall exercise control and supervision over all games to the end that the games are fairly conducted in accordance with the provisions of the permit or license, the rules and regulations of the Board, the provisions of the state Constitution and of this chapter.

(b) After investigation reveals that a licensee or permittee has committed a violation of this chapter or of the rules of the Delaware Board of Charitable Gaming which the Board believes does not warrant formal action, the Board may endeavor to obtain compliance by a written letter of concern. Such letter shall be provided to the licensee or permittee, shall specify the violation and propose a time for correction of the violation. It may also provide an opportunity for a public hearing at which the Board shall hear and consider any submission relevant to the violation, corrective action, or the time frame for correcting the violation. Receipt of 3 letters of concern within a 1-year period by the same licensee or permittee shall constitute a violation warranting formal action.

(c) The Board, its officers and agents shall have the right of entry at all times into any place where any such game is being conducted or where it is intended that any such game shall be conducted or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same.

(28 Del. C. 1953, § 1138; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; 77 Del. Laws, c. 22, §§ 36, 37; 78 Del. Laws, c. 102, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1520 Limitations and regulations under license.

(a) Bingo and charitable games conducted shall not commence prior to 12:00 p.m. The operation of a game shall be limited to 6 consecutive hours, except as permitted by regulation. Instant or sealed games are permitted during any event sponsored by the entity that is licensed to conduct it, regardless of the day or time. No bingo or charitable gaming may take place after 1:00 a.m.

(b) No person under the age of 18 years shall be permitted in the area where the game is played.

(c) No item of expense shall be incurred or paid in connection with the conduct of the game except such as are bona fide items of a reasonable amount for merchandise furnished or services rendered which are reasonably necessary for the conduct of the game.

(28 Del. C. 1953, § 1139; 51 Del. Laws, c. 65, § 1; 58 Del. Laws, c. 335; 59 Del. Laws, c. 367, § 1; 61 Del. Laws, c. 355, § 1; 62 Del. Laws, c. 325, § 1; 64 Del. Laws, c. 100, §§ 4, 5, 7-9; 67 Del. Laws, c. 16, §§ 5, 6; 69 Del. Laws, c. 216, §§ 1, 3; 71 Del. Laws, c. 444, §§ 1-4; 77 Del. Laws, c. 22, §§ 38-46, 48-50; 77 Del. Laws, c. 112, § 1; 78 Del. Laws, c. 102, §§ 2, 5; 79 Del. Laws, c. 199, § 4; 80 Del. Laws, c. 416, § 2.)

§ 1521 Reports after games; records; examinations; applicability.

(a) Within 30 days after the conclusion of any game, the organization which conducted the game and its member or members who were in charge shall furnish to the Board a duly sworn statement showing:

(1) The gross receipts derived from each game;

(2) Each item of expense incurred or paid;

(3) The name and address of each person to whom each such item has been, or is to be paid, with a description of the merchandise purchased or the services rendered therefor;

(4) The net profit derived for each such game;

(5) The general uses to which such net profit has been or is to be applied; and

(6) A list of prizes offered and given, with the respective values thereof.

(b) Each licensee shall maintain the records to substantiate the particulars of the reports.

(c) The Board may examine or cause to be examined the records of any organization to which any license is issued so far as they may relate to any transactions connected with games and examine any manager, officer, director, agent or employee thereof under oath in relation to the conduct of any games.

(28 Del. C. 1953, § 1140; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 4, 5; 67 Del. Laws, c. 16, § 7; 77 Del. Laws, c. 22, §§ 51-54; 79 Del. Laws, c. 199, § 4.)

Subchapter IV

Enforcement

§ 1522 Immunity from arrest for violation of gambling laws; exceptions.

No person:

(1) Lawfully conducting or participating in the conduct of; or

(2) Possessing, selling or in any manner disposing of, any shares, tickets or rights to participate in; or

(3) Permitting the conduct upon any premises owned by the person or it, of any game conducted or under license issued pursuant to this chapter,

shall be liable to prosecution or conviction for violation of any of the provisions of the Delaware Code not contained in this chapter pertaining to gambling, but this immunity shall not extend to any person knowingly conducting or participating in any unlicensed game or in any game under any license obtained by any false pretense or statement made in any application for such license or otherwise, or possessing, selling or disposing of shares, tickets or rights to participate in, or permitting the conduct upon any premises owned by the person or it, of any game conducted under any license known to the person or it to have been obtained by any false or fraudulent pretense or statement.

(28 Del. C. 1953, § 1150; 51 Del. Laws, c. 65, § 1; 70 Del. Laws, c. 186, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1523 Suspension or revocation of license.

The Board may suspend or revoke licenses, after hearing, for violations of this chapter or for violation of the rules and regulations adopted by the Board. At any hearing to suspend or revoke an otherwise valid license the Board shall have the burden of proving any violation or any other fact which might disqualify an organization holding a license. The Board may impose a fine upon a licensee for violations of the law or regulations of not more than $1,000 per violation. The Board may impose a fine upon a third-party or charitable gaming vendor for violating or participating in a violation of the law or regulations of not more than $5,000 per violation. In addition the Board may upon finding a violation of the law or regulations, temporarily or permanently enjoin a third-party or charitable gaming vendor from contracting with or participating with an organization in regard to charitable gambling. The Board may also impose a fine up to $1,000 upon a person or entity holding a gaming event without the proper license or permit.

(28 Del. C. 1953, § 1154; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5; 77 Del. Laws, c. 22, § 55; 78 Del. Laws, c. 102, § 2; 79 Del. Laws, c. 199, § 4.)

Subchapter V

Bingo

§ 1524 Definitions.

As used in this chapter:

(1) “Bingo” means a game of chance played for prizes with cards bearing numbers or other designations, 5 or more in 1 line, the holder covering numbers as objects similarly numbered are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card.

(2) “Instant or sealed game” means any pull-tab game.

(28 Del. C. 1953, § 1102; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 2, 3, 6; 65 Del. Laws, c. 180, § 1; 67 Del. Laws, c. 16, §§ 1, 2, 8; 78 Del. Laws, c. 102, §§ 1-3; 79 Del. Laws, c. 199, § 4; 80 Del. Laws, c. 416, § 3.)

§ 1525 Prize limits.

(a) In bingo, no prize will be offered or given in excess of the sum of $350 in any single game and the aggregate of all prizes offered or given in all of such games conducted on a single occasion shall not exceed the sum or value of $3,000. For purposes of this subsection, the value of any promotional giveaways, which value shall be no more than $500 per annum to be distributed at an organizational anniversary date and no more than 3 holiday dates per year, shall not be counted towards the dollar amounts described herein.

(b) A licensed operator of a bingo event may offer inducements, including but not limited to cookie-jar bingo games that do not exceed the amount set by the Board per game per night, free refreshments and free transportation of players to and from bingo events, to attract bingo players to the bingo event; provided, that the total fair market value of inducements is limited to 15% of the total amount of all other prizes offered or given during the bingo event. Any amounts in any cookie-jar bingo games shall not be included in these limitations or in any prize money limitations.

