



ADMINISTRATIVE RULES OF MONTANA



8.22.3913 UNLAWFUL ACTIVITY

- (1) As set forth in 23-4-301, MCA, it is unlawful to conduct pool selling or bookmaking or to wager on a fantasy sports league other than by the parimutuel system and by being physically present at a licensed parimutuel facility.
- (2) As set forth in 23-4-301, MCA, it is unlawful to permit a minor to use the parimutuel system.
- (3) As set forth in 23-4-301, MCA, it is unlawful to conduct internet or telephone parimutuel wagering on fantasy sports leagues.
- (4) No wagers may be accepted or paid by a parimutuel facility on a collegiate sport or athletic event. A collegiate sport or athletic event is an event offered or sponsored by or played in connection with a public or private institution that offers educational services beyond the secondary level.
- (5) No wager may be accepted or paid by a parimutuel facility on any amateur sport or athletic event.
- (6) No wager may be accepted or paid by a parimutuel facility on any nonsporting event.
- (7) Parimutuel facilities shall not accept wagers unless made by an individual person, physically present at the parimutuel facility site with cash.
- (8) Parimutuel facilities shall not accept wagers except at licensed premises, and only at betting stations approved by the fantasy sports coordinator or the board.
- (9) Parimutuel facilities shall not knowingly accept money or its equivalent ostensibly as a wager upon a sporting event whose outcome has already been determined. A licensed parimutuel network shall not create a roster or program for, and a licensed parimutuel facility shall not accept a wager on a sporting event unless the date and time at which the outcome of the sporting event is determined can be confirmed from reliable sources satisfactory to the fantasy sports coordinator or the board, or from records created and maintained by the parimutuel network in such manner as the fantasy sport coordinator or the board may approve.
- (10) Parimutuel facilities shall not accept wagers on a sporting event unless league rules for the event have previously been submitted by the parimutuel network to the fantasy sports coordinator and approved by the coordinator, and then made available to the parimutuel facility by the parimutuel network as an option to be used by the parimutuel facility for that wagering period.
- (11) Parimutuel facilities shall not accept wagers on a sporting event unless the event has been chosen by the facility for inclusion in that wagering period, and the availability of the sporting event posted at the facility. Chosen sporting events for each wagering period must be posted on the roster or program provided to each patron, and may also be posted by electronic or manual means, including printed media. Posted sporting events must be chosen by a parimutuel facility for

a wagering period prior to the start of the wagering period, and no changes to the chosen options shall occur during the wagering period.

- (12) Parimutuel facilities shall not accept any wager in excess of \$10,000 unless the following steps have all been completed:
 - (a) obtain the patron's name;
 - (b) obtain the patron's permanent address and social security number;
 - (c) obtain one of the following identification credentials from the patron:
 - (i) driver's license;
 - (ii) passport;
 - (iii) nonresident alien identification card;
 - (iv) other reliable government-issued identification credentials; or
 - (v) other picture identification credential normally accepted as a means of identification when cashing checks; and
 - (d) examine the identification credential obtained to verify the patron's name, and to the extent possible, to verify the accuracy of the information obtained.
- (13) Subsequent to accepting a wager in excess of \$10,000, the parimutuel facility employee shall record or maintain records that include:
 - (a) the patron's name, and if applicable, the agent's name;
 - (b) the patron's address, and if applicable, the agent's address;
 - (c) the patron's social security number, and if applicable, the agent's social security number;
 - (d) a description, including any document number of the identification credential examined, and if applicable, for the agent;
 - (e) the amount of the wager;
 - (f) window number or other identification of the location where the wager occurred;
 - (g) the time and date of the wager;
 - (h) the name and signature of the parimutuel employee accepting or approving the wager; and
 - (i) any other information as required by the fantasy sports coordinator or the board.
- (14) Each parimutuel facility shall report the wagers required to be recorded on a wagering report form provided by the board.
- (15) Parimutuel facilities and their employees shall not knowingly allow, and shall take steps to prevent, the circumvention of the \$10,000 wager identification and reporting rule by multiple wagers within its designated administrative week with a patron or by the use of a series of wagers that are designed to accomplish indirectly what could not be accomplished directly.
- (16) Parimutuel facilities and the parimutuel network and all parimutuel employees shall not encourage or instruct patrons to structure or attempt to structure wagers. This section does not

prohibit a parimutuel facility or parimutuel employee from informing a patron of the regulatory requirements imposed upon the parimutuel facility.

- (17) Parimutuel facilities shall make payment on a winning wager to a person who presents the patron's copy of the betting ticket representing the wager at the parimutuel facility at which it was issued. A parimutuel facility or employee need not make payment to a person who the employee knows is not the person to whom the patron's betting ticket was issued. Parimutuel facilities and parimutuel employees shall not make payment on a winning wager to a person who the facility or employee knows or reasonably should know is collecting the payment on behalf of another for monetary consideration or in violation of state or federal law.
- (18) Parimutuel facilities shall honor winning betting tickets for 30 days after the conclusion of the administrative week. The parimutuel facility shall state the redemption period on each betting ticket, in league rules, and on notices conspicuously placed about the licensed premises. Payment by mail may be made only after presentment of the betting ticket, and must be made not later than ten days after presentment.

Authorizing statute(s): 23-4-104, 23-4-202, MCA

Implementing statute(s): 23-4-202, 23-4-301, 23-4-302, 23-4-304, 23-5-801, 23-5-802, 23-5-805, MCA

History: NEW, 2008 MAR p. 1806, Eff. 8/29/08; TRANS, from 32.28.2213, 2015 MAR p. 2252, Eff. 12/25/15.