

NORTH DAKOTA LOTTERY

Underlining represents proposed additions to the present rules.
~~Strikethrough~~ represents proposed deletions to the present rules.

CHAPTER 10-16-01
GENERAL RULES

10-16-01-01. Definitions. As used in this article:

1. "Applicant's agent" means a general manager, sole proprietor, partner of a partnership or, for a corporation, an officer or director who is primarily responsible for financial affairs or a shareholder who owns ten percent or more of the common stock, of a business that is applying for or renewing a license. A general manager is a person who regularly is onsite and primarily responsible and accountable for managing and controlling the day-to-day operations of the business.
2. "Cash voucher" means a voucher generated by the lottery's player activated terminal that can be validated for cash at the retailer's lottery terminal.
- ~~2.3.~~ "Draw" means the formal process of randomly selecting winning numbers, letters, or symbols that determine the number of winning plays for each prize level of a game.
- ~~3.4.~~ "Game" means an on-line game authorized by the lottery.
- ~~4.5.~~ "Game group" means a group of lotteries that have joined together to offer a game on a multi-state basis according to the terms of the MUSL and group's rules.
- ~~5.6.~~ "Grand prize" means the top prize that can be won in a game.
7. "Group play" means two or more individuals sharing a purchase made.
- ~~6.8.~~ "Lottery" means the North Dakota lottery.

- ~~7-9.~~ "Multi-state lottery" means a lottery game that spans the individual borders of a state, jurisdiction, province, district, commonwealth, territory, or country.
- ~~8-10~~ "MUSL" means the multi-state lottery association.
- ~~11.~~ "North Dakota Lottery Players Club" means a program that players can join to earn exclusive benefits and rewards.
- ~~9-12.~~ "Online gaming system" means a computer system designed to control, monitor, communicate with a terminal, and record play transactions and accounting data.
- ~~10-13.~~ "Play" means the numbers, letters, or symbols that are on a ticket or properly and validly registered subscription play to be played by a player in a draw, excluding a lottery promotion.
- ~~11-14.~~ "Play area" means the area of a play slip that contains one or more sets of numbered squares to be marked by a player for a game. Each set contains a certain number of numbers, letters, or symbols that correspond to the game.
- ~~12-15.~~ "Play slip" means a card used in marking a player's selections of numbers, letters, or symbols and containing one or more play areas for a game.
- ~~16.~~ "Player-Activated terminal" means a device authorized by the lottery and operated by a player to function in an on-line, interactive mode with the lottery's computer system to receive and process lottery transactions including the purchase and issuance of a ticket, the validation of a ticket, and the issuance of a cash voucher.
- ~~17.~~ "Points for Drawings™" means a program where players can enter drawings by using points received from the submission of valid tickets.
- ~~18.~~ "Points for Prizes®" means a rewards program where players can earn points by becoming registered members and submitting valid tickets.
- ~~13-19.~~ "Quick pick" means a random selection of numbers, letters, or symbols by a computer system that are printed on a ticket or properly and validly registered subscription play and played by a player for a draw in a game.
- ~~14-20.~~ "Retailer fraud" means an owner or employee of a licensed retailer who knowingly and intentionally:
- a. Fails to properly validate a player's winning ticket;
 - b. Fails to pay the players the proper prize amount on a winning ticket;

- c. Fails to provide the player the proper exchange ticket on a winning multi-draw ticket; or
- d. Performs any other act that causes financial harm to a player in violation of the lottery law or rules.

~~15-21.~~ "Set prize" means all prizes, except the grand prize for a game that are to be paid by a single cash payment and, except as provided by rule, will be equal to the prize amount established by the MUSL game group for the prize level of the game.

22. "Subscription" means a purchase of a draw game play for drawings up to one year.

~~16-23.~~ "Terminal" means a device authorized by the lottery and operated by a retailer or the lottery to function in an on-line, interactive mode with the lottery's computer system to issue a ticket and enter, receive, and issuance of a report.

~~17-24.~~ "Ticket holder" means a person who has signed a ticket or possesses an unsigned ticket.

~~18-25.~~ "Validation" means the process of determining whether a ticket presented for a prize is a winning ticket.

26. "Winning account" means the account to which subscription winnings are deposited and from which player withdrawals are made.

~~19-27.~~ "Winning numbers" means the numbers, letters, or symbols randomly selected in a draw to determine a winning play contained on a ticket or properly and validly registered subscription play or randomly selected in a lottery promotion to determine a winning prize stated on a ticket or coupon.

History: Effective February 1, 2004; amended effective April 1, 2006; July 1, 2008; July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-13

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CHAPTER 10-16-02
RETAILER

10-16-02-06. Duties. A retailer shall:

1. Comply with the lottery law, rules, promotional rules, and terms of a license agreement prescribed by the lottery;
2. Display a lottery license in an area visible, but not accessible, to the public where a ticket is sold and redeemed. A retailer shall prominently display signage and promotional and point-of-sale items provided by the lottery. A retailer may advertise and use, display, or make available other appropriate promotional and point-of-sale items. On request of the lottery, a retailer shall discontinue an advertisement or promotion that the lottery determines is in noncompliance with subsections 2 and 3 of section 10-16-01-02;
3. Display a problem gambling helpline telephone number;
4. Provide a secure operating space for a terminal at a location approved by the lottery or its online gaming system vendor. A retailer may not move the terminal to a different location at a site without written authorization from the lottery. If the retailer desires to have the terminal relocated at the site, only a qualified representative of the lottery's online gaming system vendor may relocate the terminal;
5. Provide dedicated alternating current to a duplex electrical receptacle for lottery equipment, including a terminal. Only lottery equipment may be on the circuit. A retailer shall pay the installation cost of the receptacle and monthly costs of electricity to operate the lottery equipment. The lottery shall provide the retailer with a schematic of the required amperage, voltage, and wiring of the receptacle;
6. As requested by the lottery, have an employee attend a training session sponsored by the lottery, review training material, complete a terminal-based tutorial, or notify the lottery if a new employee needs training on operating a terminal;
7. Exercise care in operating a terminal and immediately notify the lottery's online gaming system vendor of a terminal malfunction, including the issuance of an invalid ticket, inability to sell or redeem a ticket, and nonissuance of a ticket. Except to clear a paper jam, the retailer may not perform mechanical or electrical maintenance on the terminal. Unless approved by the lottery, a retailer may not attach or adhere any stickers, decals, or advertisements on a terminal;
8. Replace ticket stock and clear a paper jam as necessary in a terminal;

9. Monitor the supply of game brochures, point-of-sale items, ticket stock, and play slips and notify the lottery or its online gaming system vendor when an item is in short supply;
10. Actively promote and sell a ticket and redeem a winning ticket during the retailer's core business hours on the days that the retailer is open and when a terminal is operating. If the retailer's core business hours are earlier or later, or both, than the hours that the terminal is operating, the retailer shall post the hours during which a person may redeem a winning ticket;
- ~~11. Actively promote the sale of subscriptions;~~
- ~~12.~~11. Prohibit a person under age eighteen from buying a ticket or redeeming a winning ticket;
- ~~13.~~12. Not extend credit to a player or accept a credit card from a player for the purchase of a ticket or accept a food stamp or food coupon as consideration for a ticket. A player shall pay for a ticket when the ticket is bought from a retailer. If a retailer delivers a ticket to a player's residence, the player shall prepay or pay for the ticket upon delivery. A retailer may not loan money to or accept a postdated check from a player;
- ~~14.~~13. Maintain a level of ticket sales set by the lottery based on a minimum sales program;
- ~~15.~~14. Be financially responsible and personally liable to the lottery for money derived from the sale of a ticket, less money related to a sales commission and money paid on a redeemed winning ticket. The retailer shall allow money from the sale of a ticket that is deposited by the retailer in a bank account to be transferred to the lottery by electronic funds transfer on a weekly basis or other period prescribed by the lottery;
- ~~16.~~15. Store ticket stock, supplies, terminal, and related equipment in a safe place to prevent loss, theft, or damage;
- ~~17.~~16. Prominently post the winning numbers for a draw and estimated grand prize of the next draw of a game where a ticket is sold as soon as reasonably possible after the draw for the game;
- ~~18.~~17. Redeem a winning ticket and may pay a prize of up to five hundred ninety-nine dollars in cash or by business check, regardless of which retailer sold the ticket. The retailer may not charge a fee for redeeming a ticket and may not refuse to redeem a winning ticket sold by another retailer;
- ~~19.~~18. File a claim for credit for a printed defective ticket as prescribed by the lottery;
- ~~20.~~19. Permit an employee or agent of the lottery who has first shown proper identification to the retailer to review the retailer's accounting records and inspect, maintain, replace, or remove lottery equipment, supplies, ticket stock, or a record or recorded video from the site without prior notice during the retailer's normal hours of operation;

- ~~21-20.~~ Notify the lottery in writing thirty days before there is a change of the bank account maintained for electronic funds transfer;
- ~~22-21.~~ Make it convenient for the public to buy and redeem a ticket. A retailer may sell a ticket through a drive-up window;
- ~~23-22.~~ Have a copy of the lottery law and rules at the site available near the terminal for review by any person;
- ~~24-23.~~ Incur the loss from theft of a ticket or gift certificate;
- ~~25-24.~~ Defend, indemnify, and hold harmless the lottery and state of North Dakota from any claim of any nature, including all costs, expenses, and attorney's fees, that may result from or arise out of an agreement with the lottery, except for a claim that results from or arises out of the state's sole negligence;
- ~~26-25.~~ Upon revocation, relinquishment, or nonrenewal of a license, immediately return all lottery-related equipment and supplies, including unused ticket stock. The retailer is liable for money still owed the lottery; and
- ~~27-26.~~ Maintain complete and accurate records and retain them for one year related to the sale and redemption of a lottery ticket. Records must include weekly terminal-issued reports of electronic funds transfers transactions.

History: Effective February 1, 2004; amended effective April 1, 2006; April 1, 2008; July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-02, 53-12.1-03, 53-12.1-08, 53-12.1-13

10-16-02-07. Sales commission and bonus.

1. The lottery shall credit a retailer's account for:
 - a. A sales commission of five percent of the retail price of a ticket sold or otherwise issued by the retailer;
 - b. A sales commission of five percent of the amount of ~~a an initial or renewal~~ subscription sale that is transacted through the North Dakota Lottery Lottery Players Club when a player chooses a specific retailer. ~~on a subscription application form that is issued by the retailer's terminal or procured from the retailer with the retailer's license number on it.~~ The retailer must be currently licensed when the subscription application form is purchased. ~~processed by the lottery. There is no sales commission on the value of a prize on a winning subscription play that automatically extends a subscription period according to subdivision a of subsection 10 of section 10-16-03-08.1; and~~