(c) The value of prizes offered shall be prescribed by the rules and regulations of the Board.

(79 Del. Laws, c. 199, § 4.)

§ 1526 Limitations.

(a) The number of games which an applicant may conduct in any 1 calendar month shall be set by the rules and regulations of the Board, provided that no bingo permit holder or licensee issued a permit or license prior to July 14, 1998, shall conduct more than 10 bingo events in any calendar month and no bingo permit holder or licensee issued a permit or license after July 14, 1998, shall conduct more than 1 bingo event per week. For purposes of this subsection, a bingo permit holder or licensee prior to July 14, 1998, whose permit or license lapses for 6 months or more due to nonrenewal or suspension or any other reason shall, upon issuance thereafter, be considered a permit holder or licensee after July 14, 1998.

(b) No games shall be conducted in any room or area where alcoholic beverages are sold or served during the progress of the game.

(c) (1) A permitted or licensed sponsoring organization may charge an admission fee to a game event in any room or area in which a game is to be conducted. The admission fee shall entitle the game player:

a. To a card enabling the player to participate without additional charge in all regular games to be played under license at the event; or

b. To free refreshments.

The permitted or licensed sponsoring organization may charge an additional fee to a game player for a single opportunity to participate in a special game to be played under license at the event.

(2) Unless a bingo permit holder or licensee has been issued a permit or license prior to July 14, 1998, only 1 licensed organization may hold bingo games in a licensed organization's building during any given week.

(d) No person under the age of 18 may participate in a bingo game. Persons between the ages of 16 through 18 may conduct or assist in conducting the bingo game and persons over the age of 14 may serve as waiters and waitresses in the handling of food and drinks at an event where a licensee or permittee conducts bingo.

(79 Del. Laws, c. 199, § 4.)

Subchapter VI

Charitable Gaming

§ 1527 Definitions.

As used in this chapter, "charitable gaming" means any game or scheme operated by an organization which has been in existence 2 years or longer in which chance is the dominant factor in the game, a consideration is paid to play and a prize may be won, excluding slot machines, roulette, craps or baccarat games.

(28 Del. C. 1953, § 1102; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 2, 3, 6; 65 Del. Laws, c. 180, § 1; 67 Del. Laws, c. 16, §§ 1, 2, 8; 78 Del. Laws, c. 102, §§ 1-3; 79 Del. Laws, c. 199, § 4.)

§ 1528 Poker games.

The Board of Charitable Gaming shall promulgate rules and regulations concerning the game of poker; provided, however, a licensed organization shall not be prohibited from utilizing monitors and/or engaging the use of dealers at any poker game.

(69 Del. Laws, c. 37, § 1; 78 Del. Laws, c. 102, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1529 Third-party vendors; charitable gaming vendors.

(a) The Board of Charitable Gaming shall have the authority to regulate and license third-party or charitable gaming vendors. The Board shall mandate in its regulations that all officers of third-party or charitable gaming vendors shall be required to have criminal background checks as a requirement for licensure/permitting.

(b) Sponsoring organizations shall be allowed to use third-party or charitable gaming vendors to supply equipment and workers for charitable gambling events permitted under this chapter. Sponsoring organizations shall contract with the third-party or charitable gaming vendors on terms agreed to by the parties. However, no third-party or charitable gaming vendor shall receive compensation based on a percentage of funds received by the sponsoring organization as a result of the event.

(c) Officers of third-party or charitable gaming vendors shall complete an application prepared by the Board or by the Division of Professional Regulation seeking a license to operate as a third-party or charitable gaming vendor. The license applicant will contact the State Bureau of Identification to make arrangements for fingerprint processing. An applicant must complete a fingerprint card and form with the necessary personal information and sign an authorization for release of information form to release criminal history to the Division of Professional Regulation and the Delaware Board of Charitable Gaming. At the time of processing, the applicant must show proof of official identification to complete the criminal history request. A fee is required to be paid for state and federal processing of fingerprint cards and criminal history records. The fee is set by the State Bureau of Identification, and the applicant is to make that payment directly to that agency. Certified copies of the criminal history record will be forwarded to the Division of Professional Regulation. A report of the applicant's entire federal criminal history record pursuant to the Federal Bureau of Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534, note) must be produced. The State Bureau of Identification shall act as the intermediary for the receipt of the federal criminal history record checks performed by the Federal Bureau of Investigation. The State Bureau of Identification shall forward the results of these federal record checks to the attention of the Division of Professional Regulation, along with the results of a report of the individual's entire criminal history record from the State Bureau of Identification or a statement from the State Bureau of Identification that the State Bureau of Identification Central Repository contains no such information relating to that person, in a confidential manner. The Division of Professional Regulation will provide that individual applicant with a copy of the criminal history records. The applicant shall have the opportunity to respond to the Division of Professional Regulation regarding any information obtained prior to a determination of suitability for licensure. Such a response shall be made within 10 days of the person's receipt of the criminal background information from the Division of Professional Regulation.

(d) Investigators assigned to the Division of Professional Regulation will conduct an investigation to determine the suitability of the applicant and provide a recommendation to the Board regarding the suitability of the third-party or charitable gaming vendor for licensing. The costs of the investigation shall be borne by the officers of the third-party or charitable gaming vendors.

(e) The third-party vendor or charitable gaming vendor must demonstrate proof that it possesses a valid business license issued by the State of Delaware.

(79 Del. Laws, c. 199, § 4.)

§ 1530 Limit on gaming.

(a) In charitable gaming, there shall be no limit on the amount a person may bet and no limit on the amount a person may win, except that no person may lose more than $150 in a single day.

(b) Notwithstanding subsection (a) of this section, in a members-only game, no prize may be offered or given in excess of the sum of $500 in any single game. Only a member who furnishes proof of membership in the organization or parent organization sponsoring the game may participate in a members-only game.

(79 Del. Laws, c. 199, § 4; 80 Del. Laws, c. 416, § 4.)

§ 1531 Game rules.

(a) Any permitted or licensed game sponsoring organization or organizations shall have discretionary authority to promulgate rules and regulations on the eligibility of persons permitted to participate in the game or games; provided, however, they have been approved by the Board, and further provided, that if approved by the Board, such rules and regulations shall be conspicuously displayed at the main entrance where all patrons can observe same.

(b) The Board may make reasonable rules and regulations with respect to the size of bets and prizes with respect to the conduct of games.

(79 Del. Laws, c. 199, § 4.)

§ 1532 Alcoholic beverages.

Alcoholic beverages shall be allowed to be sold and/or distributed at a charitable gaming event pursuant to the Liquor Control Act [Title 4].

(79 Del. Laws, c. 199, § 4.)

Subchapter VII
Raffles

§ 1533 Definitions.

