

**STATE OF NORTH DAKOTA**  
**STATE GAMING COMMISSION**

**NORTH DAKOTA**  
**GAMES OF CHANCE**  
**ADMINISTRATIVE RULES**

**Article 99-01.3 of the**  
**North Dakota Administrative Code**

**July 27, 2022**

**ARTICLE 99-01.3  
GAMES OF CHANCE**

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**99-01.3-01-01. Ineligible organizations.**

An organization or a closely related organization may be ineligible for a license or permit if either organization has failed to resolve an imbalance involving its gaming or trust account according to section 99-01.3-03-05, has deals or games with state gaming stamps that are not accounted for, is delinquent in paying any tax, interest, penalty, or monetary fine due, has failed to comply with the terms and conditions of an administrative order, or was convicted of violating this article or North Dakota Century Code chapter 12.1-28 or 53-06.1. An auxiliary that is not a closely related organization is eligible for a permit. An organization that is licensed shall either have its principal executive office in North Dakota or be a foreign corporation authorized to conduct a raffle under chapter 20.1-04 or 20.1-08. A county, city, state, political subdivision, or federal entity is not eligible for a license or permit. A nonprofit social, hobby, trade, business, professional, similar club or association, or organization whose primary purpose mainly provides a direct benefit to its officers or members, is not a public-spirited organization eligible for a license.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01, 53-06.1-01.1

**99-01.3-01-02. Site authorization.**

1. An eligible organization shall obtain an approved site authorization for a site within a city or county from the governing body of the appropriate jurisdiction. The attorney general shall have final approval of a site authorization. A separate site authorization is required for each site. A site authorization may be issued for a location on public or private property and may be restricted or conditional, including types of games, days of the week, and designation where games will be conducted. An organization shall comply with a restriction of a site authorization unless an amended site authorization is approved. A site authorization must describe the gaming area designated by an organization that restricts where games may be conducted and played. No restroom may be

part of the gaming area. A governing body may revoke or suspend a site authorization based on good cause.

2. A governing body may issue a site authorization to two or more organizations to conduct games at the same site if the site authorizations restrict the organizations to different days of the week. However, more than one organization may be issued a site authorization for a fairground or similar open space of land.
3. For an initial application for a site authorization for an organization that desires to be recognized as an eligible organization, a governing body of a city or county may determine whether the organization qualifies by examining documents outlined in subsection 1 of section 99-01.3-01-03.
4. An organization may temporarily use more twenty-one tables at a site than a site authorization allows for up to fourteen days per special event provided that the event is recognized by a local governing body, no more than two events are held per quarter, written approval is granted by a local governing body, and the monthly rent amount does not increase. A special event is an infrequent, significant, and identifiable activity in the community. The site authorization does not need to be amended, regardless of where the tables are placed.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; October 1, 2006.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-03

#### **99-01.3-01-03. License.**

1. An organization may not conduct games at a site unless the attorney general first approves a site authorization and license for that city or county. A separate license is required for each city or county. For an initial application for a license for an organization that desires to be recognized as an eligible organization, the attorney general shall determine whether the organization qualifies by examining a copy of an organization's articles of incorporation, charter, bylaws, board of directors' minutes for the previous two years, or any other documents or records considered necessary to determine its primary purpose and date of origin. If the attorney general determines that an organization's actual primary purpose does not qualify it as an eligible organization, the attorney general shall deny the application.
2. A license is effective for one year beginning July first and ending June thirtieth and may be issued at any time during the fiscal year. However, the annual license fee is not prorated. If an organization plans to conduct a raffle on or

after July first, a license may be issued up to twelve months prior to the beginning of the licensing period. If an organization received a ~~charity~~ ~~local~~ restricted event permit during the fiscal year, it may not receive a state license.

3. When an organization first applies for a license to conduct games of chance, the license may not be issued to the organization until after its gaming manager and individuals responsible for recordkeeping and independent audit functions have satisfactorily ~~demonstrates~~ demonstrated to the attorney general that the organization is capable of properly managing and controlling the games that it intends to conduct and has provided a copy of the organizations internal control and policy ~~manual~~ manuals.
4. If an organization only conducts a raffle or calcutta in two or more cities or counties, the organization may apply for a consolidated license prescribed by the attorney general and remit a one hundred fifty dollar license fee for each city or county in which a site is located.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-03

#### **99-01.3-01-04. Reporting a change in information.**

If information on a site authorization or license application becomes inaccurate or outdated in a material way, including a change in an organization's primary purpose, the organization shall provide the attorney general, in writing, items of change within fourteen days following the change.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-01-05. Permits.**

1. A permit is issued by a city or county governing body and may be for a site located on public or private property. It may be restricted, including types of games, days of the week, and designation of an area at a site where games will be conducted. A governing body may revoke or suspend a permit based on good cause.
2. A permit is required for each site at which games have been authorized. The primary prize under a permit may not exceed ~~six~~ eight thousand dollars and

total prizes of all games may not exceed ~~twelve~~forty thousand dollars per year. A donated merchandise prize is valued at its retail price.

3. When a governing body issues a permit, it shall assign a permit number, specify the day or period for which it is effective, identify the game types authorized, and send a copy to the attorney general within fourteen days from when it was issued. An organization that has a license may not at the same time have a permit.
4. An organization may receive one or more local permits to conduct a raffle, bingo, or sports pool from a city or county governing body during a year and may be issued two or more local permits at the same time. For a calendar raffle, a local permit may be issued for a calendar year. If an organization plans to conduct a raffle, a permit may not be issued more than twelve months prior to the first raffle drawing date unless authorized by the attorney general.
5. An organization deemed as a state political party or legislative district party committee may only conduct raffles under a local permit and may use the net income for a political purpose.
56. An organization may receive one ~~charity local~~restricted event permit to conduct a raffle, bingo, sports pool, paddlewheels, twenty-one, or poker from a city or county governing board during a year. If the organization has received a local permit or license during the fiscal year, it may not receive a ~~charity local~~restricted event permit. If the organization received a ~~charity local~~restricted event permit during the fiscal year, it may not receive a local permit. For a ~~charity local~~restricted event permit an organization shall within thirty days of the event file a report on a prescribed form with the attorney general and governing body.
67. For all game types conducted, an organization shall comply with section ~~99-01.3-02-08~~. For bingo, an organization shall comply with sections 99-01.3-04-01 and 99-01.3-04-02 and the applicable subsections of section 99-01.3-04-03. For a raffle, an organization shall comply with sections 99-01.3-05-01 through 99-01.3-05-04 and subsections 1 through 3 of section 99-01.3-05-05. For a sports pool, an organization shall comply with section 99-01.3-07-01. For twenty-one, an organization shall comply with sections 99-01.3-08-01, 99-01.3-08-02, 99-01.3-08-08, 99-01.3-08-09, 99-01.3-08-10, 99-01.3-08-11, ~~and~~99-01.3-08-12, and 99-01.3-08-13. For poker, an organization shall comply with sections 99-01.3-09-01 through 99-01.3-09-06. For paddlewheels, an organization shall comply with subsection 1 of section 99-01.3-11-01 and the applicable subsections of section 99-01.3-11-02 if conducted with tickets, or subsection 2 of section 99-01.3-11-01 and the

applicable subsections of sections 99-01.3-11-03 and 99- 01.3-11-04, and ~~sections~~sections 99-01.3-11-05 and 99-01.3-11-06 if conducted as a table game.

78. Any advertising of a gaming event must include the name of the organization and include the purpose for which the net proceeds will be used. Advertising must cease once the local permit or ~~charity local~~restricted event permit has expired.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-03, 53-06.1-06

**CHAPTER 99-01.3-02  
GENERAL RULES**

Section

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**99-01.3-02-01. Definitions.**

As used in this article:

1. "Application software" means those computer programs that direct an electronic game system to perform those specific information-processing activities that permit the operation of the electronic game, permit the collection and recording of game information, and permit the reporting of that information to the attorney general. The application software overlays the operating system software and is unable to function without the operating system software.
2. "Attorney general" includes an agent of the attorney general.
3. "Bar" means retail alcoholic beverage establishment where alcoholic beverages are dispensed and consumed. This does not include off sale liquor stores or gas stations, grocery, or convenience stores. A bar must be licensed under chapter 05-02 that is devoted to the serving of alcoholic beverages for consumption by guests on the premises. The term includes a bar located within a hotel, bowling center, or restaurant.
4. "Bar employee" is a person, employed by a bar that is not operated by an organization, who redeems winning pull tabs or prize boards, or both, involving a dispensing device, redeems credit ticket vouchers involving an electronic pull



tab device, or who sells raffle tickets or sports pool chances on a board for an organization.

5. "Bingo session" means a program of predetermined number of bingo games that are successively played. Intermissions may be included in the program. A session may not extend beyond a business day. However, any session in progress which continues past midnight must be considered played on the day the session began.
6. "Business day" relates to the typical hours in a day when normal business operations take place. For games of chance, this includes a site's start of business until the close of business for a day, which may continue past midnight.
- 6.7. "Cash on hand" means coin, currency, and checks, plus an IOU due from another source of cash or nongaming funds, less an IOU owed to another source of cash or nongaming funds.
- 7.8. "Cash prize" means coin, currency, marketable security, and a similar item that can be readily redeemed or converted into legal tender. Cash prize does not include precious metal bullion, a coin of precious metal or antique coin that has a market value greater than its face value, or a merchandise gift certificate. The value of a marketable security is its cost.
- 8.9. "Cash profit" means:
  - a. For bingo and electronic quick shot bingo, total ending cash on hand, less starting cash on hand and prizes paid by check, for a bingo session.
  - b. For a raffle, total receipts less prizes paid by cash and check.
  - c. For a commingled game of pull tabs, total ending cash on hand, less starting cash on hand and cash prizes paid by check, for a day's activity.
  - d. For a commingled game of pull tabs involving a dispensing device, total currency withdrawn from a dispensing device, less credit paid on a credit redemption register, cash long or short from an employee bank, and prizes paid, for an interim period.
  - e. For each manufacturer's system of commingled games of electronic pull tab games at a site, total currency and total dollar value of credit ticket vouchers withdrawn from all in the devices at a site, less total dollar value of credit ticket vouchers in devices and paid by a bar or organization employee, credits paid on a credit redemption register, and

cash long or short from an employee bank, ~~and total credit ticket vouchers paid,~~ for an interim period.