- c. A sales bonus for selling a ticket with a winning play, ~~or for an initial or renewal subscription sale described by subdivision b, including an extended subscription period, that has a winning play,~~ for a game as stated below. However, the retailer must be currently licensed when a draw is conducted that results in the winning play of a ticket ~~or when the winning subscription play is validated.~~ If the winning play for POWERBALL® has the ~~power~~ Power play Play option, or the winning play for MEGA MILLIONS® has the Megaplier® option, or the winning play for HOT LOTTO® has the ~~triple~~ Triple sizzler Sizzler option, the retailer's account must also be credited for an additional bonus as stated below:

<u>Prize</u>	<u>Bonus</u>	<u>Additional Bonus</u>
POWERBALL®		
Grand prize	\$50,000	Additional \$50,000 with power <u>Power play Play</u>
\$1,000,000	\$5,000	Additional \$5,000 with power <u>Power play Play</u>
\$10,000	\$500	Additional \$500 with power <u>Power play Play</u>
MEGA MILLIONS®		
Grand prize	\$50,000	Additional \$50,000 with Megaplier®
\$1,000,000	\$5,000	Additional \$5,000 with Megaplier®
\$5,000	\$250	Additional \$250 with Megaplier®
HOT LOTTO®		
Grand prize	\$5,000	Additional \$5,000 with triple <u>Triple sizzler Sizzler</u>
\$30,000	\$750	Additional \$750 with triple <u>Triple sizzler Sizzler</u>
\$3,000	\$150	Additional \$150 with triple <u>Triple sizzler Sizzler</u>
WILD CARD 2®		
Grand prize	\$2,000	
\$6,000	\$250	
2BY2®		
Grand prize		
\$22,000	\$500	
\$44,000*	\$1,000	

*Tuesday draw double grand prize winning play on a qualifying multi-draw ticket.

2. The lottery may credit a retailer's account for a fixed or graduated sales commission or bonus for a special promotion, including ~~power~~ Power play Play, Megaplier®, and ~~triple~~ Triple sizzler Sizzler, that the lottery conducts for a certain period of time based on parameters set by the lottery.

History: Effective February 1, 2004; amended effective January 1, 2006; January 3, 2008; January 31, 2010; January 15, 2012; October 19, 2013; July 6, 2014.

General Authority: NDCC, 53-12.1-13

Law Implemented: NDCC 53-12.1-02, 53-12.1-03, 53-12.1-13

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**CHAPTER 10-16-03
CONDUCT AND PLAY**

10-16-03-05. Sale or gift of a ticket.

1. Only a retailer may sell a ticket and only at the site listed on a license. The sales price of a ticket is exempt from sales tax. Except as authorized by the lottery or for a lottery promotion, ~~sale of a subscription,~~ or delivery of a ticket by a retailer, a complete sales transaction between the retailer and a player must occur at a terminal or a player-activated terminal, including the exchange of money, exchange of a play slip if the player uses it, and exchange of the ticket. The retailer shall accept cash and a lottery gift certificate and may, at its option, accept a check or debit card from a player. The retailer may not extend credit to a player or accept a food stamp or food coupon as consideration for a ticket. A player shall pay a ticket when the ticket is bought from a retailer. A retailer may not loan money to a player or accept a postdated check from the player. A retailer is responsible for a check that is not collectible for any reason. This subsection does not prevent a person who may lawfully buy a ticket from giving a gift of the ticket to another person, or prevent a business or organization from purchasing a ticket and providing it as a gift or prize to a person, except to a person under age eighteen or an ineligible player according to section 10-16-03-02.
2. A person may buy a ticket on behalf of another person or group of people, provided that the person provides the ticket without charging a procurement fee and the other person is not, or the group of people does not include, a person under age eighteen or an ineligible player according to section 10-16-03-02.
3. ~~Except for a subscription,~~ a A player shall place a play through a retailer who acts as an agent for the player in entering the play. The player shall place a play by using and hand-marking a play slip provided by the retailer or requesting the retailer to place a quick pick. The retailer may assist and train a player how to complete a play slip. It is the sole responsibility of the player to verify the accuracy of a game play and other data printed on a ticket. The retailer may not use a copy of a play slip or other material in a terminal's play slip reader or permit any device to be connected to a terminal to enter a play.

4. A retailer shall use a terminal to issue a ticket containing the selected sets of numbers, letters, or symbols each set of which is a play. A retailer's sale of a ticket is final. A player may not void or cancel a ticket by returning the ticket to the retailer and the retailer may not buy back a ticket from a player. If data printed on a ticket is incorrect, a ticket is printed in error, an employee, volunteer, or agent of a retailer steals a ticket from the retailer, or if any other issued ticket can be used to claim a prize, the retailer cannot void or cancel the ticket or return the ticket to the lottery for credit. If the retailer cannot sell the ticket, the retailer owns the ticket and may redeem a winning ticket. However, the lottery may credit a retailer's account for a ticket that is illegible, mutilated, or otherwise defective as it was printed and that because of its physical condition cannot be sold. A retailer shall comply with a policy of the lottery related to criteria for sending a claim for credit of a defective ticket to the lottery. The retailer may not send a defective ticket to the lottery until after the draw for the game for which the ticket was issued.

5. A retailer shall sell a ticket only for the standard price of the ticket. However, a retailer may do a promotion for a period not to exceed ninety consecutive days in any six-month period in which a retailer offers a ticket for sale through a discount provided that the retailer accounts for the standard price of the ticket to the lottery. A discount includes, for example, selling six tickets for the price of five tickets, selling two tickets for the price of one ticket, and selling a ticket for one-half price.

