



ADMINISTRATIVE RULES OF MONTANA



23.16.1822 PERMIT NOT TRANSFERABLE

- (1) Except as provided below, any permit to operate an electronic video gambling machine is only valid for the permit holder and the premises identified on the permit application.
- (2) When, during the first quarter of the permit year, a gambling operation changes ownership and the application for a new gambling operator license has been approved, the permit fee for the machines on the premises is \$25 per machine if the \$240 licensing fee has already been paid for that machine for the permit year.
- (3) A permit is also restricted to the particular machine approved by the department and identified on the permit application. No additional permit fee will be charged when a licensed premises changes its location and its permitted video gambling machines also move to the new location. No additional permit fee will be charged when permitted video gambling machines are converted to multigame and the owner of the machines has connected or signed an agreement with the department to be connected to the automated accounting and reporting system.
- (4) A machine may not be moved from a licensee's premises and placed in service at another premises unless application is made for a new electronic video gambling machine permit, the permit fee is paid, and a new permit is issued. A new permit is required even if a machine has a current, unexpired permit for the former location.
- (5) If a machine is destroyed as a result of an accident, criminal act, or natural disaster, and then replaced by a newly permitted machine, the unused portion of the fee paid on the destroyed machine will be applied as a credit to the fee due on the replacement machine. The department may require proof of destruction before credit is applied.
- (6) A completed Letter of Withdrawal (LOW) must be submitted to the department when a permitted machine is removed from play and the premises prior to the renewal deadline of each year, June 30. The LOW must be submitted no later than ten days from the date the machine is removed from play. A LOW form is available upon request from the department. The LOW is not complete unless it is dated and signed by the licensee or a designated representative, and contains all of the information and attachments required by the department. Except as provided in (8), the provisions of this rule do not apply to a machine temporarily removed from play for repair service.
- (7) Completed LOWs must also be submitted to the department for machines removed from play for the following reasons:
 - (a) a licensed location is closed for remodeling and machines are out of play for 30 days or more;
 - (b) a licensed location is opened only seasonally and machines are out of play for 30 days or more; or

- (c) the alcoholic beverage license associated with a licensed location/operator is placed on non-use status and machines are taken out of play for 30 days or more; or
 - (d) the gambling operator's license has been suspended, revoked, or otherwise terminated.
- (8) A LOW must be submitted for machines removed from play for service when the operator determines that it will not be placed back into play during the permit year and will not be renewed at its current location.
- (9) In each of the circumstances outlined under (7) and (8), the LOW is due within ten days of the date the requirement for submission has been met. In addition, a new permit will be issued if the machine is placed back in play at the location prior to the end of the fiscal year. The licensee must submit a completed replacement form for issuance of a new permit, and there will be no additional permit fee.

Authorizing statute(s): 23-5-115, 23-5-621, MCA

Implementing statute(s): 23-5-603, 23-5-611, 23-5-612, 23-5-621, MCA

History: EMERG, NEW, 1985 MAR p. 1623, Eff. 11/1/85; TRANS, from Dept. of Revenue, Ch. 154, L. 1987, Eff. 3/22/87; AMD, 1987 MAR p. 1972, Eff. 10/30/87; TRANS, from Dept. of Commerce, Ch. 642, L. 1989, Eff. 7/1/89; AMD, 1990 MAR p. 828, Eff. 4/27/90; AMD, 1993 MAR p. 2786, Eff. 11/25/93; AMD, 1994 MAR p. 2834, Eff. 10/28/94; AMD, 1997 MAR p. 404, Eff. 2/25/97; AMD, 2002 MAR p. 2441, Eff. 9/13/02; AMD, 2003 MAR p. 1989, Eff. 9/12/03; AMD, 2005 MAR p. 2248, Eff. 11/11/05; AMD, 2006 MAR p. 2916, Eff. 11/23/06; AMD, 2013 MAR p. 1340, Eff. 7/26/13; AMD, 2019 MAR p. 302, Eff. 3/16/19.