- f. For a club special, tip board, seal board, and punchboard, the total daily difference between ending cash on hand and starting cash on hand and less prizes paid by check, for the game.
  - g. For a prize board, the total daily difference between ending cash on hand and starting cash on hand, less prizes paid by check and cost of coins, for the game.
  - h. For a prize board involving a dispensing device, total currency withdrawn from a dispensing device, less total cash prizes paid, prizes paid by check, cost of coins, credit paid on a credit redemption register, and cash long or short from an employee bank, for the game.
  - i. For a sports pool, the total daily difference between ending cash on hand and starting cash on hand, less prizes paid by check.
  - j. For twenty-one, and paddlewheels described by subsection 2 of section 99-01.3-11-01, total ending cash on hand, plus drop box cash, less total starting cash on hand, for a day's activity.
  - k. For poker, total ending cash on hand, less starting cash on hand, less prizes paid by check, for a day's activity.
  - l. For calcuttas, total ending cash on hand, less starting cash on hand, prizes paid by check, and refunds to players, for the event.
  - m. For paddlewheels described by subsection 1 of section 99-01.3-11-01, total ending cash on hand, less starting cash on hand and prizes paid by check, for a paddlewheel ticket card.
- 9.10. "Conduct of games" means the direct operation of a game on a site, including placing pull tabs in, withdrawing currency from, and buying back redeemed winning pull tabs dispensed from a dispensing device; and withdrawing currency from and buying back redeemed credit ticket vouchers dispensed from an electronic pull tab device.
- 10.11. "Deal" in pull tabs, including electronic deals means each individual game or series of pull tab packages which makes up a game with a specific form number and a unique serial number.

~~11.12.~~ "Electronic pull tab game" means a game family with a common game name, theme, symbols, and ticket count which allows for a variety of price per play denominations and prize payouts under different form numbers.

~~12.13.~~ "Employee" includes a person employed by an organization, an employee of a temporary employment agency who provides gaming-related services to an organization, and a volunteer of an organization.

~~13.14.~~ "Flare" refers to a flare or master flare as follows:

- a. Flare. A flare is a display with the state gaming stamp affixed which describes a punchboard, sports-pool board, calcutta board, deal of pull tabs, club special, tip board, prize board, seal board, and raffle board. The flare for a punchboard is its face sheet. A flare for a sports-pool board, calcutta board, prize board, club special, tip board, seal board, and raffle board is the game board.
- b. Master flare. A master flare for a game of pull tabs is the same as a "flare" but it does not have a state gaming stamp affixed. A master flare for paddlewheels is described by subsection 1 of section 99-01.3-11-02.

~~14.15.~~ "Gaming equipment" means a game piece or device specifically designed for use in conducting games, including integral components of a dispensing device such as a currency validator, processing board, EPROM microchip or other data storage device, attached bar code credit devices, and card shuffling devices. This includes all electronic pull tab operating systems and devices, electronic quick shot bingo operating systems and devices, electronic fifty-fifty raffle systems and devices, and their related hardware and software. The term excludes fill and credit slips, promotional paper bingo cards, bingo daubers, video surveillance equipment, jar bars, jar containers, poker tables, raffle drums, double admission tickets, table covers, dealing shoes, discard holders, plungers, shoe and card covers, chip spacers, and weight scales.

~~15.16.~~ "Inside information" is any information about the status of a game when that game is conducted that may give a person an advantage over another person who does not have that information, regardless if the person uses or does not use the information, when providing that information is prohibited by the gaming law or rules. It includes information provided through written, verbal, or nonverbal communications that implies or expresses the number of unsold chances; relationship of a game's cash on hand to its ideal adjusted gross proceeds; number of unredeemed top tier or minor winning game pieces that is not posted, value of a hole card in twenty-one, number under the tape of a sports-pool board, or number under a seal.

~~16-17.~~ "Organization" in reference to a local permit includes a "group of people" working together for a public-spirited cause.

~~17-18.~~ "Player" is an individual who purchases a game piece or places a wager in a game of chance. An organization may not be a player in any games of chance the organization is conducting. A business that is not an organization with a gaming license or permit for the event, may purchase raffle tickets; however, an individual's name representing the business that bought the tickets must be recorded on the raffle ticket.

19. "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.

~~19-20.~~ "Primary game" is the principal game conducted on a site. Determining factors include frequency of conduct, square footage used, duration of time conducted, and volume of activity.

~~20-21.~~ "Retail price" means the purchase price paid by an organization, excluding sales tax.

~~21-22.~~ "Volunteer" means a person who conducts games for no compensation. A volunteer may receive a gift not exceeding a total retail price of thirty dollars for a consecutive twenty-four-hour period, cash tips, and reimbursement for documented business expenses. No gift may be cash or convertible into cash. See definition of employee.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

### **99-01.3-02-02. Record check.**

1. An organization or distributor may not employ a person as a temporary or permanent "employee" until the organization or distributor has initiated a record check on the person, the person has independently requested a record check from the bureau of criminal investigation within one year before employment, or a person is not required to have a record check according to subsection 45. However, an organization or distributor may temporarily employ a person pending the results of a record check.

2. An organization or distributor shall initiate a record check of a person by submitting a "request for record check" form to the attorney general within twenty-one calendar days of the first day of employment. If special circumstances exist, including an applicant residing out of state, the organization shall follow procedures prescribed by the attorney general. An organization or distributor may only request a record check of a person who has a written promise of employment or who is temporarily employed pending the result of the record check. A person shall attest to the accuracy of the information on the form and authorize the attorney general to release information on any criminal record found, including a copy of the bureau of criminal investigation's criminal history record information, to an organization or distributor which requested the record check.
3. An organization shall initiate a record check on employees at least every six years, commencing with the date of employment.
4. For the purpose of this section, the definition of an "employee" is:
  - a. A person who directly operates games on a site;
  - b. A person who is a shift or gaming manager;
  - c. A person who places a deal of pull tabs in a dispensing device, removes currency from a device, or reimburses a bar for redeemed pull tabs or credit ticket vouchers;
  - d. A person who is a member of a drop box cash count team; or
  - e. A person who directly sells or distributes gaming equipment for a distributor.
5. These employees of an organization are not required to have a record check:
  - a. A volunteer, except a gaming manager or person who is a member of a drop box cash count team;
  - b. An employee who is sixteen or seventeen years of age;
  - ~~e. An employee who has an expired work permit and who continues to be employed by the same organization or distributor that the person was employed by when the work permit expired;~~
  - d.c. An employee who has had a record check done and, within one year of the record check, has become reemployed by the same organization or

employed by a different organization, distributor, or bar than the person was employed by when the record check was done, and who provides the results of the record check and, if applicable, a copy of the bureau of criminal investigation's criminal history record information, to the new employing organization, distributor, or bar; or

- e.d. An employee, other than a gaming manager, who only conducts a calcutta, raffle, poker, or sports pool or is employed by an organization that conducts games on no more than fourteen days during a calendar year.
6. The attorney general may require fingerprints of a person. A local law enforcement agency may charge a fee for taking fingerprint impressions.
  7. The fee for a record check is fifteen dollars and is not refundable. However, if a federal agency or local law enforcement agency has done a record check, the attorney general may waive the fee. The fee must be remitted by an organization, distributor, or person with the request form.
  8. The attorney general shall conduct the record check and provide the results to an organization or distributor which requested the record check ~~and the person on whom the record check was done~~ unless a federal or local law enforcement agency conducts a record check. This notice must indicate whether a criminal record was found or not found. If a criminal record is found, the attorney general shall also provide an organization or distributor ~~and person~~ with a copy of the bureau of criminal investigation's criminal history record information. An organization or distributor shall review this report to determine whether a person is eligible for employment as an employee according to subdivision a or b of subsection 5 of North Dakota Century Code section 53-06.1-06.
  9. If a person is not eligible for employment but has been temporarily employed pending the results of a record check, an organization or distributor, within five days of receiving the copy of the record check, shall terminate the person's employment. This period cannot be extended without consent of the office of attorney general.
  10. An organization or distributor shall retain the results and criminal history record information from the federal or local law enforcement licensing document for the time period prescribed by federal law.
  11. If a person, while employed by an organization or distributor, pleads guilty to or has been found guilty of a felony or misdemeanor offense referenced by subdivisions a and b of subsection 5 of North Dakota Century Code section 53-06.1-06, the person shall immediately notify the organization or distributor.

Upon notification, an organization or distributor, within five days, shall terminate the person's employment unless the person received a deferred imposition of sentence ~~or deferred prosecution~~ and has fully complied with the terms of the deferral.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

### **99-01.3-02-03. Restrictions and requirements.**

1. An employee shall wear an identification tag while working in the gaming area of a site. The tag must display a person's name, which may be the employee's middle name or a shortened form of a proper name, and first initial of the last name or the person's identification number, and organization's name. The tag must be worn on the upper one-third of a person's body. An organization shall provide an identification tag to a gaming employee and is responsible for ensuring that the tag is properly displayed.
2. An organization shall have the gaming law; chapter 99-01.3-02, general rules; chapter 99-01.3-03, accounting rules; and the rules chapter of each game type conducted at a site available in the gaming area for review by any person.
3. An organization shall have a policy manual on its conduct and play of games in the gaming area at a site available for review by any person. The manual must include policies for resolving a question, dispute, or violation of the gaming law or rules. The manual cannot include internal controls.
4. An organization's top official shall provide to the governing board and membership in writing, or by electronic publication method, each quarter information on an organization's adjusted gross proceeds; cash profit; cash long or short; net proceeds; excess expenses; reimbursement of excess expenses; and, for a fraternal, veterans, or civic and service organization, a list of eligible uses. If an administrative complaint is issued to an organization, the top official shall disclose the allegation, in writing, to the board within seven days from the date the complaint was received. If an allegation is substantiated, the top official shall disclose to the board, in writing, the allegation and sanction imposed within ninety days of the final disposition of the complaint. The organization shall disclose to the membership how they may obtain information on the quarterly gaming activity and any information regarding the final disposition of a complaint. This information and how it was provided to the governing board and membership must be included in an organization's records.