A retailer may buy a ticket for the standard price of the ticket and offer it, at no charge, to a person. A recipient of a ticket in a promotion may not be under age eighteen or an ineligible player according to section 10-16-03-02. A retailer may conduct other promotions, including:

- a. Second chance drawings of winning or nonwinning tickets or other entry forms provided that a person may not be required to purchase anything to participate in the drawing;
- b. Giving away a ticket with the purchase of a product or service;
- c. Giving away or discounting a product or service with the sale of a ticket or return of a number of nonwinning tickets; and
- d. With the purchase of a ticket, a person may spin a wheel, for example, to select a free prize, product, or service.

6. A person who buys or accepts a ticket, attempts to redeem a ticket for a prize, or otherwise participates in a draw agrees to comply with and abide by the lottery law, rules, procedures, policy, MUSL or game group rule or game rule, and decision of the lottery.
7. A person who buys or accepts a ticket, attempts to redeem a ticket for a prize, or otherwise participates in a draw agrees to accept the decision of the lottery regarding the validity of the ticket, and any prize payment determinations relating to that ticket, and to release the state, lottery, MUSL, game group, and their officers, employees, agents, representatives, and contractors from any liability regarding that ticket or payment of that prize and are not responsible or liable for:
 - a. A lost or stolen ticket or incorrectly read play slip; or
 - b. Paying a prize to a damaged, destroyed, erroneous, illegible, or mutilated ticket.

History: Effective February 1, 2004; amended effective November 8, 2005; July 1, 2008; July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-02, 53-12.1-03, 53-12.1-07, 53-12.1-08, 53-12.1-13, 57-39.2-04

10-16-03-07. Validation of a ticket or cash voucher.

1. A retailer shall use a terminal to validate a ticket or cash voucher before the retailer may pay a prize on the ticket or cash voucher. A retailer that pays a player a prize without first validating the ticket or cash voucher assumes the financial risk that the ticket is not an actual winning ticket, ~~or~~ the ticket was previously redeemed or that the cash voucher was previously redeemed. The lottery may not reimburse a retailer for a prize paid in error by the retailer. A ticket that does not pass validation is invalid and ineligible for a prize. A cash voucher that does not pass validation is invalid for cashing. Except as provided by subsection 18 of section 10-16-03-08, an original ticket is the only proof of a game play and submitting a winning ticket to the retailer or lottery is the only method of claiming a prize. A play slip, ~~or~~ copy of a winning ticket, or copy of a cash voucher has no monetary or prize value and is not evidence of a ticket bought or of numbers selected for a draw. A ticket must have been bought from a North Dakota retailer and meet all of these validation requirements:
 - a. A retailer must have issued the ticket in an authorized manner;
 - b. The play, including the combination of numbers, letters, or symbols selected by a player or quick picked, evidenced by the ticket, must reach and be accepted and recorded by the lottery's online gaming system before the cutoff time for a draw. The draw for a game is held on the days determined by the game group. Even if a player intends for a retailer to enter the player's play before the cutoff time for the present draw, the play is only eligible for the draw that is printed on the ticket;

- c. The ticket or cash voucher must not have been previously paid or voided by the lottery;
 - d. The ticket or cash voucher must not have been stolen, or be counterfeit, altered, mutilated, reconstructed, unreadable, illegible, irregular, partly blank, incomplete, defective, or an exact duplicate of another winning ticket. The game group, MUSL, and lottery are not responsible for a ticket that is altered in any manner;
 - e. A ticket or cash voucher is void unless the ticket is printed on a paper stock roll that was validly issued to and used by the retailer that sold the ticket;
 - f. The ticket or cash voucher validation number must be legible, intact, presented in its entirety, and correspond, based on the lottery's computer validation file, exactly to the date and selected numbers printed on the apparent winning ticket that was sold at a specific site;
 - g. The ticket or cash voucher may not be marked in any way, except by a player to place a signature on the back side of the ticket to claim a prize or by a retailer to deface or void the ticket after it was redeemed, with the intent to commit fraud;
 - h. If the total prize value of all plays of a winning ticket is five thousand dollars or more, the ticket must pass a confidential security check by the lottery;
 - i. Upon request by the lottery, a claimant of an apparent winning ticket shall disclose to the lottery the name of the retailer from whom the claimant bought the ticket, date of purchase, and approximate time; and
 - j. A validation requirement adopted by the MUSL or game group.
2. After a retailer validates a winning ticket or cash voucher, the retailer shall, if sufficient funds are available, pay the player the prize value. However, a retailer shall redeem a winning ticket or cash voucher that has a prize value of fifty dollars or less. A retailer shall return the ~~branded~~ winning ticket or cash voucher and the player copy of the terminal receipt to the player and retain the retailer copy of the terminal receipt for recordkeeping purposes. ~~If a retailer manually validates a winning ticket, the retailer shall initial and write on the face of the ticket the prize amount and date redeemed.~~ After a retailer validates a nonwinning ticket, the retailer shall return the nonwinning ticket and player copy of the terminal receipt to the player. The player may discard a redeemed winning or nonwinning ticket and player copy of the terminal receipt.

3. The lottery shall credit a retailer's account for a prize actually paid by the retailer on a validated redeemed winning ticket or cash voucher.
4. The lottery's determination on a contested validation is final.

History: Effective February 1, 2004; amended effective April 1, 2006; April 1, 2008; July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-02, 53-12.1-03, 53-12.1-08, 53-12.1-09, 53-12.1-13

10-16-03-08.1. Subscription.

~~1. A player may procure a subscription application form from a retailer, lottery's office, or lottery's website.~~

3.1. A player shall purchase a subscription only from, and the financial transaction for that subscription must be only with, the lottery through the North Dakota Lottery Players ClubSM website and payment processor. ~~A player may apply for a subscription on the lottery's website or by mail, by telephone, or in person.~~ A player may use cash, check, automated clearinghouse, debit card, or authorized credit card to pay for a subscription.

