

## ARTICLE 10-16

### MULTI-STATE LOTTERY

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#### CHAPTER 10-16-01 GENERAL RULES

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##### **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 operation of the business.
2. "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. "Game" means an on-line game authorized by the lottery.
4. "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. "Grand prize" means the top prize that can be won in a game.
6. "Lottery" means the North Dakota lottery.

7. "Multi-state lottery" means a lottery game that spans the individual borders of a state, jurisdiction, province, district, commonwealth, territory, or country.
8. "MUSL" means the multi-state lottery association.
9. "Online gaming system" means a computer system designed to control, monitor, communicate with a terminal, and record play transactions and accounting data.
10. "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. "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. "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.
13. "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. "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 player 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. "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.
16. "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

process a lottery transaction, including a purchase, validation of a ticket, and issuance of a report.

17. "Ticket holder" means a person who has signed a ticket or possesses an unsigned ticket.
18. "Validation" means the process of determining whether a ticket presented for a prize is a winning ticket.
19. "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.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

#### **10-16-01-02. Advertising.**

1. The lottery shall arrange for a retailer to be provided with:
  - a. Point-of-sale promotional material, including game brochure, promotional poster, and lottery signage; and
  - b. Problem gambling helpline telephone number.
2. Advertising and promotional material provided by the lottery must:
  - a. For a game brochure, indicate how a game is played, amount of prize offered, where and how a ticket may be bought, when a draw is held, odds on a game, and whether the grand prize is payable, at a player's option, on an annuitized basis or as a lump sum payment; and
  - b. Present the lottery as a form of entertainment.
3. Advertising material may not:
  - a. Present a game as an investment to achieve financial security;
  - b. Target a specific ethnic, racial, or religious group of people;
  - c. Use the name, signature, or picture of a current elected or serving state official to promote a game. However, the name and picture of the attorney general may appear on the lottery's web site and in the lottery's newsletter;

- d. Indicate that a person has a better chance of winning by purchasing a ticket at a specific retailer's site;
- e. Promise or imply that a person will win or that a person who does not play has lost anything, other than a chance to win. However, advertising may promote the opportunity available to win; or
- f. Misrepresent a chance of winning a prize; or
- g. Degrade a person who does not buy a ticket.

**History:** Effective February 1, 2004; amended effective April 1, 2006; July 1, 2006.

**General Authority:** NDCC 53-12.1-13

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

**10-16-01-03. Debt setoff of prize.** In applying subsection 7 of North Dakota Century Code section 53-12.1-12, if two or more persons or state agencies make adverse claims to part or all of a player's prize amount and one of the claims is for child support, the lottery shall transfer the amount claimed for child support directly to the state disbursement unit of the department of human services, may transfer any remaining prize amount up to the amount of the other claims to Burleigh County district court, and then make a payment of any remaining prize amount to the player. However, if none of the claims is for child support, the lottery may transfer the total amount of the claims to Burleigh County district court and make a payment of any remaining prize amount to the player. The lottery shall notify each of the affected state agencies or persons of the amount transferred to district court. The lottery shall notify the player in writing of the proposed debt setoff and the player's recourse. If the player disputes the child support claim, the player shall pursue remedial action according to subsection 2 of North Dakota Century Code section 50-09-14. If the player disputes a claim unrelated to child support, the player may pursue remedial action through district court.

**History:** Effective February 1, 2004; amended effective April 1, 2006; April 1, 2008; July 1, 2010.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-12, 53-12.1-13

**10-16-01-04. Audit of security.** Repealed effective April 1, 2006.

**10-16-01-05. Restrictions, requirements, and authorizations.**

- 1. An employee of the lottery or a member of the immediate family or a person who regularly resides in the same household of the employee may not receive a gift, gratuity, or other thing of value, excluding food, nonalcoholic beverage, or incidental item, from an applicant for a license, licensed retailer, or online gaming system or advertising vendor.

2. The lottery may waive a rule when it is in the best interest of the state, lottery industry, or public.
3. In applying subdivision d of subsection 1 of North Dakota Century Code section 53-12.1-11, personal information on a winning player does not include an amount won or the player's city or state of residence. If the player signs a release, the lottery may disclose or publish personal information that the player authorizes to be released. Subdivision d of subsection 1 of North Dakota Century Code section 53-12.1-11 does not apply to cash, merchandise, a subscription, gift certificate, or ticket that the lottery awards as a prize in a promotion.
4. If a lottery rule conflicts with an official or updated MUSL or game group rule or game rule, the official or updated MUSL or game group rule or game rule supersedes the lottery rule. The official MUSL or game group rule or game rule governs the administration of a game.
5. The lottery may conduct a promotion that includes a prize and shall prescribe promotional rules. The prize may be cash, gift certificate, ticket, subscription, or merchandise.
6. The lottery may immediately withdraw a lottery terminal, equipment, and supplies from a retailer's site if the retailer's license is inactive, suspended, revoked, or the retailer's license was not renewed.

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

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-02, 53-12.1-08, 53-12.1-11, 53-12.1-13