5. A person may not modify a state gaming stamp or flare, including a last sale prize. An organization may not, independent of a distributor, add or delete a last sale prize.
6. A person under the age of twenty-one may not conduct ~~or play games, except bingo and raffles, and, at an alcoholic beverage establishment, and~~ may not be a member of a drop box cash count team at an alcoholic beverage establishment. An employee under the age of eighteen may not count drop box cash. A person under the age of sixteen may not conduct bingo. ~~A person under the age of eighteen may not play electronic quick shot bingo or use a bingo card marking device that allows a player to purchase bingo cards with credits posted on the device to play bingo.~~
7. An organization may not pay any compensation, expense, or fee to an entity or person based on the number of participants for an event, or on a participatory or graduated rate of gross proceeds or adjusted gross proceeds for any game type conducted.
8. An employee or a bar employee may not use inside information or provide inside information to any person.
9. The attorney general may waive a rule when it is for the best interest of the gaming industry and public.
10. If an organization does not plan to reapply for a license for the next licensing period or relinquishes a license, it shall return its unplayed games, with state gaming stamps, to the attorney general or distributor. An organization may not destroy an unplayed or unreported game without permission of the attorney general.
11. When an organization disposes played deals of pull tabs, club specials, prize boards, tip boards, seal boards, punchboards, and casino chips, the disposal method must assure complete destruction. When disposing of a dispensing device, the organization shall ensure that the device is rendered completely inoperable, which includes removing all electronics from the device.
12. If an organization is forced to dispose of accounting records or game pieces damaged in a natural or extraordinary disaster, it shall document each item disposed and provide a copy of the documentation to the attorney general within fourteen days before the disposal.
13. Any ~~incidence~~ incident interrupting the operation or affecting the security or integrity of a fifty-fifty raffle system, site system with bingo card marking



devices, ~~or~~ electronic quick shot bingo site operating system with card marking devices, or electronic pull tab operating system must be reported to the attorney general by the next business day from the date of occurrence.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-02-04. Equipment acquisitions and use.**

1. An organization shall procure gaming equipment only from a licensed distributor. However, an organization may:
  - a. Buy raffle tickets with a detachable stub from a printer, buy double roll tickets from any vendor, or construct a raffle board;
  - b. Buy, lease, or sell a used pull tab dispensing device, including electronic pull tab devices, from or to a distributor or another organization provided that a distributor records the transaction on a sales invoice;
  - c. Buy, sell, rent, lend, exchange, or give its own used playing cards, jar bar, jar container, twenty-one or poker table, video surveillance equipment, raffle drum, bingo hard cards, bingo daubers, bingo machine, flashboard, table cover, dealing shoe, discard holder, plunger, shoe and card cover, poker chips, chip tray, chip spacers, paddlewheel, paddlewheel table, or weight scales from or to any organization. An organization may not sell or otherwise provide any of these particular items or any other item of gaming equipment, except playing cards, to any other person unless approval is obtained from the attorney general; or
  - d. Buy a twenty-one, paddlewheel, or poker table, and jar bar which has been designed and constructed by a carpenter provided that the table playing surface for twenty-one and paddlewheel tables, drop box, and any related gaming equipment is purchased from a distributor.
2. An organization may not use or knowingly permit its gaming equipment to be used for an illegal purpose.
3. An organization or an employee may not conduct or possess a deal of pull tabs, club special, tip board, seal board, raffle board, prize board, punchboard, sports-pool board, calcutta board, or series of paddlewheel ticket cards unless its flare has a gaming stamp.

4. If an organization or distributor suspects that a deal of pull tabs, club special, tip board, prize board, or punchboard may be defective, the organization or distributor shall comply with guidelines prescribed by the attorney general.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; October 1, 2006; July 1, 2010; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06, 53-06.1-14

#### **99-01.3-02-05. Lessor and organization - Restrictions.**

1. A lessor's employee who is not the lessor's spouse, lessor's common household member, management, management's spouse, or lessor's employee or agent who approved the lease may conduct games at that site, including accessing a dispensing device, as an organization employee:
  - a. On a day when the employee is not working for the bar; or
  - b. On a day when the employee is working for the bar but is working in an area of the bar where alcoholic beverages are not dispensed or consumed.
2. No game may be directly operated as part of a lessor's business. However, a lessor may donate a gift certificate or cash or merchandise prize to an organization.
3. A lessor, lessor's spouse, lessor's common household member, management, management's spouse, officer, board of directors member, or, lessor's employee or agent who approved the lease, may not:
  - a. Loan money or provide gaming equipment to an organization;
  - b. Interfere with or attempt to influence an organization's selection of games, determination of prizes, including a bingo jackpot prize, disbursement of net proceeds, or influence the selection of a distributor to purchase gaming equipment from. However, a lessor may recommend an eligible use. If the lessor violates this rule, the attorney general may suspend any or all games at the site for up to six months;
  - c. Conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play any game at the lessor's site;

- d. Require an organization's employee to assist, for or without compensation, in a lessor's business at the site. However, an organization's employee may voluntarily order drinks for customers; or
  - e. Count drop box cash.
4. A lessor who is an officer or board member of an organization may not participate in the organization's decision-making that is a conflict of interest with gaming.
  5. Only an organization or its employee that has received approval from the attorney general or follows guidelines prescribed by the attorney general may buy a gift certificate or merchandise as a gaming prize from a lessor, or buy merchandise, food, or alcoholic or nonalcoholic drinks from the lessor for the lessor's employees or patrons. An organization's employee may patronize a lessor in the normal course of a lessor's business.
  6. An organization, employee, or bar may not give a free or discounted game piece, chip, or play of a game except for discounts allowed for bingo and raffle activity, or free or discounted alcoholic drink to a person to play a game. A lessor may at its own expense advertise gaming on promotional drink tickets.
  7. Any advertising by the lessor, organization, or both, of lawful charitable gaming conducted by a licensed organization must include the gaming organization's name. An abbreviation of the organization's name may be used.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

#### **99-01.3-02-06. Rental agreement.**

1. A rental agreement must be signed and dated by a lessor and organization.
2. An agreement must contain:
  - a. Term of the agreement which must be on a fiscal year basis from July first to June thirtieth or, if a site authorization is for a shorter period, the term is for the shorter period. Except for a site where bingo is the primary game, an agreement may not exceed five years;
  - b. Monetary consideration;

- c. The inclusion of this statement with proper selections made:  
"The lessor agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, redeem a credit ticket voucher, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization";
- d. If an organization provides a lessor with a temporary loan of funds for redeeming winning pull tabs, credit ticket vouchers, or for paying prize board cash prizes involving a dispensing device, a statement that the lessor agrees to repay the entire loan immediately when the organization discontinues using a device at the site and absorb a loss related to a loss or theft of the temporary loan of funds; and
- e. Statements that:
- (1) Bingo is or is not the primary game conducted;
  - (2) Twenty-one or paddlewheels, or both (involving a playing table), is or is not conducted and the number of tables on which the rent is based, including the number of tables on which a wager over five dollars is accepted;
  - (3) Pull tabs is or is not conducted with or without a dispensing device and number of electronic pull tab devices for use;
  - (4) The rental agreement is automatically terminated, at a lessor's option, if an organization's license is suspended for more than fourteen days or revoked;
  - (5) An on-call, temporary or permanent employee, except a bar employee defined by subsection 3 of section 99-01.3-02-01 will not, directly or indirectly, conduct games at the site as an organization employee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed;
  - ~~(6) A raffle drawing will or will not be conducted at the site;~~
  - ~~(7) Prize boards involving a dispensing device will or will not be conducted at the site;~~

- (~~87~~) The lessor agrees no game will be directly operated as part of the lessor's business;
- (~~98~~) The lessor agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds;
- (~~109~~) The lessor agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee; and
- (~~110~~) The lessor agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name. An abbreviation of the organization's name may be used.

3. Rent must be a fixed dollar amount per month.

- a. A participatory or graduated rate arrangement based on gross proceeds or adjusted gross proceeds is prohibited.
- b. If bingo is the primary game or if a site is leased by an organization that has the alcoholic beverage license for that site, the monthly rent must be reasonable. Factors include time usage, floor space, local prevailing rates, and available sites and services. An organization may pay seasonal expenses, such as snow removal, air-conditioning, and heating, to a vendor.
- c. If bingo is not the primary game, the maximum monthly rent must be according to subsection 5 of North Dakota Century Code section 53-06.1-11. Special considerations are:
  - (1) If two or more organizations conduct twenty-one or paddlewheels, or both, involving a table and pull tabs for less than a month at a temporary site which is a public or private premise, or if two or more organizations are issued site authorizations to conduct games at a site on different days of the week, the maximum monthly rent, in the aggregate, may not exceed the limit set by subsection 5 of North Dakota Century Code section 53-06.1-11; and
  - (2) If a raffle, calcutta, sports pool, or poker is conducted with twenty-one, paddlewheels, or pull tabs, no additional rent is allowed.

- d. Except for applying subsection 3 or 4 of section 99-01.3-03-04, and additional rent paid to a lessor for simulcast racing, an organization or employee may not pay any additional rent or expense, from any source, or for any other purpose, including office or storage space, snow removal, maintenance or cleaning fees, equipment, furnishings, entertainment, or utilities. Except for a leased site at which bingo is the primary game conducted, an organization may not pay for any capital or leasehold improvements or remodeling.
4. If there is a change in the monthly rent or any other material change to a rental agreement, the agreement must be amended and a copy received by the attorney general before its effective date.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06, 53-06.1-07.4

#### **99-01.3-02-07. Gaming manager, shift manager, and reporting violations.**

1. An organization shall designate one person as the gaming manager. A gaming manager may not be an employee of a temporary employment agency. A gaming manager is the person who is responsible and held accountable for managing and controlling the overall gaming operation. A person may be a gaming manager for not more than two organizations. When the gaming manager changes, an organization shall notify the attorney general on a prescribed form within fourteen days of the change.
2. An organization shall designate an employee at a site as a shift manager for each shift of each day. A shift manager shall be on the site during that shift and may not be an employee of a temporary employment agency. A shift manager is a person who is responsible and held accountable for regularly managing games at a site and ensuring compliance with the gaming law and rules by an employee, lessor, and player.
3. An organization, distributor, or gaming or shift manager shall immediately report any material violation of the gaming law or rules and any gaming-related criminal activity to the gaming division of the office of attorney general and a local law enforcement agency.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-02-08. Currency of play, credit play, and borrowing from gaming funds.**

1. Play of a game must be in United States currency. Play of a game must be on a cash basis. An organization may, by policy, accept checks and allow the use of debit cards. No credit may be extended to a player. ~~Payment including payment~~ by credit card may only be accepted for online raffle ticket sales. The consideration to play a game must be paid before play. An employee may not loan money to a player, accept a postdated check, allow a player to alter a check, permit a player to establish an account by depositing cash for making periodic withdrawals, or any similar practice. An organization may allow a player to buy back a check with cash and may return a player's check to the player as part of a prize payout but may not unnecessarily delay the bank deposit of that check.
2. An employee may not borrow gaming funds as a personal loan or substitute a personal check for gaming funds.

**History:** Effective May 1, 1998; amended effective July 1, 2000; October 1, 2006; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-02-09. Persons restricted from playing games.**

1. An employee who is a shift or gaming manager may not play any game at any of the organization's sites. An employee who services a pull tab or prize board dispensing device, ~~or electronic pull tab device~~ may not play the device at that site.
2. An employee may not play any game while on duty, except a volunteer may participate in a raffle. For the game of bingo, if an organization's total gross proceeds for the previous fiscal year, for which tax returns were filed, was twenty-five thousand dollars or less, a volunteer who is not a bingo caller, shift manager, or gaming manager, may also play bingo while on duty.
3. An employee may not play pull tabs or prize boards, including through a dispensing device, ~~electronic pull tab device~~, tip board, club special, or punchboard until after three hours of active play have occurred since the employee went off duty at that site. "Active" play means that a game has been

available for play. A player may not provide and an employee may not accept an unopened pull tab as a tip.