4. 2. A person must be at least eighteen years of age.

~~5. A person must have a mailing address within the state of North Dakota when the original or renewal subscription application form was submitted to the lottery.~~

3. A person must provide the following information when registering as a player, or a member of a group, for the lottery subscription service:

- a. Name;
- b. Address;
- c. Date of Birth;
- d. Telephone number;
- e. Valid email address; and,
- f. Last four digits of their Social Security Number.

4. A person, whether individually or as a member of a group, must have a North Dakota mailing address and must pass all verification processes used by the lottery during the player's registration process.

2.5. A player may purchase one or more subscriptions for one or more games. Each subscription is limited to one play for a draw for one game. A player may purchase a subscription for ~~thirteen, twenty-six, up~~

~~to or~~ fifty-two weeks. A subscription is not refundable or cancelable by a player unless the game group makes a matrix change to the game at which time, the subscription would be canceled by the lottery and funds used to purchase the subscription would be refunded to the player player's winning account through the lottery's subscription service, based on the number of draws actually held under the former game matrix in relation to the total number of draws purchased ~~plus the value of an extension.~~

6. To be valid, a subscription play must be properly and validly registered with the lottery on its subscriber data base at its central computer site which meets the requirements established by the product group and MUSL security and integrity committee. All data on a subscriber is confidential.
7. The owner of a subscription play is the person whose name is validly and properly registered with the lottery. However, the lottery may, ~~based on the owner's request~~, split a prize among two or more persons who are registered members of a group play.
8. After the lottery properly and validly registers a subscription play, the lottery shall send a confirmation ~~card~~ email to the subscriber. The confirmation ~~card~~ email is the player's evidence of an actual play in a draw and there is no actual ticket. The confirmation ~~card~~ email must include:
 - ~~a.~~ a. Name and address of the subscriber;
 - ~~b.~~ b. Assigned subscriber number;
 - ~~c.~~ c. Name of game. For the game of POWERBALL® indication of whether the play has the ~~power~~ Power play Play option. For the game of MEGA MILLIONS®, indication of whether the play has the Megaplier® option. For the game of Hot Lotto®, indication whether the play has the ~~triple~~ Triple sizzler Sizzler option;
 - ~~d.~~ d. Number of and starting and ending dates of the draws;
 - ~~e.~~ e. Numbers, letters or symbols of the play;
 - ~~f.~~ f. ~~Notice that the~~ The subscriber is responsible for ensuring that all subscriber information and game play numbers, letters, or symbols are correct; and

~~g.e.~~ Explanation of how a prize will be awarded

9. Except as provided by subsection 10, a subscription play is valid for only the date range of draws specified ~~on~~ in the confirmation card email. The effective date of a new subscription play ~~cannot be sooner than fourteen days from the original date of subscription.~~ will be valid for the present draw in the game, if it is purchased by 8:58 p.m. C.T. The effective date of a renewal subscription play can begin with the next draw following the end of the current subscription.
10. If the value of a prize on a winning POWERBALL®, HOT LOTTO®, WILD CARD 2®, MEGA MILLIONS® or 2BY2® subscription play for a draw is:
- a. ~~Five dollars or less,~~ Less than six hundred dollars, the lottery shall automatically ~~extend the subscription period by the number of draws equal to the value of the winning play;~~ deposit the funds into the player's winning account;
 - b. ~~Equal to or more than six dollars and less than six hundred dollars,~~ the lottery shall ~~send the player a check for the prize;~~ or
 - e.b. Equal to or more than six hundred dollars, the lottery shall contact the player by email and phone to arrange payment of the prize, less withholding of income tax required by federal or state law and any debt setoff according to North Dakota Century Code section 53-12.1-12.
- ~~11. If the value of a prize on a winning MEGA MILLIONS® subscription play for a draw is:~~
- ~~a. Less than six hundred dollars, the lottery shall send the player a check for the prize; or~~
 - ~~b. Equal to or more than six hundred dollars, the lottery shall contact the player to arrange payment of the prize, less withholding of income tax required by federal or state law and any debt setoff according to the North Dakota Century Code section 53-12.1-12~~
- ~~12.11.~~ If the owner of a subscription changes the owner's name ~~or address,~~ the owner shall provide the lottery with a notarized letter of the change. If the owner of a subscription dies, the lawful representative of the owner's estate shall provide the lottery with a notarized statement of the death and the lottery shall change the ownership of the subscription to "The Estate of" the owner.

History: Effective November 8, 2005; amended effective January 3, 2008; November 1, 2008; July 1, 2010; October 19, 2013; July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-01, 53-12.1-02, 53-12.1-03, 53-12.1-08, 53-12.1-13

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CHAPTER 10-16-07
2BY2® GAME

10-16-07-02. Expected prize pool percentage and odds. Except as provided by subsection 3 of section 10-16-07-03 or by section 10-16-07-04, the grand prize is twenty-two thousand dollars. All prizes awarded must be paid as set cash prizes or free ticket prizes with the following expected prize payout percentages:

<u>Matches Per Play</u>	<u>Prize</u>	<u>Prize Pool</u>		<u>Odds*</u>	
		<u>Allocated to Prize</u>	<u>Percentage</u>		
2 red + 2 white	Grand prize	41.56%	<u>41.18%</u>	1:105,625	
2 red + 1 white	\$100	8.93%	<u>8.99%</u>	1:2,204	<u>1:1100</u>
1 red + 2 white	\$100	8.93%	<u>8.99%</u>	1:2,204	<u>(3 Matches)</u>
2 red + 0 white	\$3	1.54%	<u>1.55%</u>	1:383	
0 red + 2 white	\$3	1.54%	<u>1.55%</u>	1:383	<u>1:37</u>
1 red + 1 white	\$3	12.86%	<u>12.94%</u>	1:46	<u>(2 Matches)</u>
1 red + 0 white	Free ticket	12.32%	<u>12.40%</u>	1:8	<u>1:4</u>
0 red + 1 white	Free ticket	12.32%	<u>12.40%</u>	1:8	<u>(1 Match)</u>

Overall odds of winning a prize on a one dollar play are 1:3.59.