As used in this chapter, “raffle” means a form of lottery in which a number of persons buy 1 or more chances attempting to win the same prize. Games such as “Nevada cards” or “pull cards” where the amount of the prize is determined by the contents of the ticket purchased are not raffles.

(79 Del. Laws, c. 199, § 4.)

§ 1534 Time of raffle.

An organization may conduct a raffle which will not be completed in 1 night. An organization may sell a chance which is good for an extended period of time with a series of drawings, with a chance to win a prize multiple times during that period, provided all chances are sold before the first drawing. Any such raffle must first be approved by the Board of Charitable Gaming.

(79 Del. Laws, c. 199, § 4.)

§ 1535 Conduct of raffles.

Raffles shall be conducted in accordance with rules adopted by the Board of Charitable Gaming.

(79 Del. Laws, c. 199, § 4.)

Subchapter VIII
Texas Hold’em

§ 1536 Legislative intent.

The General Assembly hereby declares that the play of Texas Hold’em Poker for the purpose of raising funds, by certain nonprofit organizations, for the promotion of charitable or civic purposes, is in the public interest. It is hereby declared to be the policy of the General Assembly that all phases of licensing, operation and regulation of Texas Hold’em Poker be strictly controlled, and that all laws and regulations with respect thereto as well as all gaming laws should be strictly construed and rigidly enforced by the Delaware Board of Charitable Gaming, its agents or law enforcement.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; 78 Del. Laws, c. 102, §§ 1, 2; 79 Del. Laws, c. 199, § 4.)

§ 1537 Definitions for Texas Hold’em Poker.

The following definitions apply to all the rules of Texas Hold’em Poker:

(1) “All-in” means a player wages all of that player’s remaining chips to the pot.

(2) “Ante” means a predetermined contribution to the pot before the first card of the game is dealt.

(3) “Bet” means a player’s wager to the pot on any betting round.

(4) “Bet or fold” means the requirement that a player place a wager (i.e., bet) or fold that player’s hand.

(5) “Big blind” means the forced bet that is made by the person sitting 2 seats to the left of the button. This is the largest forced bet.

(6) “Blind” means a required bet made before any cards are dealt.

(7) “Blind position” means the player to the left of the button.

(8) “Bookkeeper” or “treasurer” means anyone who receives, collects or counts currency, checks, credit and debit card transactions, prepares banking deposit slips, makes deposits of receipts to a financial institution, posts receipts to a ledger, or reconciles an entity’s financial statements.

(9) “Burn” means to place a card down prior to dealing the flop, turn and river.

(10) “Button” means an object which is moved clockwise around the table to denote an imaginary dealer.

(11) “Buy-in” means a purchase of chips by a player prior to play.

(12) “Call” means a bet made equal in amount to the immediately preceding bet.

(13) “Check” means to waive the right to initiate the betting in a round, but to retain the right to call or raise.

(14) “Check and raise” means a raise after a player first checked in a round.

(15) “Chips” means small tokens or disks used to place bets.

(16) “Community cards” means cards dealt or turned face upward which can be used by all players with a live hand to make their best hand.

(17) “Deal” means the distribution of playing cards among the players.

(18) “Dealer” means the person at each table who deals, burns, shuffles and cuts the cards or operates the shuffling device.

(19) “Defective deck” means a deck that is found to have other than the proper cards or number of cards for the game being played or is otherwise found to have a card that is taped, cut, shaved, marked, defaced, bent, crimped or deformed.

(20) “Flop” means the first 3 community cards dealt or turned face up at 1 time.

(21) “Fold” means to discard a hand, forfeiting claim to the pot.

(22) “Hand” means, 1 deal, the cards held by a player, or the best cards a player is holding.

(23) “House rules” means the sponsoring organization set of rules, consistent with this title, governing the operation of the Texas Hold’em Poker tournament.

(24) “Misdeal” means to deal a hand of poker incorrectly.

(25) “Muck” means discards, burn cards and cards from the unused remainder of the deck of cards.

(26) “Opener” means the player who makes the first bet in any round.

(27) “Pot” means the total amount anted and bet by players during a game which is awarded to the winning player or players.

(28) “Rebuy” (also known as an “add-on”) means when a player is allowed to purchase additional chips at a predetermined fee.

(29) “Round” means a cycle of bets made by the players following the deal of the cards.

(30) “Showdown” means the revealing of each player’s hand after the last bet to determine the winner or winners of the pot.

(31) “Shuffling device” means a device which shuffles the cards.

(32) “Sit and go” means a single table game comprised of individuals who lost in the multitable tournament.

(33) “Small blind” means the forced bet that is made by the person sitting 1 seat to the left of the button. This bet is $^{1}/_{2}$ the size of the big blind.

(34) “Sponsoring organization” means any veterans’, religious or charitable organization, volunteer fire company or fraternal society as defined in § 17B, article II of the Constitution of this State.

(35) “Stake” means the funds with which a player enters the game.

(36) “Third-party vendor” or “charitable gaming vendor” means a company or business that contracts with the sponsoring organization to provide the necessary services and/or equipment to conduct a Texas Hold’em Poker tournament.

(37) “Tournament” means a contest involving a number of contestants who compete in a series of elimination Texas Hold’em Poker games.

(75 Del. Laws, c. 117, § 1; 70 Del. Laws, c. 186, § 1; 77 Del. Laws, c. 21, §§ 1-4; 79 Del. Laws, c. 199, § 4.)

§ 1538 Who may conduct Texas Hold’em Poker tournaments; control and supervision.

(a) The game of Texas Hold’em Poker shall be conducted only by sponsoring organizations and shall be permitted and conducted according to the rules contained in this chapter and any regulations regarding the permitting of the sponsoring organization. A Texas Hold’em Poker tournament may be conducted by only 1 sponsoring organization; no 2 or more sponsoring organizations may jointly conduct a single tournament. No more than 1 tournament may be conducted at the same facility within the same day.

(b) The rules contained in this chapter shall be followed by sponsoring organizations, licensed third-party vendors and by all persons participating in any game of Texas Hold’em Poker.

(c) The Delaware Board of Charitable Gaming shall supervise the administration of this chapter. There shall be a permit fee of $250 for each occasion upon which the sponsoring organization wishes to conduct a Texas Hold'em Poker tournament under a permit. The Board shall also take measures to assure that a Texas Hold'em Poker tournament shall be fairly and properly conducted for the purposes and in the manner prescribed in the state Constitution and in this chapter. The Board shall prevent a Texas Hold'em Poker tournament from being conducted for commercial purposes or private profit other than as authorized in the state Constitution and in this chapter. In order to provide uniformity in the administration of this chapter, the Board shall prescribe forms of application for permits, establishment of fees, amendment of permits, reports of the conduct of Texas Hold'em Poker tournaments and other matters incident to the administration of this chapter.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, §§ 1, 5-8; 78 Del. Laws, c. 102, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1539 Texas Hold'em Poker tournament rules.