4. An employee may play twenty-one while off duty at organization sites only on tables that have the activity recorded by video surveillance.
5. A bar employee may not play pull tabs or prize boards, which involve a dispensing device, or electronic pull tabs while on duty. A bar employee may play pull tabs or prize boards, involving a dispensing device, or electronic pull tabs while off duty after three hours of active play have occurred since the bar employee went off duty at that site, unless otherwise prohibited by subdivision c of subsection 3 of section 99-01.3-02-05.
6. An employee or bar employee taking a temporary break is still considered on duty.
7. If an organization allows an employee to play games at its site, it shall post or make available to players the policy at that site.
8. A shift manager may not permit and an employee may not allow an employee's common household member, spouse, child, parent, brother, or sister, at a site, to:
  - a. Play pull tabs, except electronic pull tabs, of a game while the employee is on duty as a jar operator for that game, regardless if the employee takes a temporary break or rotates to conduct another game. This rule also applies to an employee who conducts pull tab or prize board dispensing device activity; or
  - b. Play twenty-one or paddlewheels at a table when the employee is dealing or is a wheel operator at that table.
9. An organization may prohibit a person from playing games at a site.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-02-10. Acknowledgment of the gaming law and rules.**

An employee shall read and acknowledge in writing, within sixty days of employment and the effective date of new gaming laws or rules, that the person has read and understands the provisions that relate to the person's job duties. The organization



shall designate the provisions to be read. An acknowledgment must be dated, reference the provisions, and be part of the person's personnel file.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

### **99-01.3-02-11. Outside service provider restrictions.**

Only an organization member, employee, including an employee of a temporary employment agency, or member of an auxiliary to an organization may manage, control, conduct games, or have sole direct access to gaming assets. An organization may have an outside service provider, including another organization, provide specific gaming-related services. All accounting records and played games shall be stored by the organization. The organization shall ensure that the outside service provider complies with the gaming law and rules and may allow assistance with the following:

1. Perform audit services, including auditing closed games and daily activity, do interim audits of games, verify bank deposits, and reconcile inventory of gaming equipment and cash banks;
2. Perform accounting and bookkeeping services, including recording receipts and disbursements, processing payroll and payroll reports, reconcile bank statements, write checks, and prepare budgets, financial statements, and tax returns. However, an outside service provider may not have signatory authority of a bank account;
3. Access and review recorded video;
4. Take a locked bank bag or locked drop box to a financial institution provided the ~~independent contractor~~ outside service provider has no access key; and
5. An outside service provider that is a security company, security agency, accounting firm, or financial institution may count drop box cash.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2004; October 1, 2006; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

**99-01.3-02-12. Audit and inspection of facilities and records.**

Repealed effective July 1, 2000.

**99-01.3-02-13. Denial, suspension, or revocation of a license.**

1. The attorney general may deny, suspend, or revoke a license or a permit of an organization, distributor, or manufacturer:
  - a. When the applicant has:
    - (1) Violated, failed, or refused to comply with any provision of the gaming law or rules or any other law of North Dakota or has knowingly allowed, caused, aided, abetted, or conspired with another person to cause the person to violate any provision of the gaming law or rules or any other law of North Dakota;
    - (2) Falsified information on a license application or obtained a license by fraud, misrepresentation, concealment, or mistake;
    - (3) Denied the attorney general access to a site or manufacturing facility, or failed to timely provide information requested or required by the attorney general, gaming law, or rules;
    - (4) Misrepresented, or failed to disclose, a material fact to the attorney general; or
    - (5) Engaged in any act or practice to defraud or cheat a person, or has used a device or scheme to defraud a person.
  - b. If the attorney general, for any reason, deems it to be in the public interest, such reasons include cases wherein the applicant or licensee, or any person with a "substantial interest" therein:
    - (1) Has previously conducted illegal gambling or gaming activity in any jurisdiction;
    - (2) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level in any jurisdiction;
    - (3) Possesses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices,

methods, and activities in the conduct of gambling activities, as demonstrated by:

- (a) Prior activities;
- (b) Criminal record;
- (c) Reputation;
- (d) Habits;
- (e) Associations; or
- (f) Knowingly provides or has provided goods or services to an entity that illegally operates gambling activities.

2. Upon revocation of a license, an organization, distributor, or manufacturer shall return the license and, if applicable, site authorization to the attorney general.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-03, 53-06.1-14, 53-06.1-16

**CHAPTER 99-01.3-03  
ACCOUNTING RULES**

Section

99-01.3-03-01	Accounting Records and System of Internal Control
99-01.3-03-02	Gaming Account
99-01.3-03-03	Trust Account
99-01.3-03-04	Restrictions and Requirements
99-01.3-03-05	Reconciliation of Net Proceeds and Trust Account Carryovers
99-01.3-03-06	Gross Proceeds, IOUs, Documenting Cash and Chip Banks
99-01.3-03-07	Prize Register
99-01.3-03-08	Record of Win
99-01.3-03-09	Inventory Records of Games, Paper Bingo Cards, Tickets, Cash Banks, and Chips and Reconciliation
99-01.3-03-10	Bank Deposit and Audit
99-01.3-03-11	Audit [Repealed]
99-01.3-03-12	Tax Return

**99-01.3-03-01. Accounting records and system of internal control.**

1. An organization shall retain purchase invoices, receipts, accounting and bank records, including receipts documenting eligible uses and solicitations for net proceeds, for three years from the end of the quarter in which the activity was reported on a tax return, unless otherwise provided by rule.
2. A governing board of the organization shall establish a written system of internal control, comprised of accounting and administrative controls. An organization may not permit any unauthorized person as determined by the governing board from reviewing this system. If the attorney general determines that a system of internal control is inadequate, an organization shall address the inadequacy. This subsection does not apply to an organization that only conducts a calcutta, raffle, sports pool, paddlewheel described by subsection 1 of section 99-01.3-11-01, or poker, or is involved only in conducting no more than two events during a fiscal year of July first through June thirtieth and each event lasts no more than fourteen calendar days.
3. Accounting controls must include procedures and records that achieve these objectives:
  - a. Transactions are executed as authorized by management;
  - b. Gaming activity is properly recorded;

- c. Access to cash, games, and other assets is permitted as authorized by management; and
  - d. Assets recorded on records are periodically compared to actual assets and any differences are resolved.
4. Administrative controls must describe the interrelationship of employee functions and their division of responsibilities.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-03-02. Gaming account.**

1. An organization shall maintain all gaming accounts at financial institutions located in North Dakota. These accounts must be used for depositing gaming funds and transferring net proceeds to a trust account, except as provided by subsection 3. All gaming prizes paid for by check, including cash and merchandise, must be paid from the gaming account. Transfers must be made by the last day of the quarter following the quarter in which the net proceeds were earned. The transfer date is the date the funds actually are received in the trust fund. The amount transferred must be for an amount equal to or greater than the adjusted gross proceeds, less gaming taxes, and less the greater of actual or allowable gaming expenses for the quarter. The gaming account may be used for payment of expenses. An organization may transfer funds to its general account for payment of expenses. If an organization is not required to maintain a trust account, a disbursement of net proceeds to an eligible use must be payable to the ultimate use or recipient. A payment may be made by electronic transfer.
2. Interest earned is other income. A service fee is an expense.
3. Organizations shall reimburse the gaming account as required by section 99-01.3-03-05 and may deposit raffle nongaming funds, bingo dauber receipts, fees from players who use bingo card marking devices, and prizes paid by an insurance company to an organization for payment to a player. Any additional deposit of nongaming funds into a gaming account must be communicated to the attorney general within five business days of the deposit.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-11

**99-01.3-03-03. Trust account.**

1. An organization shall maintain all trust accounts at financial institutions located in North Dakota. If an organization only conducts a calcutta, raffle, sports pool, paddlewheel described by subsection 1 of section 99-01.3-11-01, or poker or a combination of these games, or is involved in conducting no more than two events during a fiscal year and each event lasts no more than fourteen calendar days, an organization is not required to maintain a separate trust account and may use the gaming account for the disbursement of eligible uses. Trust accounts are used only to disburse net proceeds to eligible uses and must receive only funds from a gaming account, except to reimburse the account as required by section 99-01.3-03-05 and as provided by subsections 5 and 13 of section 99-01.3-14-01. Interest earned and service fees incurred by trust checking and savings accounts must be reported as adjustments to the trust account on a tax return. A transfer of net proceeds to another trust account or to a closely related organization is not a disbursement of net proceeds. Net proceeds cannot be pledged as collateral for any loan.
2. An organization shall disburse net proceeds within a reasonable time period.
3. An organization may not transfer funds from a trust account to any other bank account, except for transferring funds to another trust account or to reimburse its general account for compensation that qualifies as an eligible use. A reimbursement must be documented by a supporting schedule. If a disbursement of net proceeds is for an expense item that includes both nongaming (an eligible use) and gaming functions, only the nongaming eligible use portion can be paid with trust account money. The organization shall maintain complete, accurate, and current documentation detailing the proration of the expense between nongaming and gaming. A disbursement must be payable directly to the ultimate use or recipient. However, an organization may make a payment directly to a credit card company for charges on a credit card provided that an organization can identify purchases that qualify as an eligible use from other purchases. A payment may be made by electronic transfer.
4. If an organization invests net proceeds in a certificate of deposit, bond, stock, mutual fund, or other marketable securities, all income earned, including interest, dividends, and capital gains, must be reported each quarter as a positive adjustment on a tax return and be disbursed to an eligible use. If the

net effect of the investment in marketable securities results in an actual loss, the organization may not deduct the loss on a tax return. A service fee is an adjustment to the account's balance.

~~5. If an organization invests net proceeds in marketable securities with the intent to maintain the investment for a period of three years or greater and no change is made to the original investment amount, either additions to or withdrawals from, the organization may choose to account for and report any earned income, including capital gains, on a tax return after each three-year period instead of each quarter. If additions are made to or withdrawals are made from the original investment amount before a three-year period ends, the organization shall account for and report any earned income, including capital gains, on the tax return for the quarter in which the change was made to the original investment amount. If the net effect of the investment results in an actual loss, the organization may not deduct the loss on the tax return. Service fees incurred during the reporting period are an adjustment to the account's balance.~~

65. For reporting purposes, an organization may elect to report the gain in market value of the accounts outlined in subsection 4 and 5. Adjustments can be made for decreases in market value; however, such decreases cannot reduce the account's value below its adjusted basis. Electing to report securities at market value must be consistently applied each quarter.

~~7. The organization shall submit a copy of the marketable securities statements for each quarter with its tax return and shall submit a copy of its annual 1099 received for all marketable securities accounts each year with the tax return filed for the quarter ending March thirty-first.~~

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

#### **99-01.3-03-04. Restrictions and requirements.**

1. An organization is allowed an expense limit according to subsection 2 of North Dakota Century Code section 53-06.1-11. The allowable expense amount may be used for any purpose that does not violate the gaming law or rules.
2. An organization may not base an employee's compensation on a participatory percentage of gross proceeds, adjusted gross proceeds, or net proceeds. An organization may pay a fixed bonus through an incentive program.