*Reflects the odds of winning and a combined probable distribution probability of winning plays ~~in and among each prize tier~~, based on the total number of possible combinations.

History: Effective November 8, 2005; amended effective February 22, 2008; July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-13

10-16-07-04. Tuesday draw double prize feature. If a player purchases a subscription ~~of a play for 7 draws, in increments of 7, 91, 182, or 364 draws, including an extension,~~ or a multi-draw ticket of one or more plays for 7, 14, 21, 28, 35, or 42 consecutive draws, the value of the player's prize, including the grand prize, that is won on a Tuesday draw automatically doubles in value.

History: Effective February 22, 2008; amended effective July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1.13

NORTH DAKOTA LOTTERY

Underlining represents proposed additions to the present rules.
~~Strikethrough~~ represents proposed deletions to the present rules.

CHAPTER 10-16-09
NORTH DAKOTA LOTTERY
PLAYERS CLUBSM
POINTS FOR PRIZES[®]

<u>10-16-09-01</u>	<u>General</u>
<u>10-16-09-02</u>	<u>Eligibility for Points</u>
<u>10-16-09-03</u>	<u>Registration</u>
<u>10-16-09-04</u>	<u>Points for Prizes[®] Points</u>
<u>10-16-09-05</u>	<u>Submitting Tickets</u>
<u>10-16-09-06</u>	<u>Points for Prizes[®] Store</u>
<u>10-16-09-07</u>	<u>Item Selection</u>
<u>10-16-09-08</u>	<u>Additional Conditions</u>

10-16-09-01. General.

1. The North Dakota Lottery (NDL) and its designated agents Scientific Games International, Inc. (SGI) and MDI Entertainment, LLC (MDI), a subsidiary of SGI, will operate the Points for Prizes[®] program.
2. Points for Prizes[®] is a rewards program that is part of the NDL's North Dakota Lottery Players ClubSM. Players can earn points by becoming registered members of the program and submitting valid tickets at club.lottery.nd.gov. Players can redeem their points for items at the Points for Prizes[®] store at store.lottery.nd.gov.
3. The Points for Prizes[®] program is void where prohibited by law.
4. The NDL reserves the right to change Points for Prizes[®] in any way and at any time or to terminate Points for Prizes[®] entirely upon reasonable and appropriate public notice.
5. By submitting a ticket to earn Points for Prizes[®] points, an entrant agrees to and is bound by the Points for Prizes[®] rules, the North Dakota Lottery Players ClubSM terms of service, all other applicable NDL rules and laws, and the laws of the State of North Dakota.
6. The NDL may use, without limitation, an entrant's name, hometown, likeness, and/or voice in any promotions, research, marketing, publications, or other advertising media including, but not limited to, NDL websites, without compensation or additional release.
7. The NDL reserves the right to use the names, addresses, and telephone numbers of all entrants for research and marketing purposes.

History: Effective July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-13

10-16-09-02. Eligibility for points.

1. A terminal ticket or player-activated terminal ticket eligible for points is any ticket that includes a 25 digit alpha-numeric draw game code printed on the ticket.
2. Any subscription purchase will automatically receive points after confirmation of purchase. No entry code is generated nor is entry of any code required. Players will receive notification of points earned for a subscription purchase.
3. Exchange tickets will not print an entry code. Entry codes are only printed once on the original ticket.
4. North Dakota Lottery Players ClubSM members must be at least eighteen (18) years old and have a valid U.S. address in order to register as a member of the North Dakota Lottery Players ClubSM and participate in Points for Prizes[®].
5. Players will be limited to earn up to 750 points per week as part of the NDL's North Dakota Lottery Players ClubSM. A week is defined as Sunday at midnight until the following Saturday at 11:59:59 p.m. C.T. NDL reserves the right to change, without notice, the limit on the amount of points that can be earned weekly.
6. The NDL reserves the right to discontinue eligibility of any game(s).
7. Entries for Points for Prizes[®] may also automatically receive entry into other promotions.
8. Once the 750 point per week maximum is reached, players will still be eligible to enter tickets for second chance drawings or any additional ticket entry eligible promotion. These tickets will not earn points.

History: Effective July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-13

10-16-09-03. Registration.

1. To access Points for Prizes[®], a player must first register to become a North Dakota Lottery Players ClubSM member and establish a North Dakota Lottery Players ClubSM account at club.lottery.nd.gov.
2. Once registered, a player will be able to log in to submit entries or participate in other North Dakota Lottery Players ClubSM programs that may be provided from time to time.
3. Registration to be a member of the North Dakota Lottery Players ClubSM requires the player to provide their birth date, email address, password, last four digits of Social Security number, and contact information.

4. Failure to fully provide required information will cause a player's request to register to be rejected.
5. The NDL, SGI, and MDI assume no responsibility for incorrect information provided by a player on the registration form. After completing the registration, a player is responsible for updating account information as needed by logging in and going to their account page.
6. A player may have no more than one (1) account. A player is not permitted to create additional accounts in the event that their email or other relevant information changes. The player may log in with their existing account credentials and make any desired changes at any time.