(a) *Deal.* — (1) When a table is opened for play, the deck of cards in a game of Texas Hold'em Poker must be verified by the dealer as 1 new sealed complete standard deck of 52 cards. The design on the backs of the cards in the deck must be identical, and no card may contain any marking, symbol, or design that enables a player to know the identity of any element printed on the face of the card. The backs of the cards may contain a logo. The backs of the cards in the deck must be designed to eliminate the ability of any person to place concealed markings on them. No sponsoring organization may use cards that are taped, cut, shaved, marked, defaced, bent, crimped, or deformed. All jokers are to be discarded from the deck of cards.

(2) Texas Hold'em Poker cards are dealt by a dealer on a poker table. The dealer must protect the deck to avoid exposure of the cards (hands). A player bets on the cards (hand) the player holds. All the bets placed by the players are collected together in the center of the table which is known as the pot. There may be a required initial ante and there may be required blind bets by the players. After all the dealing of cards and betting has occurred for a pot and there are 2 or more players still in contention, there is a showdown to determine which player has the best hand. The object of the game is for a player to win the pot either by making a bet no other player is willing to match or by the player having the most valuable hand after all the betting is over. The winning player shall be the player who holds the hand of highest rank.

(3) The dealer shall deal 2 cards to each player, face downward and 1 at a time. The first player to receive a card is the player to the left of the player who has the button. A button shall be moved around the table, clockwise, so that the player who has the button receives the advantage. The last player to receive cards is the player assigned the button. Play must proceed in a clockwise direction with each player's turn following the person on the player's immediate right. After all players have received their 2 cards, there is a betting round. The player to the left of the last blind bettor may call, raise, or fold and each following player may call, raise, or fold in a clockwise order.

(4) The dealer burns the top card of the deck and deals 3 community cards from the deck 1 at a time face downward and turns them face upward all at once in the center of the table. Community cards are common to the hand of every active player in the pot.

(5) After the flop, the betting continues for another round. The first player still in the pot sitting left of the player assigned the button is the first to act and then each player in a clockwise order may act in turn until all bets are equal. Any player may call, check, raise, or fold in accordance with the house rules.

(6) The dealer burns a card and deals a fourth community card, known as the turn card, face upward in the center of the table. Another round occurs. The dealer then burns a card and deals a fifth community card, known as the river card, face upward in the center of the table for the final round.

(7) After all bets are made and if there are 2 or more players remaining in the game, there is a showdown and in Texas Hold'em Poker, the best qualifying high hand wins the pot.

(8) The 5 community cards shall be combined with none, 1, or 2 cards from each player to determine the player's best 5-card hand.

(9) There is no limit as to the amount a player can raise or bet during any round. At any time following the first deal, a player can go all-in.

(b) *Conduct.* — The following rules shall apply to all Texas Hold'em Poker tournament play and must be included in the printed rules for each tournament:

(1) All players will receive an equal number of tournament chips for their entry fee and any subsequent rebuys or add-ons.

(2) Initial table and seat assignments shall be determined by random draw or assignment. As tables are combined following player elimination, the remaining players shall also draw or be reassigned to new seating assignments. The tournament director shall be permitted to provide for the reasonable accommodation(s) of those individual(s) with special need(s).

(3) Players are eliminated from the tournament when they lose all their chips. Players who lost in the multitable tournament are then eligible to participate in a sit and go game.

(4) Play will continue until only 1 player has not been eliminated.

(5) No agreement concerning division of prizes shall be made.

(6) The sponsoring organization shall have 2 separate decks of cards available at each table. The color or markings of the backs of the cards of the 2 decks must be different.

(7) All cards used to play Texas Hold'em Poker must be dealt out of the hand by the dealer.

(8) The dealer, at least once each hour, shall count the cards in the sealed deck to verify that the sealed deck is complete. The dealer, at least once every 2 hours, shall change the sealed deck of cards. When the 2 separate sealed decks of cards at the table have been used, the sponsoring organization or licensed third-party vendor dealer shall replace the used sealed decks with a new set of 2 separate sealed decks of cards.

(9) All pots are to be awarded by the dealer only. When the dealer has awarded a pot and it has been taken in by that player without a claim made against it, the award stands. No player may make an agreement with any other player regarding the pot. Each game must be played to conclusion and the pot awarded to the actual winning player.

(10) Each player shall be permitted to play only 1 hand and the player shall make all decisions without advice from any other person. Any communication between a player with a live hand and a spectator about the play of the hand or other players at the table is prohibited.

(11) No player may allow a person to sit in on a tournament game on the player's behalf. No player may wager on another player's hand, nor may any player play other than the player's own hand. No player may exchange or otherwise transfer their chips to any other player during the tournament.

(12) No player shall have a camera, cell phone with camera or recording device at the poker table.

(13) Only tournament chips on the table at the start of a game may be in play for that pot. Concealed chips may not be used in play.

(14) A player may assemble chips in front of the player before acting. A player must be considered to have made a bet if the player pushes assembled chips forward or releases chips into the pot at a sufficient distance from the player to make it obvious that the player intends it as a bet. If the situation is unclear and the player allows the dealer to pull the player's chips into the pot without making an immediate objection, it must be considered a bet by the player.

(15) If a player is absent from the table they will be dealt in and all antes, forced bets and blinds will be posted as required. A player's hand will be immediately declared dead if the player is not in the player's seat when it is the player's turn to act.

(75 Del. Laws, c. 117, § 1; 70 Del. Laws, c. 186, § 1; 77 Del. Laws, c. 21, §§ 1, 10-13; 79 Del. Laws, c. 199, § 4.)

§ 1540 Ranking of cards in hand.

The cards are ranked ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3, and 2. A Texas Hold'em Poker hand in a showdown shall consist of 5 cards, ranked according to the following from highest to lowest:

(1) *Straight flush.* — Five cards of the same suit in sequence; an ace-high straight flush is a "royal flush";

(2) *Four of a kind.* — Four cards of the same rank;

(3) *Full house.* — Three cards of the same rank and 2 cards of 1 other rank;

(4) *Flush.* — Five cards of the same suit;

(5) *Straight.* — Five cards in sequence;

(6) *Three of a kind.* — Three cards of the same rank;

(7) *Two pair.* — Two cards of the same rank and 2 cards of 1 other rank;

(8) *One pair.* — Two cards of the same rank; and

(9) *High card.* — The highest ranking card in the hand.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1541 Tie.

Ties shall be broken and/or resolved according to house rules.

(75 Del. Laws, c. 117, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1542 Sponsoring organization to provide dealer.

The sponsoring organization must provide the dealer, which may be provided by a licensed third-party or charitable gaming vendor. The dealer shall not play, make a bet or otherwise wager on a Texas Hold'em Poker game.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1543 Ante.

Each individual player must ante by placing chips equaling the ante in front of the player on the table before the first card of the game is dealt. The dealer must sweep the antes and place them in the pot. Once the first card is dealt to any player, the ante may not be altered, except that if a player's hand is declared dead for reasons other than the player's fault, the ante may be returned to such player.