3. An organization may not pay or reimburse, nor may a lessor accept a payment or reimbursement from an organization, for any media advertising done by the lessor or any other person that is related to games at a site unless the organization's share of this expense is prorated to the benefit the organization receives and the media advertising is voluntary by the organization.
4. An organization may not pay or reimburse a lessor or share in the cost, nor may a lessor accept a payment, reimbursement, or sharing of the cost from an organization, of any sign advertising related to games at a site unless the sign is not owned by the lessor. If a lessor rents an advertising sign from a vendor, the organization's share of this expense must be prorated to the benefit the organization receives and the sign advertising is voluntary to the organization.
5. A player's uncollectible check is an expense. If an organization establishes a policy to reduce a player's cash prize by the amount of the player's uncollectible check and award the player the difference, if any, the organization shall post or make available to players that policy.
6. If a door prize is awarded as a promotion of games, the cost of the door prize is an expense.
7. A net cash short is an expense and a net cash long is other income for a quarter.
8. Only an unopened pull tab, including unplayed electronic pull tabs, unopened set of stapled jar tickets, or set of banded jar tickets that has the band intact may be accounted for as unsold or defective when a game is reported on a tax return. An organization shall account for any single unsold or defective jar ticket at a proportional selling price of a stapled set of jar tickets.
9. If foreign currency is exchanged into United States currency, any loss is an expense.
10. The attorney general shall determine whether a theft of an organization's gaming funds can be deducted from gross proceeds and adjusted gross proceeds on its tax return and notify the organization. The attorney general shall consider whether the organization:
  - a. Immediately reported the theft to a local law enforcement agency and the attorney general;
  - b. Has documentation that substantiates the theft amount;
  - c. Had physical security of the funds;



- d. Has an adequate system of internal control; and
  - e. Incurred an identifiable theft.
11. If an organization rents out gaming equipment, the income is nongaming income.
  12. All accounting records must be completed and initialed or signed with permanent ink. All signatures and initials on accounting records attesting to the information recorded must be handwritten and cannot be digital images or computer generated. The use of correction fluid or correction tape to make changes to accounting records is prohibited. Changes must be made with a single strikethrough of the original amount, writing the correct amount, and initialed by the individual making the change.
  - ~~13.~~ An organization shall maintain a register of all individuals who initial or sign a record or report, including outside service providers who provide auditing, accounting, and bookkeeping services. Any financial institution or bar employee who provides drop box cash count services is not required to be included on the register; however, the financial institution or bar employee shall legibly sign their full name on the daily report when providing drop box cash count services. The register must include each individual's name and the initials or signature as the individual normally writes them on a record or report. The initials or signature of an individual on a record or report attests that to the individual's best knowledge the information is true and correct.
  - ~~13-14.~~ The fees charged to players to enter a twenty-one tournament and the prizes awarded, must be reported as other income on a tax return.
  - ~~14-15.~~ For computing prizes on a tax return, a merchandise prize and a gift certificate are valued at an organization's actual cost, including sales tax, and a donated prize is valued at zero.
  - ~~15-16.~~ An organization shall own and possess, have a contract to acquire, or be able to obtain a prize being offered for a game. A winning player may not be required to first pay for or buy something to receive a prize. However, an organization does not need to register or title an automobile or similar item.
  - ~~16-17.~~ If a prize winner is ineligible to receive a merchandise prize, the organization may convert the prize to a cash prize or other merchandise prize of at least equal value, provided that the conversion of a raffle prize does not exceed the limits outlined in North Dakota Century Code section 53-06.1-10.1.

- ~~17-18.~~ If a gaming prize is not claimed by the winning player and has previously been reported on a tax return, an organization shall amend the applicable tax returns to account for the unredeemed prize.
- ~~18-19.~~ When a deal of pull tabs, club special, tip board, seal board, raffle board, prize board, sports-pool board, calcutta board, or a series of paddlewheel ticket cards is placed in play, an employee shall compare the game serial number on the pull tab, board, or card to the serial number on the state gaming stamp. If the two serial numbers are different, an employee shall immediately notify the distributor.
- ~~19-20.~~ If an organization pays a fee to an insurance company to insure a contingency cash or merchandise prize for bingo or a raffle, the fee is an expense. If the insurance company pays or provides a prize to a winning player, it is not reported as a prize on a tax return.
- ~~20.~~ If an organization conducts twenty-one, it may pay monthly rent for more than one table provided that each additional table is used at least thirteen times a quarter. This level of activity is based on a site's historical experience, or seasonal activity, for each of the previous four quarters, regardless of which organization conducted twenty-one at the site. For a new site or a site that has been completely remodeled in appearance and function, the level of activity must be reviewed and reestablished after the first full quarter. If an additional table is used at least thirteen times in at least one but not all of the previous four quarters, the allowable monthly rent for that table must be prorated over all the active months of the licensing year. For example, if a second table was used at least thirteen times in only two of the previous four quarters, the additional monthly rent for the second table would be a maximum of two hundred dollars per month (or three hundred dollars per month if a wager greater than five dollars is accepted on the table) multiplied by six months (totaling one thousand two hundred dollars) and prorated to one hundred dollars per month for the licensing year.
21. If an organization temporarily releases its site authorization to allow another organization to conduct gaming at a site, the primary site holder shall provide the temporary organization with a signed statement of site release, include the duration which it is valid, and provide a copy to the attorney general's office at least fourteen days prior to the site release.
22. If an organization does not intend to reapply for a license for the next fiscal year, its license is revoked or suspended for a period of more than six months, or its license application is denied, and it has net proceeds that are not disbursed, the organization shall file an action plan with the attorney general. The plan must be filed within thirty days of the expiration of the license or

when the license is relinquished, revoked, suspended, or the license application is denied, and include a planned timetable for disbursing all the net proceeds and anticipated uses. If the action plan is not timely filed, net proceeds must be disbursed within ninety days of the expiration of the license or when the license is relinquished, revoked, suspended, or the license application is denied. The disbursement must be reported to the attorney general.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06, 53-06.1-11

#### **99-01.3-03-05. Reconciliation of net proceeds and trust account carryovers.**

If an organization's gaming account check register balance is less than its net proceeds carryover balance or its trust account check register balance is less than its trust account carryover balance, or both, as reported on the tax return for the quarter ended December thirty-first, the organization shall deposit the amount of the difference in the respective account by January thirty-first or an extended date approved by the attorney general. The source of the deposit must be nongaming funds. An organization shall provide the attorney general with evidence of the deposit.

**History:** Effective May 1, 1998; amended effective July 1, 2000.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-03-06. Gross proceeds, IOUs, documenting cash and chip banks.**

1. Gross proceeds for a game must be separately maintained while the game is conducted. An organization shall use a separate cash bank for each game. However, for electronic pull tab device activity, the organization shall use one cash bank for all electronic pull tab games conducted at the site by the same manufacturer. The cash banks for twenty-one, and paddlewheel activity described by subsection 2 of section 99-01.3-11-01, may be combined and the cash banks for pull tab games at a site may be combined, if approved by the attorney general. If an employee needs to establish or replenish a cash bank by withdrawing funds from the gaming account, the employee shall execute a withdrawal by check or other withdrawal method and reference the site, specific game's name, other game type, or the combined cash bank. If a cash bank needs replenishment and another specific game or other game type's cash bank, cash reserve bank, or other funds from nongaming sources are used, an IOU form must be used to record the loan and payback. An IOU form must include:

- a. The source and destination of the funds;
  - b. For a club special, prize board, tip board, seal board, raffle board, sports-pool board, series of paddwheel ticket cards, and punchboard, the game's gaming stamp number;
  - c. Amount and date of loan and repayment; and
  - d. Initials of a ~~cash bank~~ cashier or an employee for each transaction.
2. An organization shall document each bingo session's and each game's daily starting and ending cash on hand, including a cash reserve bank. Unless there is only one employee on duty when a site opens or closes, two persons shall participate in the cash count in the presence of each other. After completing and documenting the cash count, both persons shall initial the record.
  3. An organization shall document the daily starting and ending chip banks for casino and betting chips, including on the date of a poker occasion, an organization's no-value poker chips. The chip banks for twenty-one, and paddwheel activity described by subsection 2 of section 99-01.3-11-01, may be combined. Unless there is only one employee on duty when a site opens or closes, two persons shall participate in the count of the chips in the presence of each other and record the count by denomination of chip or total quantity of no-value chips. After completing and documenting the chip count, both persons shall initial the record.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-03-07. Prize register.**

For a bingo session, raffle drawing, sports-pool board, calcutta board, paddwheel excluding the use of a table, and twenty-one or poker tournament, an employee shall legibly print this information on a prize register or similar document when a prize is issued to a player:

1. Name of the site;
2. Game type:
  - a. Bingo - Date of the session and game number.

- b. Raffles - Date of the drawing, winning ticket number, gaming stamp number (if applicable), and initials of two employees who conducted the drawing unless the initials are on another document.
  - c. Sports pools - Date of the sports event, winning score, and gaming stamp number.
  - d. Twenty-one or poker tournament - Date of the tournament.
  - e. Calcutta - Date of the sports event and gaming stamp number.
  - f. Paddlewheel excluding the use of a table - Date of the event, card number, winning ticket number, and gaming stamp number;
3. Amount of a cash prize or a description, cost, and retail price of a merchandise prize;
  4. Full name of player and for a bingo prize exceeding one hundred dollars, signature of player;
  5. Total amount of cash and cost of merchandise prizes awarded; and
  6. Initials of preparer.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-03-08. Record of win.**

1. An employee shall prepare a record of win if a player wins a last sale prize, a seal prize, a cash prize greater than five hundred dollars, a merchandise prize that has a retail price exceeding five hundred dollars, or a donated merchandise prize with a fair market value exceeding five hundred dollars, or wins a cash prize but receives a partial payout of the prize in cash and the remainder by check. If a pull tab has two or more winning prize patterns, the requirement is based on the value of each prize pattern. A record of win must be completed for the total prize even if a player splits the prize with another person. The record may be a check drawn from the gaming account, a ~~numbered~~-receipt, or the flare of a sports-pool board, calcutta board, club special, tip board, prize board, punchboard, seal board, raffle board, or winning bingo card. A bar employee shall print this information on a receipt or an

employee shall print this information on a check, receipt, flare, or card unless it is already provided:

- a. Name of the site;
- b. Game type and, by game type:
  - (1) Bingo - Date of the session, game number, cash prize amount or description of a merchandise prize and retail price, and date of prize payout if different from the date of the session.
  - (2) Raffles - Date of the drawing, winning ticket number, gaming stamp number (if applicable), cash prize amount or description of a merchandise prize and retail price, and date of prize payout if different from the date of the drawing.
  - (3) Pull tabs and prize boards, including a dispensing device, punchboards, club special, tip board, and seal board - Name of the game, cash prize amount or description of a merchandise prize and retail price, date of activity, and gaming stamp number. For a game with a last sale prize or a seal prize, the gaming stamp number must correspond with the respective deal's flare.
  - (4) Sports pools - Date of the event, cash prize amount, date of prize payout, and gaming stamp number.
  - (5) Twenty-one or poker tournament - Date of the tournament, cash prize amount, or for twenty-one tournaments only, description of a merchandise prize and retail price.
  - (6) Calcuttas - Date of the event, cash prize amount, date of prize payout, and gaming stamp number;
- c. A player's full name and address:
  - (1) If the player is present but not personally known by a bar employee or an employee, this information must be recorded from a pictured driver's license or tribal, government, or military identification;
  - (2) If the player is present but does not have one of these pictured identifications, a bar employee or an employee shall record the player's full name from another form of identification or mail the prize to the player; or

