



ADMINISTRATIVE RULES OF MONTANA



8.22.3809 OPERATION OF AN ADVANCE DEPOSIT ACCOUNT

- (1) The licensed hub operator may refuse deposits to an account for good and sufficient reason.
- (2) The licensed hub operator may suspend any account or close any account at any time provided when an account is closed, the hub operator shall, within seven calendar days, return to the account holder all moneys then on deposit by sending a check to the last known principal residence address. Any moneys which cannot be so refunded shall be forwarded to the board for distribution in accordance with ARM 32.28.2011.
- (3) Credits to an account after the initial establishment of the account may be made as follows:
 - (a) deposits to an account by an account holder may be made in the following forms:
 - (i) cash, which may be deposited at financial or retail outlets designated by the licensed hub operator;
 - (ii) check, money order, or negotiable order of withdrawal given or sent to the licensed hub operator;
 - (iii) charges made to an account holder's credit and/or debit card upon the direct and personal instruction of the account holder, if the use of the card has been approved by the licensed hub operator;
 - (iv) transfer by means of an electronic funds transfer from a monetary account controlled by an account holder to his/her account, said account holder to be liable for any charges imposed by the transmitting or receiving entity with such charges to be deducted from the account; or
 - (v) funds so deposited will be made available for wagering use in accordance with financial institution funds availability schedules.
 - (b) credit for winnings from wagers placed with funds in an account and credit for account wagers on entries that are scratched shall be posted to the account by the licensed hub operator.
- (4) Debits to an account shall be made as follows:
 - (a) upon receipt by the licensed hub operator of an advance deposit wager, the licensed hub operator shall debit the account in the amount of the wager; and
 - (b) upon incurrence of fees for service or other transaction-related charges by the hub operator.
- (5) The licensed hub operator may close accounts in which there has been no activity for at least six months, returning funds remaining therein to the account holder at his/her last known principal

residence address. Any moneys which cannot be so refunded shall be forwarded to the board for distribution in accordance with ARM 32.28.2011.

- (6) In the event an account holder is deceased, funds accrued in the account shall be released to the decedent's legal representative upon receipt of a copy of a valid death certificate, tax releases or waivers, probate court authorizations, or other documents required by applicable laws.
- (7) Account holders may communicate instructions concerning advance deposit wagers to the licensed hub operator in person, by mail, telephone, or other electronic means.
- (8) The licensed hub operator shall not accept wagers from an account holder in an amount in excess of the account balance.
- (9) Notwithstanding any other rules, the licensed hub operator may at any time declare the advance deposit wagering closed for receiving wagers on any parimutuel pool, race, group of races, or closed for all wagering. Any time advance deposit wagering is closed other than coincident with the start of a race, a written report must be filed with the board within 48 hours. Any time the licensed hub operator is closed during its normal hours of operation a written report must be filed with the board within 48 hours.
- (10) The licensed hub operator has the right at any time and for what it deems good and sufficient reason to refuse to accept all or part of any wager.
- (11) Accounts are for the personal use of the account holder. The account holder is responsible for maintaining the secrecy of the account number and his/her secure personal identification code.
- (12) Payment on winning parimutuel wagers and credits for advance deposit wagers on entries which are scratched shall be posted to the credit of the account holder as soon as practicable after the race is declared official.
- (13) The licensed hub operator shall provide written or electronic statements of an individual's account activity at any time upon the request of the account holder.
- (14) No employee or agent of the licensed hub operator shall divulge any confidential information related to the placing of any wager or any confidential information related to the operation of the licensed hub operator, except to the account holder or as required by these rules, the board, and as otherwise required state or federal law.

Authorizing statute(s): 23-4-202, MCA

Implementing statute(s): 23-4-101, 23-4-301, 23-4-302, MCA

History: NEW, 2008 MAR p. 494, Eff. 3/14/08; TRANS, from 32.28.2009, 2015 MAR p. 2252, Eff. 12/25/15.