(75 Del. Laws, c. 117, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1544 Shuffling device.

(a) If appropriate to the play of an approved Texas Hold'em Poker game, a Board-approved mechanical shuffling device may be used to dispense each player's cards, and/or the community cards, as a group, to the dealer. The dealer shall then deal an intact group of cards from the shuffling device to each player, and/or to the community card area, as specified by this chapter.

(b) If appropriate to the play of an approved Texas Hold'em Poker game, a Board-approved electronic shuffling device may be used to deal each player's cards, and/or the community cards, as a group, to the dealer. The dealer shall then deal an intact group of cards from the shuffling device to each player, and/or to the community card area, as specified by this chapter.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, §§ 1, 14, 15; 78 Del. Laws, c. 102, § 10; 79 Del. Laws, c. 199, § 4.)

§ 1545 Protection of hands.

A player shall protect a held hand by holding onto it above the table or by placing 1 or more chips on it. A protected hand may not be ruled dead by accidental contact with discards unless it is impossible to reconstruct completely. A player who has a protected hand taken in by the dealer or fouled by discards through no fault of the player is entitled to a refund of all of the chips the player put in the pot in that game.

(75 Del. Laws, c. 117, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1546 Misdeal.

(a) A card that is meant to be dealt face downward but is dealt face upward or flashed as it is dealt so that a player might know its identity or a card that is dealt off the table is dead. An exposed card meant to be dealt face downward must be replaced.

(b) In Texas Hold'em Poker games, if the flop is dealt prematurely or contains too many cards, the community cards are mixed with the remainder of the deck, which is then reshuffled, cut by the dealer and a new flop is dealt without burning a card. If the fourth community card is dealt prematurely, it is taken out of play for that round. The dealer will burn and turn what would have been the fifth community card in its place. After betting is completed, the dealer will place the premature fourth community card in the remainder of the deck, which is then reshuffled, cut by the dealer who then burns and deals the final community card. If the premature card is dealt on the fifth card, the deck is reshuffled and dealt in the same manner.

(c) A misdeal causes all of the cards to be returned to the dealer for a redeal. A misdeal may not be called once action has occurred.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1547 Burned cards.

If the dealer burns a card, it must be kept separate from the muck until all cards have been dealt. If the dealer burns a card and is unable to deal immediately, the dealer may place the burned card back on top of the deck.

(75 Del. Laws, c. 117, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1548 Required statements when betting.

A player may substitute a gesture for a verbal statement of the player's action. The dealer must announce it, and the player must correct the dealer before any further action takes place. A player may verbally state an action as "check," "call," "raise," or "fold." If a player bets but announces a fold, the player has a dead hand. A statement by a player of "call" or "raise," "check" or "fold," or of a specific bet is binding. A player who states a certain amount but puts a different value of chips into the pot must correct the bets to the stated amount. The dealer must insure all bets are as stated by the player. Players, who make a bet, decide incorrectly that they have no live hand against the play, and fold their hand, lose the pot unless their hand is declared retrievable by the dealer.

(75 Del. Laws, c. 117, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1549 Call procedure.

(a) Players who unintentionally put fewer chips into the pot than are needed to call must complete the call or withdraw the partial bet in full. If action has taken place, the player is responsible for completing such player's bet, even if the player might have been unaware of the raise. Players may assemble chips in front of them before acting. A player makes a bet if such player pushes assembled chips forward or releases chips into the pot at a sufficient distance from the player to make it obvious that the intent is to bet. If the situation is unclear and a player allows the dealer to pull the player's chips into the pot without making an immediate objection, it is a bet. A player must place the entire bet in front of the player at one time. Unless a player has placed the amount of chips required to call a bet and to signify a raise, the player may not place additional chips for a raise.

(b) If a player calls but places a value of chips into the pot that is larger than the bet, it must be regarded as a call unless the player announces a raise. The player may clarify an apparent call as a raise only if no other player behind such player has placed chips into the pot or announced a call or raise.

(75 Del. Laws, c. 117, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1550 Showdown.

(a) If 2 or more players remain in the pot after all of the cards have been dealt and the betting is over for that hand, the remaining players show their cards to determine which player has the best hand and wins the pot.

(b) The following provisions govern showdown:

(1) A hand with too many or too few cards for that game is dead.

(2) A hand is ranked according to the actual cards it contains. The cards speak for themselves when exposed and laid face up on the table.

(3) A hand that is prematurely discarded by a player and touches the discarded cards is dead.

(4) A verbal concession of a losing hand is not binding.

(5) Players who leave the table concede the pot and have a dead hand.

(6) A hand discarded by the dealer without objection is dead.

(75 Del. Laws, c. 117, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1551 Review of hands at showdown.

At the conclusion of the round, a player shall place the player's hand face upward on the table at the showdown as follows:

(1) If there has been a bet on the final round, the player who made the bet must show first;

(2) If there have been 1 or more raises on the final round, the player who last raised must show first;

(3) If the final round has been checked by all the players, the player who acted first must show first;

(4) The subsequent order of showing hands is clockwise around the table from the player who must show first; and

(5) A player may choose to discard a hand without showing it.

(75 Del. Laws, c. 117, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1552 Award of pot.

Pots may only be awarded by the dealer. When the dealer has awarded a pot and it has been taken in by a player without a claim against it, the award stands. Any such claim shall be made before the objecting player's cards are mucked. No player may make an agreement with any other player regarding the pot. A hand must be played to conclusion and the pot awarded to the winning player or players.

(75 Del. Laws, c. 117, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1553 Odd chips in ties.

If a pot that is split by having tied hands at the showdown has an odd chip, the chip is awarded to the first live player to the left of the button.

(75 Del. Laws, c. 117, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1554 Use of defective deck.

If a defective deck is used, all chips in the pot must be returned to the players in the amount each contributed. Players who know the deck was defective and attempt to win the pot by a bet are not entitled to their chips in the pot. Such chips must remain in the pot as forfeited for the next game. A player who won a pot is entitled to keep it, even though the deck is subsequently found to be defective. No sponsoring organization or licensed third-party or charitable gaming vendor shall use a deck which it knows or reasonably should have known to be defective. The cards in the deck shall be counted within 30 minutes of play, at a minimum.

(75 Del. Laws, c. 117, § 1; 70 Del. Laws, c. 186, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1555 Faced card.

If a card is improperly faced in the deck, it must be treated as a dead card and replaced by the next card below it in the deck.

(75 Del. Laws, c. 117, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1556 Time limit.

The sponsoring organization may place a maximum time limit for players to act on their hands. At the end of the time limit, if the players have not bet, they must check. If there has been a bet to a player, the player's hand is dead. The dealer must provide warning to the player before the expiration of the time limit.

(75 Del. Laws, c. 117, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1557 Posting of rules.