- (3) If the player is not present, verification of this information is not required and the prize must be mailed; and
- d. Initial of a bar employee or an employee.
2. After a record of win is completed at a site, a player shall sign and date it. However, this rule does not apply to a prize mailed to a player.
3. Unless a prize is for a last sale prize feature, a bar employee or an employee shall print, in ink, the check or receipt number on a pull tab or punchboard punch.
4. A player who has actually won a prize shall claim the prize. A bar employee or employee may not falsify or permit a player to falsify a record of win or enable a player to conspire with another person to have the other person claim a prize. If a bar employee or employee determines that a player has falsified or attempted to falsify a record of win before the prize payout, the bar employee or employee shall deny the player the prize and notify the attorney general and local law enforcement agency.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-11

**99-01.3-03-09. Inventory records of games, paper bingo cards, tickets, cash banks, and chips and reconciliation.**

1. An organization shall maintain master and site inventory records of all deals and games that have a state gaming stamp affixed to their flares. The master records must include the sales invoice number, date received, name of game, dates of issuance to and received from a site, site name, date deal was placed, date game (that the deal was played as part of) was closed, and quarter the deal was reported on the tax return, by gaming stamp number. The site records must include the gaming stamp number, date received, date placed, and date game (that the deal was played as part of) was closed, by site and name of game. If an organization has only one site where inventory is stored, it may combine the master and site inventory records. Annually an organization shall reconcile its inventory records of all deals and games that have a state gaming stamp affixed to their flares that are recorded as being in play and in inventory as unplayed to the items that are actually in play and in inventory. This includes all games and deals that have not been reported on a tax return. A person who does not have sole access, shall count these items that are actually

in play and in inventory, compare this count to the inventory records, and resolve any difference.

~~2. An organization shall maintain inventory records for all electronic pull tab deals played or in play for an all electronic pull tab game. The records must be reportable by site and game and include, name of game, state gaming stamp number, game serial number, cost per play, ticket count, ideal gross proceeds, ideal prizes, ideal adjusted gross proceeds, date placed, and date game (that the deal was played as part of) was closed games. This includes generating, printing, and retaining the deals in play report as prescribed by subsection 10 of section 99-01.3-06.1-05 and the electronic pull tab closed game summary report as prescribed by subsection 8 of section 99-01.3-06.1-05.~~

3.2. An organization shall maintain master and site inventory records of paper bingo cards. The master records must include for each primary color and type of card, the sales invoice number, date received, number of cards bought, serial number (optional), dates of issuance to a site, site name, and quantity of cards issued to the site, or include information prescribed by a method approved by the attorney general. If an organization has only one site where inventory is stored, it may combine the master and site inventory records. The site records for each series must include site name, primary color and type of card, serial number (optional), quantity received, date received, and quantity issued and returned for each session, or include information prescribed by a method approved by the attorney general. Annually an organization shall reconcile its inventory records of paper bingo cards that are recorded as being in inventory to the cards that are actually in inventory. A person who does not have sole access, shall count these items that are actually in inventory, compare this count to the inventory records, and resolve any difference.

4.3. An organization shall maintain master and site inventory records of rolls of tickets. The master records must include for each ticket roll the color of the roll, date received, beginning ticket number, ending ticket number, number of tickets bought, date of issuance to a site, and site name, or include information prescribed by a method approved by the attorney general. If an organization has only one site where inventory is stored, it may combine the master and site inventory records. The site records must include site name, color of roll, beginning ticket number, ending ticket number, quantity received, date received, and quantity issued and returned for each session or event, or include information prescribed by a method approved by the attorney general. Annually an organization shall reconcile its inventory of tickets. This reconciliation must include verification of the starting ticket number and total number of remaining tickets that are recorded as being at the home office and site to the tickets that are actually on hand. A person who does not have sole



access, shall count the tickets at the home office and site, compare this count to the inventory records, and resolve any difference.

- ~~5.4.~~ An organization shall maintain a master record of ideal cash bank amounts and account for permanent increases or decreases. For each cash bank, the record must include the site, game type, game identifier, and amount. When a cash bank is started or when the ideal amount is permanently increased or decreased, the date, check number, amount, source or destination of the funds, and updated ideal cash bank amount must be recorded. Annually an organization shall reconcile its master cash bank records to the actual cash banks. A person who does not have sole access, shall count the cash banks, compare the count to the current ideal cash bank amount recorded on the record, and resolve any difference.
- 6-5. An organization shall maintain casino and betting chip master and site inventory records. The records must include the dates chips are acquired, transferred to, and received from a site and running totals, by value of chip. Annually an organization shall reconcile its inventory of chips that are recorded as being at the home office and site to the chips that are actually in inventory. If an organization has only one site where inventory is stored, it may combine the master and site inventory records. A person who does not have sole access, shall count the chips in inventory at the home office and site, compare this count to the inventory records, and resolve any difference.
- 7-6. The count and reconciliation must be done by a person who does not have sole access to deals, games, paper bingo cards, rolls of tickets, cash banks (and who does not have sole signatory authority of the gaming account), or chips. It must be documented, including the name and title of the person who does the count and reconciliation, date and procedure performed, result, corrective action taken, and initials of that person.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-03-10. Bank deposit and audit.**

1. The cash profit, less a documented increase or plus the decrease in the starting cash on hand for the next gaming activity, plus cash and merchandise prizes paid by check and cost of coins for a prize board, must be deposited in the gaming account by the third banking day following the day of a bingo session or electronic quick shot bingo session; club special, prize board, tip board, seal board, or punchboard is removed from play; sports-pool game; calcutta event;

raffle board event,; poker occasion; day's or interim period's pull tab and prize board, and twenty-one or paddlewheel activity. However, the receipts for a raffle, calendar or master sports-pool board, or paddlewheel described by subsection 1 of section 99-01.3-11-01 must be deposited in the gaming account by the third banking day following receipt of the cash by the person responsible for the activity.

2. For a day's pull tab activity, bingo session, electronic quick shot bingo session, raffle drawing, poker occasion, twenty-one and paddlewheel activity, and interim period's pull tab ~~or prize boards~~ activity involving a dispensing device, a deposit slip must reference a site, name of the game, game type, date of activity, and deposit amount. For an interim period deposit for electronic pull tab activity, the deposit slip must reference a site, game type, name of manufacture, date of activity, and deposit amount. The deposit amount for twenty-one and paddlewheel activity described by subsection 2 of section 99-01.3-11-01, may be combined. For a club special, prize board, prize board involving a dispensing device, tip board, seal board, punchboard, and series of paddlewheel ticket cards, a deposit slip must reference a site, ~~name of the game~~, game type, date removed from play or date of activity, deposit amount, and gaming stamp number. For a sports-pool board, raffle board, or Calcutta board, a deposit slip must reference a site, date of the event or auction, deposit amount, and gaming stamp number. For all game types, an employee who prepares a deposit shall initial the bank deposit slip. If another employee makes the bank deposit and has access to the cash, the employee shall also initial the bank deposit slip.
3. If a deposit slip is prepared for more than one game or game type, the deposit slip or supporting schedule must include the information required by subsection 2 for each game or game type. A supporting schedule must reconcile to a validated bank deposit receipt.
4. For a bank deposit, a person shall record the amount to be deposited on the game's accounting record and retain a copy of the bank deposit slip and any supporting schedule. This person shall forward the accounting record, copy of the bank deposit slip, and any supporting schedule to a bookkeeper. A second person shall take custody of the bank deposit funds and the original of the bank deposit slip and take them to a financial institution or arrange for the funds to be deposited. If, before the bank deposit is made, the custody of bank deposit funds is transferred from a person to another person, face-to-face, and the cash is accessible to be counted, both persons shall participate in a count of the cash in the presence of each other and resolve any difference. After completing and documenting the cash count, both persons shall initial and date the original of the bank deposit slip. The person who makes the bank deposit shall forward the validated bank deposit receipt to a bookkeeper. A validated bank deposit

receipt, copy of the bank deposit slip, and any supporting schedule must be included with the accounting records. An organization shall comply with this rule unless it uses another bank deposit procedure which has proper accounting control.

5. If an employee prepares or has custody of a bank deposit which is not scheduled to be immediately deposited, the employee shall safeguard the funds.
6. An employee who did not have access to the cash to be deposited shall, within a reasonable time, verify that the amount recorded on a daily or interim accounting record to be deposited was actually deposited according to a bank statement. The employee shall document the verification by initialing the accounting record and dating it. If more than one deposit amount is recorded on an accounting record, the employee shall initial the record for each verified deposit amount and date the record.
7. A closed game or daily activity must be audited, within a reasonable time, by a person who did not conduct the game, have sole access to the games in play, and who did not have sole access to the total receipts or cash profit for the game's or day's activity. ~~This person may not have direct access to any gaming assets.~~ This person may not have sole signatory authority of the gaming account or sole electronic access to the gaming account other than to view account information and may not make electronic deposits, withdrawals, or transfers into or out of the account. This person may not audit a closed game or daily activity that was conducted by a common household member, spouse, child, parent, brother, or sister of the audit person. A drop box cash count team member may not be the person responsible for auditing the twenty-one or paddlewheel activity. A person who audits a closed game or daily activity shall verify the number and value of unsold chances, gross proceeds, number and value of prizes, adjusted gross proceeds, and cash profit. If the audit reveals an irregularity, the person shall notify the appropriate organization representative.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-03-11. Audit.**

Repealed effective July 1, 2000.

#### **99-01.3-03-12. Tax return.**

1. An organization that has an active license shall file a tax return each quarter. Closely connected organizations shall file a consolidated tax return. A tax return and payment of tax for a quarter must be postmarked or hand-delivered by the last day of the month following the end of the quarter. However, if the last day of the month is a Saturday, Sunday, or holiday, the due date is the first following business day. An extension for filing a tax return may be granted for good cause, with approval of the attorney general, by filing a written request explaining the reason. A request must be postmarked or hand-delivered by the due date of a tax return.
2. An incomplete tax return will not be considered timely filed unless it is correctly completed and returned by the due date or an approved extended date. A tax return is incomplete if information is missing or misrepresented, it is not properly signed, instructions are not followed, current schedules are not used, or required documentation is not provided.
3. An organization shall file a quarterly tax return on its original due date, even though payment of the entire tax due cannot be paid, to minimize the interest and penalty assessed. An explanation, including the anticipated payment date, must accompany a tax return received from an organization to be considered for an installment pay plan. The attorney general may for good cause allow an organization to make installment payments of delinquent tax, interest, and penalty.

