



ADMINISTRATIVE RULES OF MONTANA

23.16.2001 MANUFACTURER OF ILLEGAL GAMBLING DEVICES - LICENSE - FEE - REPORTING REQUIREMENTS - INSPECTION OF RECORDS - REPORTS

- (1) Before conducting business in the state, a manufacturer of illegal gambling devices shall obtain a license from the department. An applicant for a license shall submit to the department:
 - (a) a manufacturer license application, Form 17 is available at any Gambling Control Division office location, or on the department's web site www.dojmt.gov/gaming;
 - (b) Forms 10 and FD-258 for all applicants as described in ARM 23.16.102;
 - (c) a complete set of fingerprints, on Form FD-258 provided by the department, obtained and certified by a local law enforcement agency, the department, or a private security company approved by the department for each person required to complete a personal history statement;
 - (d) financial statements for the applicant's business as described in ARM 23.16.502; and
 - (e) a check or money order for \$2,000 made payable to the State Treasurer, which includes payment for the:
 - (i) \$1,000 annual license fee; and
 - (ii) \$1,000 processing fee to cover the actual cost of processing the license.
- (2) Based on the actual cost incurred by the department in determining whether the applicant qualifies for licensure, the department shall refund any overpayment of the processing fee or collect an amount sufficient to reimburse the department for any underpayment of actual costs. If an applicant withdraws the application after the department has begun processing the application, the department shall refund any amount not expended as of the date of withdrawal.
- (3) The department may waive the application license and processing fee if the applicant is licensed as a distributor, route operator, or manufacturer and if the applicant is substantially the same and has not added strangers to the license.
- (4) A person licensed under this rule may import or export illegal gambling devices and associated equipment or either of them only if the sale and transportation of the devices or equipment complies with all applicable local, tribal, state, and federal laws and regulations. The department must approve all proposed imports and exports of illegal gambling devices and associated equipment prior to shipment.
- (5) A person licensed under this rule may apply for prior approval to import or export illegal gambling devices and associated equipment or either of them, by submitting to the department:

- (a) copies of the applicable gambling licenses held by that person from the jurisdiction(s) to which the person intends to export or from which the person intends to import illegal gambling devices and associated equipment or either of them and, when applicable, approved tribal compacts and relevant ordinances or documents; or
- (b) a completed Form 22 including:
 - (i) the identity of the seller, purchaser, shipper, receiver, method of shipment, proposed date of shipment and estimated date of delivery;
 - (ii) the terms of the sale, including all contracts, invoices or other documents related to the sale;
 - (iii) written approval from the jurisdiction in which the devices or associated equipment will be exported or imported; and
 - (iv) the manufacturer, model number, serial number, type and number of:
 - (A) devices or associated equipment that will be exported;
 - (B) illegal devices and associated equipment that contain components that will be imported and used by the licensee to manufacture an illegal device for export from the state;
 - (C) illegal devices and/or associated equipment that will be imported and tested, reconditioned, refurbished, repaired, or otherwise substantially modified in preparation for export from the state;
 - (D) illegal devices that will be imported and modified into gambling machines specifically authorized by Montana law or rule; or
 - (E) illegal devices that will be imported and used for research and development purposes.
- (6) If the department has taken no action within five working days of receipt of Form 22, the application for approval is deemed granted.
- (7) A person importing or exporting illegal gambling devices and associated equipment or either of them under (5) (a) must provide monthly report(s) to the department using Form 22 and must supply information described in (5) (b) (i) , (ii) (in the case of imports only) , and (iv) . All monthly reports under this rule must be filed with the department within 15 days after the end of each required monthly reporting period.
- (8) A person who proposes to import an illegal gambling device to be modified into a gambling machine which is specifically authorized by Montana law or rule must be licensed as a manufacturer and hold the department's approval under ARM 23.16.1901(1)(a) for the machine model to which it is to be modified.
- (9) Form 22 is available at any Gambling Control Division office location, or on the department's web site www.dojmt.gov/gaming .

Implementing statute(s): 23-5-115, 23-5-152, 23-5-611, 23-5-614, 23-5-621, 23-5-625, 23-5-631, MCA

History: NEW, 1990 MAR p. 828, Eff. 4/27/90; AMD, 1997 MAR p. 404, Eff. 2/25/97; AMD, 1998 MAR p. 1176, Eff. 5/1/98; AMD, 2002 MAR p. 902, Eff. 4/1/02; AMD, 2002 MAR p. 2441, Eff. 9/13/02; AMD, 2003 MAR p. 1989, Eff. 9/12/03; AMD, 2005 MAR p. 1281, Eff. 7/15/05; AMD, 2005 MAR p. 2333, Eff. 11/24/05; AMD, 2007 MAR p. 2010, Eff. 12/7/07; AMD, 2009 MAR p. 1260, Eff. 7/31/09; AMD, 2011 MAR p. 1681, Eff. 1/1/12; AMD, 2013 MAR p. 1606, Eff. 9/6/13; AMD, 2022 MAR p. 1836, Eff. 9/24/22.