(a) Posted sponsoring organization rules shall be clear and legible and placed in a conspicuous and conveniently accessible location available to all players in the Texas Hold'em Poker tournament room. Rules posted and the place of posting must be approved by the sponsoring organization. Printed copies of sponsoring organization rules must be provided to players upon request. Any other rules besides the rules stated in this chapter shall be developed by the sponsoring organization. The sponsoring organization rules shall make reference to the Delaware Council on Gambling Problems, Inc., helpline phone number 888-850-8888.

(b) The sponsoring organization shall post in a conspicuous manner the Delaware Council on Gambling Problems, Inc., helpline phone number, which currently is 888-850-8888, and may display in a prominent manner materials provided by the Delaware Council on Gambling Problems, Inc.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1558 Maximum number of players.

The maximum number of players in a Texas Hold'em Poker tournament shall be set by the sponsoring organization, but in no instance shall exceed the room occupancy established by the Delaware or Municipal Fire Marshal for the room in which the Texas Hold'em Poker tournament takes place.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1559 Tournament chips required.

All wagers must be made with approved tournament chips provided by the sponsoring organization or licensed third-party or charitable gaming vendors. No currency, chips other than tournament chips, or other thing of value may be used as wagers. No person may introduce into any Texas Hold'em Poker game any playing card that was not obtained through the current deal of the cards by the sponsoring organization's dealer, or any poker chip other than those obtained from the sponsoring organization where the Texas Hold'em Poker game is being held. Tournament chips shall have no cash value, and shall represent tournament points only. There shall be no limitation of the size of a wager made with tournament chips. Tournament chips may never be redeemed for cash or for any other thing of value, except that the point total represented by the players' accumulations of tournament chips shall be used to determine the winners and/or final place in a tournament. If the tournament chips in play are not imprinted with a number representing the actual number of points or units of credit which the chip represents, each tournament table must display a notice visible to all players which describes the currently assigned point or credit value to each different color of chip. The point value assigned to each color chip may change between rounds of tournament play, but the required notice must always reflect the current values.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1560 Sit and go games; entry fee.

(a) *Sit and go games.* — Only those individuals who lost in the multitable tournament may participate in a sit and go game. The entry fee for a sit and go game shall not exceed $^1/_2$ the cost of that tournament's multitable entry fee. No rebuy or add-on shall be permitted at any sit and go game. The house rules, consistent with this chapter, shall govern the award of prizes for sit and go games.

(b) The amount of the tournament entry fee shall not exceed $150. In exchange for the entry fee, a player shall receive a predetermined number of chips from the sponsoring organization. A player may be allowed 2 rebuys or add-ons per tournament event and the rebuys must be in the first 3 hours of the tournament. Each rebuy or add-ons fee shall not exceed $25 and shall contain a predetermined number of chips. The sponsoring organization or licensed third-party vendor shall supply wristbands to all tournament players who pay the tournament entry fee. Wristbands shall stay on the player the entire tournament. When a rebuy or add-on occurs, it shall be indicated on the wristband by the sponsoring organization or third-party vendor with some kind of predetermined marking or hole punch.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, §§ 16-22; 79 Del. Laws, c. 199, § 4.)

§ 1561 House rules for Texas Hold'em Poker tournament play.

Printed house rules for the Texas Hold'em Poker tournament shall include:

(1) The standard rules of play of each game as set forth in this chapter.

(2) The amount of the entry fee. The rules must also expressly state whether or not rebuys or add-ons will be permitted, and if permitted, under what circumstances and conditions.

(3) The initial amount of all antes and blind bets and a description of the manner in which the amount of antes and blinds will increase during the progress of the Texas Hold'em Poker tournament.

(4) How the final round of play is to be determined and how the Texas Hold'em Poker tournament is to be concluded.

(5) How many prizes are to be awarded and the exact description of each prize.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 23; 79 Del. Laws, c. 199, § 4.)

§ 1562 Limitations of Texas Hold'em Poker tournaments.

No sponsoring organization shall conduct more than 5 Texas Hold'em Poker tournaments per calendar year with each tournament by the sponsoring organization to be held at least 70 days apart. Texas Hold'em Poker tournaments shall not commence prior to 1:30 p.m. and shall be limited to 6 consecutive hours and may not continue after 1:00 a.m.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, §§ 1, 24-27; 79 Del. Laws, c. 199, § 4.)

§ 1563 Prize amount.

The value of prizes shall be prescribed by the rules and regulations of the Board.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 28; 79 Del. Laws, c. 199, § 4.)

§ 1564 Alcoholic beverages.

Alcoholic beverages shall be allowed to be sold and/or distributed at a Texas Hold'em Poker tournament pursuant to the Delaware Liquor Control Act [Title 4].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1565 Texas Hold'em Poker tournament director.

(a) A sponsoring organization shall appoint a tournament director for each Texas Hold'em Poker tournament. Nothing shall preclude the sponsoring organization from having a member of the licensed third-party or charitable gaming vendor as tournament director.

(b) The Texas Hold'em Poker tournament director shall be the final arbitrator of all disputes that occur during that tournament.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1566 Age.

No person under the age of 21 years shall be permitted to participate in the Texas Hold'em Poker tournament or be permitted on that portion of the premises used for a tournament.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1567 General licensing requirements.

(a) All employees, principals, owners and contractors of third-party or charitable gaming vendors involved in conducting a Texas Hold'em Poker tournament shall be licensed. Only members of the sponsoring organization who are serving as dealers, bookkeepers or treasurers as defined in § 1537 of this title, or as the tournament director, as discussed in § 1565 of this title, for that Texas Hold'em Poker tournament shall be licensed. The license applicant will contact the State Bureau of Identification to make arrangements for fingerprint processing. An applicant must complete a fingerprint card and form with the necessary personal information and sign an authorization for release of information form to release criminal history to the Division of Professional Regulation and the Delaware Board of Charitable Gaming. At the time of processing, the applicant must show proof of official identification to complete the criminal history request. A fee is required to be paid for state and federal processing of fingerprint cards and criminal history records. The fee is set by the State Bureau of Identification, and the applicant is to make that payment directly to that agency. Certified copies of the criminal history record will be forwarded to the Division of Professional Regulation. A report of the applicant's entire federal criminal history record pursuant to the Federal Bureau of Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534, note) must be produced. The State Bureau of Identification shall act as the intermediary for the receipt of the federal criminal history record checks performed by the Federal Bureau of Investigation. The State Bureau of Identification shall forward the results of these federal record checks to the attention of the Division of Professional Regulation, along with the results of a report of the individual's entire criminal history record from the State Bureau of Identification or a statement from the State Bureau of Identification that the State Bureau of Identification Central Repository contains no such information relating to that person, in a confidential manner. The Division of Professional Regulation will provide that individual applicant with a copy of the criminal history records. The applicant shall have the opportunity to respond to the Division of Professional Regulation regarding any information obtained prior to a determination of suitability for licensure. Such a response shall be made within 10 days of the person's receipt of the criminal background information from the Division of Professional Regulation.