**History:** Effective May 1, 1998; amended effective July 1, 2004.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-12

**CHAPTER 99-01.3-04  
BINGO**

Section	
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**99-01.3-04-01. Bingo.**

"Bingo" is when a player buys a card or uses a bingo card marking device and marks squares, or a radio frequency signal or Wi-Fi transmission marks squares on a marking device, as a caller announces a letter and number or only a number for speedball bingo. Speedball bingo is a game in which a bingo caller announces the drawn numbers in a fast manner. A winning player of a game is the player who first covers a predetermined pattern of squares by matching letters and numbers on a bingo card with balls drawn and called for that or another game and timely calls out the word "bingo". Except for quick shot bingo and bonus games, there must be a winning player for each bingo game. Quick shot bingo is a bingo game in which all of the numbers are predrawn and that may or may not have a winning player and if there is a winning player, the player is not required to timely call out the word "bingo". Bonanza bingo is a game in which a bingo caller predraws a certain quantity of balls before a session begins for a predetermined pattern and unless a player has already won, the caller will draw additional balls until a player wins the game. In both quick shot and bonanza bingo games, players may buy and play the cards throughout the session.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-04-02. Equipment.**

An organization shall use this equipment:

1. A device from which balls are withdrawn or a certified and approved random number generator. If a random number generator is not used, a set of either

seventy-five or ninety balls bearing the letters and numbers corresponding to the bingo cards in play. The balls must be stored in a safe storage place when not in use and be available for inspection by a player before a session begins. The balls must be equal size, weight, shape, and balance and must be in a receptacle before each game begins. A flashboard is optional.

2. Hard cards and paper cards, including paper cards that have two numbers in a square or enable a player to select and print numbers on a blank card, may be used. A blank card may be used if:
  - a. A card is a two-part carbonless card with a control number and five columns of numbers;
  - b. A player shall legibly print in ink one number in each blank square. A middle square, if any, may be a free space. The numbers cannot be repeated on a card and they must correspond with the letters and numbers of the bingo balls;
  - c. After a card is completed, a player shall provide an employee with the card before the start of the game. An employee shall ensure that the numbers are legible, validate the original and duplicate parts of a card, retain the original part, and return the duplicate part to the player; and
  - d. An employee shall verify a winning player's card and match the card's original part to the duplicate part. A card must be voided if it is illegible or altered.
3. Before conducting a bingo session, an employee shall test the equipment and ensure it is working properly.
4. An organization may not separate a collated set of paper bingo cards except to apply subsection 10 of section 99-01.3-04-03 or cut up a paper bingo card that has two or more faces on it to separately sell the cards or faces.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2010.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-04-03. Conduct and play.**

1. The following rules, information, and policies must be posted or made available to players in the area where bingo activity is conducted. If made available to players, the rules, information, and policies must be in the form of a handout

that is easily visible to the players and may not be a copy of the gaming law and rules:

- a. A person may not separate a paper card when there are two or more faces on a sheet;
- b. A person under eighteen years of age may not play bingo unless an individual, eighteen years of age or older, accompanies a minor when buying a bingo card or package and throughout the session. The adult may not be an employee on duty. This rule does not apply if a person under twenty-one years of age is not allowed on the site or an organization has a permit or prize structure that does not exceed the limit of a permit;
- c. If an organization does not restrict duplicate paper cards from being in play for a game, it shall post or make available that information to all players before their purchase of cards or packages;
- d. The actual letter and number on a ball drawn or freely awarded is official;
- e. If a person knowingly uses a fraudulent scheme or technique to cheat or skim involving bingo, regardless of the amount gained, the offense is a class C felony punishable by a five thousand dollar fine or five years in jail or both;
- f. A bingo card is void if it is taken outside the gaming area;
- g. If a player attempts to falsify or falsifies a record of win, the prize is forfeited;
- h. If a player receives a partial bingo cash prize the day of the bingo session, the remaining bingo cash prize must be made available or postmarked to the winning player within seven calendar days.
- h.i. A policy of when an organization may cancel a bingo session;
- i.j. A policy that if a player has more than one bingo on one card or on two or more cards for a game, whether it is considered as one bingo or more than one bingo for splitting a prize with another winning player;
- j.k. A policy that a bingo is timely called by a player when, on the last number called, the player calls the word "bingo" or other required word

before the bingo caller announces the whole letter and number of the next ball to be called, or other policy;

k.1. A policy on sharing a prize by two or more winning players on identically or differently priced cards. A policy must include the following except that an organization may award a minimum prize:

- (1) If a prize is cash and all winning players bingo on identically priced cards, the cash prize must be divided equally. An organization may round fractional dollars.
- (2) If a prize is cash and the winning players bingo on differently priced cards, an organization shall award each winning player:
  - (a) The designated prize;
  - (b) An equal share of the designated prize; or
  - (c) A proportional part of the designated prize for that card or any other fair method. The proportional part is the ratio that each winning player is in relation to the total number of winning players. To illustrate, if three players bingo on differently priced cards, each player is to be awarded one-third of the designated prize for that player's card.
- (3) If a prize is merchandise and it cannot be divided, an organization shall do one of these options which must be disclosed in the bingo program or promotional material or announced before the bingo session:
  - (a) Award each winning player a substitute merchandise prize, which must be of equal value, and the total value of all substitute merchandise prizes awarded must at least total the retail price of the original prize. A merchandise prize may be redeemable or convertible into cash at an organization's option;
  - (b) Award a certain cash split amount that totals the retail price of the original prize; or
  - (c) Conduct a continuous or separate playoff game between the winning players;



- ~~l.m.~~ A policy that a player may or may not use a bingo card marking device and play additional paper bingo cards at the same time; and
  - ~~m.n.~~ A policy that a player may or may not share the player's bingo package with another player.
- 2. An organization shall make these announcements:
  - a. Before each session, the policies on:
    - (1) When a bingo is timely called by a player;
    - (2) Whether the bingo caller, floorworker, or both must hear and acknowledge a player who calls the word "bingo" or other required word; and
    - (3) That a player is responsible for ensuring that the bingo caller, floorworker, or both hear and acknowledge the player; and
  - b. Before each game, the game's winning bingo pattern.
- 3. An employee may only assist a disabled player in playing a bingo card or assist a player in how to use a bingo card marking device. A legally blind or disabled player may use the player's personal braille or special card when an organization does not provide such a card. An organization may inspect and reject the card.
- 4. An employee may not sell or award a gift certificate as a prize unless:
  - a. A certificate is accounted for when it is sold or awarded. An employee shall issue a certificate to the purchaser or player and retain a copy or stub of the certificate with the daily records and record the certificate on a register to document the sale. An organization shall recognize a sale of a certificate as gross proceeds on the tax return for the quarter in which it was sold. A certificate awarded as a prize has no cash value. A certificate must be used to buy only a bingo card or package;
  - b. A register is maintained which accounts for all certificates sold awarded at a site. A register must include, for each certificate, a consecutive control number, selling price (if applicable), dates issued and redeemed, sites at which it is issued and redeemed, and initials of the employees who issue and redeem the certificate; and

- c. A redeemed certificate is signed by a player and retained by an organization with the daily accounting records. A player is issued a bingo card or package at the site when the certificate is redeemed.
5. If an organization changes a publicly announced bingo program for a session in which a potential prize or the number of games is reduced, an employee shall notify a player of the change before the player buys a card.
6. If an organization sells two or more differently priced cards or packages for a game, it shall use a different type, color, serial number, or a distinctive identifiable feature for each differently priced card or package. An organization may not use the same serial numbered paper bingo cards for more than one game or group of games during a bingo session, unless the face of a card is a different color or a paper card tracking number is used.
7. If an organization accepts a discount coupon, the redeemed coupon must contain the dollar value or percentage discount and be signed by a player. An employee shall write the value of the bingo card or package purchased on the face of the coupon unless the value is already stated, record the date on the coupon or on a group of coupons for a session, and retain the coupon with the daily records. The value of a player's one or more coupons must be less than the value of the card or package bought.
8. If an organization accepts a donated item in exchange for a discount, an employee shall account for the discount on a register as part of the daily records. A discount must be less than the value of the card or package bought. A register must contain:
  - a. Bingo session and date of the session;
  - b. Amount of the discount;
  - c. Value of the bingo card or package bought;
  - d. Signature of the player;
  - e. Total amount of bingo card or package discounts for the session; and
  - f. Date and initials of the cashier.
9. A card or package must be bought on a site immediately before the start of a game or during a session. However, an organization may presell a card or package for a special session that involves a bingo prize or prizes that equal or exceed ten thousand dollars for the session provided the organization:

- a. Uses a consecutively numbered two-part receipt to register a player who prepays. One part is issued to a player who shall redeem the receipt to receive the card or package. The second part is retained by the organization to account for the gross proceeds;
  - b. Separately accounts for the gross proceeds and reports it on a tax return for the quarter in which the game is conducted; and
  - c. Provides a card or package to the player before the start of the session that day.
10. No card may be sold for a game which is in progress or ended except for a bonanza bingo or a game that has all of its numbers predrawn. If a paper bingo card is included in a package for a game in progress or ended, the card must be withdrawn and destroyed. An employee may exchange a purchased package for another package if the employee accounts for all the cards of the first package and a session has not started.
11. An organization may allow a player to use a bingo card marking device provided by the organization that marks an electronic card image of a purchased card as follows:
  - a. A device cannot be reserved for a player unless a player is disabled. An organization shall provide each player an equal opportunity to use the available devices on a first-come, first-served basis. A device cannot be issued through a floorworker;
  - b. A device must be used only to play bingo cards at a site where the site system is located and the session is being conducted;
  - c. A device must be rented for a fixed amount, regardless of the price for a card or package or number of cards played through the device, or provided free to a player for the player's temporary use during the session. Rental fees charged to players for the use of devices is nongaming income;
  - d. No player can use more than one device at a time during a session;
  - e. No player can play more than seventy-two single-faced cards per game on a device and cannot choose or reject cards;
  - f. An organization shall use paper bingo cards in the session that are of a series different than the cards downloaded in or played on the devices;

- g. If a card or package may be used in a device and in paper form, it must be sold for the same price. An organization may sell a special card or package to a player for use only in a device. The organization may require a player to buy a minimum-priced card or package to use a device;
- h. If a player rents a device while a game for that session is in progress, the player may not play that game and a cashier shall record on the player's receipt that the specific game number is void;
- i. An organization may print a facsimile of a winning card and post it for players to inspect;
- j. A player may use an input function key on a device or an organization may use a radio frequency signal or Wi-Fi transmission to mark each number as it is called. When a player inputs a number or an organization sends a radio frequency signal or Wi-Fi transmission, a device may automatically mark all the player's cards that contain that number;
- k. If a player has a winning card, the player shall:
  - (1) Timely call bingo according to subdivision j of subsection 1 and it must be by a method other than through a device; and
  - (2) Provide the device with the winning card displayed to a floorworker to verify according to subsection 18;
- l. If a player's call of a bingo is disputed or if the attorney general makes a request, an organization shall print the winning card stored on the site system;
- m. An organization shall have at least one spare device available should a device in use malfunction. If a player's device malfunctions, the player may replace the device with a spare device. An organization shall restore the player's same cards from the site system;
- n. For site systems in which electronic bingo card images are downloaded to a bingo card marking device, if a player exchanges a device for another device, the original transaction of the first device must be voided and the transaction involving the second device must be recorded as a sale;