History: Effective July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-13

10-16-09-04. Points for Prizes® points.

1. Players earn Points for Prizes® points for eligible subscription purchases (after purchase confirmation) or for terminal tickets or player-activated terminal tickets entered through the North Dakota Lottery Players ClubSM at club.lottery.nd.gov.
2. Points are non-monetary numerical values assigned to eligible tickets.
3. Points for Prizes® provide points for each eligible ticket or subscription purchase. Cash shall not be awarded in lieu of points awarded or rewards items.
4. Each eligible ticket or subscription purchase has a point value based on a range of values assigned by the NDL. The NDL reserves the right to change the point value assigned.
5. The point value, associated with each valid ticket or subscription purchase, will be revealed to the player and applied to their account at club.lottery.nd.gov upon successful submission of each eligible ticket or after purchase confirmation of subscriptions.
6. Points are not transferable. Point balances from more than one (1) account may not be combined.
7. Points shall be valid for use only within the NDL's Points for Prizes® program or Points for DrawingsTM program.
8. The NDL may credit a player's account at its sole discretion.
9. Points may expire. The NDL reserves the right to establish, modify or delete a rule regarding the expiration of points at its own discretion at any time.

History: Effective July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-13

10-16-09-05 Submitting tickets.

1. To submit a ticket, a player must first log in to club.lottery.nd.gov using their unique North Dakota Lottery Players ClubSM account information.

 - a. Once logged in, a player submits an entry according to the instructions on the "Ticket Entry" (Rewards) page of the website. Required entry information for a terminal ticket or player-activated terminal ticket is the 25 digit alpha-numeric draw game code printed on the ticket. Subscribers will receive notification of points received for their purchase.
 - b. To prevent fraudulent submissions, after ten (10) consecutive attempts to submit tickets that are not recognized as eligible tickets, a player will be unable to submit tickets for 24 hours.
 - c. Unless a player has a need to retain their ticket(s) (example: remaining draws or prize claim for winning ticket), players are encouraged to properly dispose of the ticket after submission.
2. A list of previously submitted tickets is available within a player's account and can be found within the "My History" page.
3. An eligible ticket may be submitted one (1) time only. The system will reject a ticket that has been previously submitted.

History: Effective July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-13

10-16-09-06 Points for Prizes® store.

1. Points may be redeemed for items listed at store.lottery.nd.gov in the Points for Prizes® store. Points may also be used to purchase Points for Drawings™ entries.
2. Points required for redemptions vary. The number of points required to be redeemed for a particular item shall be determined by the NDL and be posted at store.lottery.nd.gov. The NDL may, in its sole discretion, change the points required for redemption of any item at any time.
3. The NDL may, in its sole discretion, discontinue offering an item at any time.
4. If an item is not readily available for any reason, the NDL reserves the right, in its sole discretion, to substitute another item of similar value, or credit a player's account at its sole discretion.

5. Prizes are non-transferable and non-refundable unless otherwise authorized by the NDL.
6. The awarding of all prizes is subject to eligibility verification.

History: Effective July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-13

10-16-09-07 Item selection.

1. A player may use some or all points for items offered in the Points for Prizes® store.
2. A player must first log in to their North Dakota Lottery Players ClubSM account at club.lottery.nd.gov.
3. To redeem points, a player must select the item or items, designate the quantity of each item requested, and select the appropriate button to submit the order.
4. It is the responsibility of the player to ensure that the appropriate item and quantity are selected.
5. Once the order has been submitted, points will be deducted from the player's North Dakota Lottery Players ClubSM account.
6. Orders cannot be changed, canceled, or returned once placed.

History: Effective July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-13

10-16-09-08 Additional conditions.

1. The NDL does not warrant or guarantee product quality or availability of products.
2. The NDL is not responsible for any prizes lost, damaged, or stolen during shipment, pick-up, or use.
3. The NDL is not responsible for any damages, injury or loss of life resulting from any item awarded.
4. Players are responsible for any applicable taxes.
5. Players are solely responsible for maintaining and keeping account information current or accurate. The NDL assumes no responsibility or liability whatsoever for technical or computer malfunctions or for the player's failure to keep account information current.

6. By participating in the North Dakota Lottery Players ClubSM, each player and their heirs, legal representatives, and assignees agree to indemnify, defend, release, and discharge the NDL, SGI, MDI, the State of North Dakota, their employees, officers, and directors, from and against any loss, claim, damage, suit, or injury arising out of or relating to the North Dakota Lottery Players ClubSM, products or any action taken pursuant to these rules.

7. No one under 18 years of age and no one otherwise prohibited by North Dakota Century Code 53-12.1-08 from playing NDL games is eligible to participate in the Points for Prizes[®] program.

History: Effective July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-13

NORTH DAKOTA LOTTERY

Underlining represents proposed additions to the present rules.
~~Strikethrough~~ represents proposed deletions to the present rules.

CHAPTER 10-16-10
NORTH DAKOTA LOTTERY
PLAYERS CLUBSM
POINTS FOR DRAWINGSTM

Section

<u>10-16-10-01</u>	<u>General</u>
<u>10-16-10-02</u>	<u>Eligibility</u>
<u>10-16-10-03</u>	<u>Submitting Entries into Points for DrawingsTM</u>
<u>10-16-10-04</u>	<u>Additional Conditions</u>

10-16-10-01. General.