(b) Investigators assigned to the Division of Professional Regulation will conduct an investigation to determine the suitability of the applicant. The investigator will provide his or her recommendation of suitability of each applicant to the Delaware Board of Charitable Gaming. The Division of Professional Regulation investigators may access the state criminal history databases for the purpose of reviewing the criminal history of any individual licensee.

(c) In making the determination of suitability for licensure, the Delaware Board of Charitable Gaming shall consider the background of each individual applicant. The licensure requirement shall include the satisfaction of such security, fitness and background standards as the Delaware Board of Charitable Gaming may deem necessary relating to competence, honesty and integrity, such that a person's reputation, habits and associations do not pose a threat to the public interest of the State or to the reputation of or effective regulation and control of Texas Hold'em Poker tournaments. It is specifically provided that any person convicted of any felony, a crime involving gambling, or a crime of moral turpitude within 10 years prior to applying for a license or any time thereafter shall be deemed unfit. The Delaware Board of Charitable Gaming shall also consider the applicant's truthfulness in disclosing requested information, particularly the applicant's criminal history.

(d) The Delaware Board of Charitable Gaming shall communicate the results of the determination of suitability in writing to the license applicant within 60 days of receipt of the criminal history information, unless extenuating circumstances require a longer period. If the Delaware Board of Charitable Gaming determines that an applicant has satisfied the licensing requirements set forth above, the applicant will be issued a Texas Hold'em Poker license. If a determination is made to deny a person licensure, the person shall have an opportunity to appeal for reconsideration as set forth below:

(1) Appeal shall be initiated by a person notified that the person is being denied a license pursuant to this chapter by submitting a request for a hearing to the Delaware Board of Charitable Gaming within 10 days of receipt of the written notice.

(2) The appeal shall be reviewed by the Delaware Board of Charitable Gaming and the person shall be given the opportunity to be heard by the Delaware Board of Charitable Gaming within 60 days of receipt of the letter of appeal, unless extenuating circumstances require a longer period. Any hearing will be pursuant to the procedures set forth by the Delaware Board of Charitable Gaming.

(3) A written decision shall be rendered by the Delaware Board of Charitable Gaming within 60 days of the hearing, unless extenuating circumstances require a longer period. All decisions made by the Delaware Board of Charitable Gaming under this appeal procedure are final and may then be appealed to the Superior Court under § 10142 of Title 29.

(4) A person determined to be unsuitable for licensure pursuant to this procedure shall be prohibited from reapplying for licensure for a period of 12 months.

(e) All records pertaining to criminal background checks and suitability determinations of applicants for licensure shall be maintained in a confidential manner including, but not limited to, the following:

(1) Access to criminal background check records, letters of reference accompanying out-of-state criminal background checks and determination of suitability of applicants shall be limited to the Delaware Board of Charitable Gaming and designated personnel in the Division of Professional Regulation;

(2) All such records shall be kept in locked cabinets; and

(3) No information from such records shall be released without the signed release of the individual applicant.

(f) All records pertaining to criminal background checks and suitability determinations of applicants for licensure and Delaware Board of Charitable Gaming meetings to make suitability determinations shall not be subject to the Delaware Freedom of Information Act, Chapter 100 of Title 29.

(75 Del. Laws, c. 117, § 1; 70 Del. Laws, c. 186, § 1; 77 Del. Laws, c. 21, §§ 1, 29-31; 78 Del. Laws, c. 102, §§ 1, 9; 79 Del. Laws, c. 199, § 4.)

§ 1568 License enforcement.

(a) Any entity or organization that violates this chapter or any rule or regulation duly promulgated thereunder, or any condition of a license issued pursuant to § 1567 of this title, or any administrative order issued pursuant to this chapter, or who is involved in any way in a poker game not permitted or licensed by the Board, shall be punishable as follows and in addition to any criminal penalties that may result from such violations:

(1) In the discretion of the Delaware Board of Charitable Gaming, the Delaware Board of Charitable Gaming may impose an administrative penalty of not more than $1,000 for each violation. Each day of continued violation shall be considered as a separate violation if the violator has knowledge of the facts constituting the violation and knows or should know that such facts constitute or may constitute a violation. Lack of knowledge regarding such facts or violation shall not be a defense to a continued violation with respect to the first day of its occurrence. Prior to the assessment of an administrative penalty, written notice of the Delaware Board of Charitable Gaming's proposal to impose such penalty shall be given to the violator, and the violator shall have 30 days from receipt of such notice to request a public hearing. Any public hearing, if requested, shall be held prior to the imposition of the penalty and shall be governed by § 10125 of Title 29. If no hearing is timely requested, the proposed penalty shall become final and shall be paid no later than 60 days from receipt of the notice of the proposed penalty. Assessment of an administrative penalty shall take into account the circumstances, nature and gravity of the violation, as well as any prior history of violations, the degree of culpability, the economic benefit to the violator resulting from the violation, any economic loss to the public and such other matters as justice may require. In the event of nonpayment of an administrative penalty, within 30 days after all legal appeal rights have been waived or otherwise exhausted, a civil action may be brought by the Delaware Board of Charitable Gaming in Superior Court for the collection of the penalty, and for interest, from the date payment was due, attorneys' fees and other legal costs and expenses. The validity or amount of such administrative penalty shall not be subject to review in an action to collect the penalty. Any penalty imposed after a public hearing is held pursuant to this subsection shall be appealable to the Superior Court and such appeal shall be governed by § 10142 of Title 29.

(2) In the discretion of the Delaware Board of Charitable Gaming, the Delaware Board of Charitable Gaming may endeavor to obtain compliance with requirements of this chapter by written administrative order. Such order shall be provided to the responsible party, shall specify the complaint, and propose a time for correction of the violation. It may also provide an opportunity for a public hearing at which the Delaware Board of Charitable Gaming shall hear and consider any submission relevant to the violation, corrective action or the deadline for correcting the violation.

(3) Any interest, costs or expense collected under this section shall be appropriated to the Division of Professional Regulation to carry out the purposes of the Delaware Board of Charitable Gaming.

(b) Every license issued by the Delaware Board of Charitable Gaming shall bear thereon the distinguishing number assigned to the licensee and shall contain the name and photograph of the licensee. A fee of $15 shall be paid to the Division of Professional Regulation for each individual license.

(c) All licenses will be the property of the Delaware Board of Charitable Gaming and shall be returned to the Delaware Board of Charitable Gaming if the person's license is suspended or revoked pursuant to this section.

(d) All licensees will prominently display their license while on duty or acting in their official capacity at a Texas Hold'em Poker tournament.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, §§ 1, 32; 78 Del. Laws, c. 102, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1569 License renewal.

(a) Each individual applicant's license shall expire and be renewable every 3 years. Ninety days prior to expiration, each licensee shall contact the Division of Professional Regulation and submit a new and updated license application form for a background investigation. The background investigation will follow the procedures set forth in § 1567 of this title.