1. The North Dakota Lottery (NDL) and its designated agents Scientific Games International, Inc. (SGI) and MDI Entertainment, LLC (MDI), a subsidiary of SGI, will operate the Points for DrawingsTM program.
2. Points for DrawingsTM is part of the Points for Prizes[®] program that is part of the NDL's North Dakota Lottery Players ClubSM. Players can enter drawings by using some or all points received from submission of eligible tickets or subscription purchases at club.lottery.nd.gov.
3. Drawing entries may be submitted at store.lottery.nd.gov.
4. The Points for DrawingsTM program is void where prohibited by law.
5. The NDL reserves the right to change Points for DrawingsTM in any way and at any time or to terminate Points for DrawingsTM entirely upon reasonable and appropriate public notice.
6. By submitting an entry into Points for DrawingsTM, an entrant agrees to and is bound by the Points for DrawingsTM rules, the Points for Prizes[®] rules, the North Dakota Lottery Players ClubSM terms of use, all other applicable NDL rules and laws, and the laws of the State of North Dakota.
7. The NDL may use, without limitation, an entrant's name, hometown, likeness, and/or voice in any promotions, research, marketing, publications, or other advertising media including, but not limited to, NDL websites, without compensation or additional release.
8. The NDL reserves the right to use the names, addresses, and telephone numbers of all entrants for research and marketing purposes.

History: Effective July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-13

10-16-10-02. Eligibility.

1. Only points accumulated within the Points for Prizes® program in the player's North Dakota Lottery Players ClubSM account may be used to enter any Points for DrawingsTM drawing.
2. Entrants must have a valid U.S. address in order to register and participate.

History: Effective July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-13

10-16-10-03. Submitting entries into Points for DrawingsTM.

1. A detailed description of each Points for DrawingsTM drawing will be located on the NDL's North Dakota Lottery Players ClubSM website and will include a description of the prize, entry dates, drawing date, rules and regulations and the number of points necessary for entry into the drawing.
2. The number of points needed for entry into each Points for DrawingsTM drawing may vary by drawing.
3. To submit an entry, a player must first log in to club.lottery.nd.gov using their North Dakota Lottery Players ClubSM account information.
4. Following log-in, players may submit entries by visiting the Points for Prizes® store and select the desired Point for DrawingsTM drawing. Players enter the number of entries desired; select "Update Quantity" followed by "Submit Entries".
5. It is the responsibility of the player to ensure that the appropriate Points for DrawingsTM drawing and number of entries are selected.
6. Once the selected number of entries has been submitted, points from the player's North Dakota Lottery Players ClubSM Points for Prizes® account will be deducted.
7. Unless otherwise specified in the rules and regulations for a specific Points for DrawingsTM, entries are created only for the drawing for which points were used by the player. Drawing entries are eligible for one (1) Points for DrawingsTM drawing only.
8. A player may submit as many entries as allowed by their North Dakota Lottery Players ClubSM account balance, but the player may only win once per Points for DrawingsTM drawing.
9. Once an entry into the Points for DrawingsTM drawing is submitted it cannot be changed, canceled or returned. Once an entry is submitted, points will not be refunded.

10. Entries submitted after the Points for Drawings™ drawing deadline for a given drawing will not be accepted.

History: Effective July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-13

10-16-10-04 Additional conditions.

1. The NDL does not warrant or guarantee product quality or availability of products.
2. The NDL is not responsible for any prizes lost, damaged, or stolen during shipment, pick-up, or use.
3. The NDL is not responsible for any damages, injury or loss of life resulting from any item awarded.
4. The NDL is not responsible for the electronic mis-delivery, late delivery, or failure to receive entry information entered electronically, risk of loss remains with the entrant regardless of the cause of the transmission failure.
5. If required, a player will receive a W-2G form for prizes (either cash or merchandise).
6. The prize winner is responsible for all applicable state and federal taxes.
7. Winners' prizes are subject to debt setoff of certain governmental debts. Unless otherwise noted on the North Dakota Lottery Players ClubSM website, if a merchandise winner fails to satisfy an outstanding debt within thirty (30) days of notification of the debt, the NDL may, at its sole discretion, disqualify the winner, and the next alternate will become the winner.
8. Players are solely responsible for maintaining and keeping account information current or accurate. The NDL assumes no responsibility or liability whatsoever for technical or computer malfunctions or for the player's failure to keep account information current.
9. By accepting the prize, each winner, their heirs, legal representatives, and assignees agree to indemnify and hold harmless, defend, release, and discharge the NDL, SGI, MDI, the State of North Dakota, their employees, officers, and directors, from and against any loss, claim, damage, suit, or injury arising out of or relating to the acceptance of the prize.
10. The NDL is not responsible for any rules, regulations or restrictions imposed by its promotional partners. The NDL is not responsible for and has no obligation regarding the condition, quality, defects, or other attributes of the prizes awarded during a promotion and expressly disclaims all warranties, expressed or implied, including, but not limited to, all implied warranties of merchantability and fitness for particular purpose.

11. The NDL reserves the right, in its sole discretion, to modify, suspend, postpone or cancel, with or without notice, any portion of this promotion at any time and for any reason including the award of any prize with the approval of the NDL's director or his/her designee.
12. In the event that interpretation of these rules is necessary, the decision of the NDL's director or designee, after legal consultation with the assistant attorney general (if necessary), will be final.
13. No one under 18 years of age and no one otherwise prohibited by North Dakota Century Code 53-12.1-08 from playing NDL games is eligible to participate in this promotion or win any prize.

History: Effective July 6, 2014.

General Authority: NDCC 53-12.1-13

Law Implemented: NDCC 53-12.1-13