(b) Any person licensed under this chapter or any person who has submitted a license application shall notify the Division of Professional Regulation no later than 3 days after arrest for any crime (excluding minor traffic violations). The Division of Professional Regulation will then forward such notification to the Delaware Board of Charitable Gaming. This subsequent criminal history information shall be used by the Delaware Board of Charitable Gaming in making a determination about the person's continued suitability as a licensee.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 33; 78 Del. Laws, c. 102, § 1; 79 Del. Laws, c. 199, § 4.)

§ 1570 Licensed third-party vendors.

(a) Sponsoring organizations shall be allowed to use licensed third-party or charitable gaming vendors to supply equipment and dealers for Texas Hold'em Poker.

(b) Sponsoring organizations shall contract with the licensed third-party or charitable gaming vendor or vendors with terms to be worked out between the parties. However, no licensed third-party or charitable gaming vendor shall receive a gross aggregate compensation based on a percentage of what the sponsoring organization receives in fees for that tournament, including entry fees and rebuy fees or add-on fees and sit and go games.

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, §§ 1, 34; 79 Del. Laws, c. 199, § 4.)

Chapter 17
Delaware Bicycle Council

§ 1701 Composition; appointment; term and meetings; compensation.

(a) The Delaware Bicycle Council shall consist of 15 members, hereafter referred to as the "Council," to be appointed by the Governor. One member (2 where noted) shall be appointed from each of the following agencies for a term of 2 years: the Department of Transportation (1 from the Council on Transportation and 1 from elsewhere within the Department), the Department of Education, the Department of Safety and Homeland Security (1 from the State Police and 1 from the Office of Highway Safety), the Department of Natural Resources and Environmental Control (from the Division of Parks and Recreation), the Delaware Council on Greenways & Trails and the Department of Health and Social Services (from the Division of Public Health). In addition, 7 members shall be citizens knowledgeable about bicycling matters: 2 from New Castle County, 1 from Kent County, 1 from Sussex County and 3 at-large.

(b) The terms of the members who are private citizens shall be staggered. One of the at-large citizens and 1 of the New Castle County citizens, both as designated by the Governor, shall serve an initial term of 1 year. One of the at-large citizens, 1 of the New Castle County citizens, both as designated by the Governor, the Sussex County citizen and the Kent County citizen shall serve an initial term of 2 years. One of the at-large citizens, as designated by the Governor, shall serve an initial term of 3 years. Thereafter, each citizen member shall serve a term of 3 years. Any person who is a member at the time this legislation is enacted may serve the remainder of that person's term.

(c) The members shall each year elect 1 of the private citizen members to be chairperson of the Council, to serve in such capacity for a period of 1 year.

(d) The Council shall meet at least 5 times each year and shall report annually to the Cabinet Committee on State Planning on its work concerning the needs and problems of bicycling in this State.

(e) There shall be no salary, but each member shall be entitled to be reimbursed for that member's own reasonable out-of-pocket expenses for attending any meeting of the Council.

(f) Vacancies on the Council shall be filled by the Governor by appointment for the unexpired term.

(67 Del. Laws, c. 215, § 1; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 403, § 1; 73 Del. Laws, c. 65, § 30; 74 Del. Laws, c. 110, § 138.)

§ 1702 Powers and duties.

The Council shall possess all necessary powers and duties to consider, review and work on matters pertaining to bicycling, bicycle safety and bicycle safety education and to make recommendations to the various state agencies. The Council shall coordinate with the University of Delaware Cooperative Extension Service regarding bicycle safety education.

(67 Del. Laws, c. 215, § 1.)

§ 1703 Staff and fiscal support.

The Department of Transportation shall provide staff and fiscal support to the Council as part of that Department's ongoing responsibility. Said staffing shall include a bicycle coordinator.

(67 Del. Laws, c. 215, § 1.)

Chapter 18
Texas Hold'em Poker [Repealed].

§ 1801 Legislative intent [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; 78 Del. Laws, c. 102, §§ 1, 2; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1802 Definitions for Texas Hold'em Poker [Repealed].

(75 Del. Laws, c. 117, § 1; 70 Del. Laws, c. 186, § 1; 77 Del. Laws, c. 21, §§ 1-4; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1803 Who may conduct Texas Hold'em Poker tournaments; control and supervision [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, §§ 1, 5-8; 78 Del. Laws, c. 102, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1804 Texas Hold'em Poker tournament rules [Repealed].

(75 Del. Laws, c. 117, § 1; 70 Del. Laws, c. 186, § 1; 77 Del. Laws, c. 21, §§ 1, 10-13; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1805 Ranking of cards in hand [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1806 Tie [Repealed].

(75 Del. Laws, c. 117, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1807 Sponsoring organization to provide dealer [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1808 Ante [Repealed].

(75 Del. Laws, c. 117, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1809 Shuffling device [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, §§ 1, 14, 15; 78 Del. Laws, c. 102, § 10; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1810 Protection of hands [Repealed].

(75 Del. Laws, c. 117, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1811 Misdeal [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1812 Burned cards [Repealed].

(75 Del. Laws, c. 117, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1813 Required statements when betting [Repealed].

(75 Del. Laws, c. 117, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1814 Call procedure [Repealed].

(75 Del. Laws, c. 117, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1815 Showdown [Repealed].

(75 Del. Laws, c. 117, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1816 Review of hands at showdown [Repealed].

(75 Del. Laws, c. 117, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1817 Award of pot [Repealed].

(75 Del. Laws, c. 117, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1818 Odd chips in ties [Repealed].

(75 Del. Laws, c. 117, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1819 Use of defective deck [Repealed].

(75 Del. Laws, c. 117, § 1; 70 Del. Laws, c. 186, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1820 Faced card [Repealed].

(75 Del. Laws, c. 117, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1821 Time limit [Repealed].

(75 Del. Laws, c. 117, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1822 Posting of rules [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1823 Maximum number of players [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1824 Tournament chips required [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1825 Sit and go games; entry fee [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, §§ 16-22; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1826 House Rules for Texas Hold'em Poker tournament play [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 23; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1827 Limitations of Texas Hold'em Poker tournaments [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, §§ 1, 24-27; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1828 Prize amount [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 28; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1829 Alcoholic beverages [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1830 Hold'em Poker tournament director [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1831 Age [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1832 General licensing requirements [Repealed].

(75 Del. Laws, c. 117, § 1; 70 Del. Laws, c. 186, § 1; 77 Del. Laws, c. 21, §§ 1, 29-31; 78 Del. Laws, c. 102, §§ 1, 9; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1833 License enforcement [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, §§ 1, 32; 78 Del. Laws, c. 102, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1834 License renewal [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, § 33; 78 Del. Laws, c. 102, § 1; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)

§ 1835 Licensed third-party vendors [Repealed].

(75 Del. Laws, c. 117, § 1; 77 Del. Laws, c. 21, §§ 1, 34; repealed by 79 Del. Laws, c. 199, § 3, eff. Feb. 25, 2014.)