- o. An organization may perform routine maintenance on a site system and bingo card marking device; and
  - p. An organization shall back up all of a site system's accounting information for a session on a separate electronic media file prior to the start of the next business day and retain the backup file for three years from the end of the quarter in which the activity was reported on a tax return. The accounting information must comply with subsection 1 of section 99-01.3-16-09.1.
12. After the start of a session, an organization may not refund the purchase price of a card or package unless a site incurs an electrical power loss, there is inclement weather, an organization experiences an extraordinary incident, a session is canceled, or a player has an emergency.
  13. If an organization sells hard cards before each game, during the game an employee shall count the number of hard cards played by all the players to the number recorded as sold. If the comparison reveals an irregularity, the gaming manager shall take corrective action.
  14. An organization may not sell a bingo package that contains a variable number of cards based on each player's ability to play. Each separately priced package must contain a standard number of cards.
  15. If a game has an actual or potential prize valued at fifty dollars or greater or is a bonus game, an employee shall use an electronic bingo card verifier; record in writing the called numbers and the sequence in which they were drawn; or audio recording of the bingo caller calling the balls. When a player bingos, an employee shall retain the bingo card verifier record, the written record, or audio record, which includes the following and retain these records for six months:
    - a. Game number, winning pattern, color and type of card (number of faces on a sheet), type of package (regular, premium, super), winning series (card) number, and last number called; and
    - b. Cash register receipt number, if applicable.
  16. A caller shall display the letter and number on the ball to players except for speedball bingo or when a random number generator is used. An employee shall announce the letters and numbers on the balls or displayed by a random number generator in their exact sequence; however, numbers freely awarded do not need to be announced. The caller is also not required to announce all letters and numbers for a game in which the pattern does not require the use

of the selected letters or numbers. If a player calls bingo and the bingo is invalid, the next ball called must be in sequence of the balls drawn.

17. A player may bingo more than one time on the same card when an organization conducts continuation games of more than one pattern on the same card. An organization may also conduct bonus games where multiple winning patterns may be played on the same card ~~and where one or all of the prize patterns has a winner.~~ At least one pattern must be awarded a prize by an organization for each sequence of bingo balls called and played on a card.
18. A winning card must be verified by an employee and one neutral player or person unless an electronic bingo card verifier is used and the display of an electronic bingo card verifier is shown to all players on a monitor. A floorworker may not access a verifier. For a winning card on a bingo card marking device, an employee shall compare the serial number of the device to the receipt for the cards played on that device.
19. An organization may offer a variety of prizes to a winning player who may choose a prize by random selection or chance. A player may win an additional prize by choosing the prize by random selection, by an organization drawing from previous winning players, or playing a game of skill if the player is not required to give anything of value. An organization shall disclose the potential prizes in the bingo program and notify a player of these prizes before the player chooses a prize, has the opportunity to win a prize, or plays a game of skill.
20. An organization may award, as a prize, cash, merchandise, merchandise gift certificate, or gift certificate that can be redeemed for a bingo card or package.
21. An organization may conduct a qualifying game whereby a player wins an opportunity to play in a special game.
22. An organization may award a bonus prize that is based on a factor incidental to a bingo program if it is disclosed in a program, calendar, or flyer, and announced before a session, and is recorded on a prize register. Factors may include a player bingoing on a certain color of card, combination of colored cards, last number called, particular face of a multifaced card, or winning a game on the player's birthday.
23. If a player bingos and an employee determines that the player is playing more bingo cards than were bought, the player's bingo is void.
24. Bonanza bingo and a game that has all of its numbers predrawn must be conducted as follows:

- a. A caller shall initially call a certain quantity of balls. While a caller initially calls the bingo balls or before the caller calls the next continuous number, a player shall verify that the letter and number on the balls drawn are correctly displayed. A posted display must be used for the games, have restricted access, and reference that game;
- b. A card must be sealed and unpeekable when it is sold;
- c. An organization may sell or exchange cards throughout a session until sales are closed. If an organization exchanges cards, an employee shall, before the next continuous number is called, fully account for the floorworkers' sales of cards according to section 99-01.3-04-07. A floorworker may not turn in any exchanged card after the accounting is begun;
- d. If a player bingos before the next continuous number is called, the player wins. Otherwise, an additional bingo ball is drawn until a player bingos. This rule does not apply to a game that has all of its numbers predrawn;
- e. A game may not extend beyond a session;
- f. If an organization permits a player to exchange a partially played card for a new card and pay a discounted or exchange price, an employee shall:
  - (1) Validate the date of the session on the card with a mechanical device or rubber stamp. A card validated for a session, but not sold, must be voided. The organization shall use a different color of card for each game conducted at a site during a day;
  - (2) Retain the exchanged cards as part of the daily records for six months;
  - (3) Record the validation date and card color used by session; and
  - (4) Reconcile the cards, accounting for:
    - (a) Number of cards taken from inventory which must be independently counted and verified by two employees who shall initial and date the verification;
    - (b) Number of cards sold;

- (c) Number of cards exchanged, which must be separately maintained for each floorworker. The cards must be recounted by an employee who is not the floorworker. The employee who controls the floorworker sales report shall band each floorworker's exchanged cards separately, identify the banded group with the floorworker's name, session, and initial and date. A floorworker shall also initial the floorworker's banded group;
  - (d) Number of cards returned to inventory and voided which must be independently counted and verified by two employees. Each person shall initial and date the verification; and
  - (e) Document any discrepancy and corrective action taken; and
- g. A voided card must be retained for six months.
25. If an employee determines, during or immediately after the play of a game and before a card is verified as a winning bingo, that a ball is missing, the employee shall void the game and offer the players a fair alternative.
  26. An organization shall receipt gross proceeds, including an additional amount paid by a player for a chance to win an extra prize in a special game, by a cash register, tickets, paper card count, paper card tracking number, or floorworker sales report, unless written approval is obtained from the attorney general for use of another receipting method. The receipting method must reference the primary color and type of cards, serial number-~~(optional)~~, number of cards or packages sold, discounts applied to each type of card or package sold, or reference other information approved by the attorney general.
  27. If packages are sold which consist of a multiple of cards, records must be maintained that document the number of and primary color and type of cards that are included as part of each package.
  28. For a progressive game that increases the number of bingo balls to be called or the prize amount, the organization shall maintain a written record that includes date of session, game number, number of bingo balls, prize amount increase, and accumulated prize amount.
  29. For a site where bingo is the primary game or a site that is leased by a licensed organization, the organization or any person may not pay bingo prizes in which the total bingo prizes exceed total bingo gross proceeds for two entire



consecutive quarters. However, if bingo is the primary game at the site, a bingo prize that equals or exceeds ten thousand dollars is excluded from the calculation of total bingo prizes.

30. An organization shall have a written bingo program for each session. However, if the program does not change each day or session, an organization may retain one program and record the dates on which it applied. A program must contain:
- a. Name of a site and organization;
  - b. Date or dates of the sessions;
  - c. Game number, game description, color and type of card, and prize amount for each game;
  - d. Selling prices of the cards or packages; ~~and~~
  - e. Bonus games and potential prize amounts that may or may not be awarded, if applicable; and
  - ef. Rental fee charged for a bingo card marking device, if applicable.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-07.1

#### **99-01.3-04-04. Cash register.**

This receipting method may be used to record gross proceeds of packages, hard cards, and paper cards, excluding floorworker sales, by issuing consecutively numbered receipts.

1. A receipt must contain:
  - a. Name of a site and organization;
  - b. Date of the session;
  - c. Receipt number;
  - d. Selling price of each card or package; and
  - e. Receipt total.

2. A cash register must:
  - a. Have at least a consecutive four-digit receipt number which does not return to zero at the end of any use and retain its transaction count between uses if it is off or without electricity; and
  - b. Separately record each type of regular and discounted priced card or package sold, including a sale of a card or package related to a redeemed gift certificate, and provide a total for each type of sale. For a discounted card or package, the regular price may be recorded provided that the discount is recorded and accounted for. When a gift certificate is sold, the selling price must be recorded on a cash register or daily receipting record.
3. A cash register cashier may not issue a refund or void a sale that has been recorded as a transaction, but may do a no sale transaction to access a cash drawer. For a refund, a cashier's supervisor shall execute a refund and initial the refund transaction on the internal tape or session report. For a voided sale, a cashier's supervisor shall execute a void and initial the void transaction on the internal tape or session report. A cash register receipt for a refund, void, or similar item must be initialed by the cashier's supervisor and retained with the daily records. If a supervisor is not available or if the cashier is the supervisor, another employee who did not conduct the transaction shall comply with this rule.
4. All transactions and totals, including the number of and total value for each type of card or package sold, discounts applied to each type of card or package sold, and total gross receipts must be recorded on an internal tape or session report that must be retained with the daily records. If a cash register is also used for a purpose other than bingo, the internal tape or session report from the other use must also be retained.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2010; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-04-05. Tickets.**

The ticket receipting method may be used to record gross proceeds of packages, hard cards, and paper cards, including floorworker sales, by issuing consecutively numbered tickets. These rules apply:

1. All tickets must have a preprinted consecutive number and must be issued consecutively from a roll.
2. The daily records must contain the ticket color, ticket selling price, and lowest and highest numbered tickets issued from each roll for a session. A verification of the tickets used must be done by two persons, unless there is only one employee on duty at the time. Both persons shall participate in the verification in the presence of each other and resolve any differences. After completing and documenting the verification, both shall initial the records. Every ticket on a particular roll must be issued for the same price on that day. Tickets issued for each type of sale must be recorded separately. A ticket not issued during a session that bears a number below the highest numbered ticket issued, along with any tickets from the end of the roll which will not be issued in a future session, must be retained as part of the daily records as unsold.
3. A discount coupon and gift certificate must be recorded in the daily records.

**History:** Effective May 1, 1998; amended effective July 1, 2002; July 1, 2004; July 1, 2010; July 1, 2012.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-04-06. Paper card count.**

The paper card count receipting method may be used to record gross proceeds of paper bingo cards, including floorworker sales. The daily records must include the total number of cards, collated sets, or packages taken from inventory and returned to inventory. A count of the cards, sets, or packages taken from or returned to inventory must be done by two persons, unless there is only one employee on duty at the time. Both persons shall participate in a count of the cards, sets, or packages in the presence of each other and resolve any difference. After completing and documenting the count, both persons shall initial the record. The record must include the selling price of the card, set, or package and number of cards, sets, or packages issued, returned, voided, and sold for each primary color and type of card for the session. A discount coupon and gift certificate must be recorded in the daily records.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; July 1, 2010; July 1, 2012; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

### **99-01.3-04-06.1. Paper card tracking number.**

The paper card tracking number receipting method may be used to record gross proceeds of paper bingo cards, including floorworker sales if the series of paper bingo cards used includes consecutive card tracking numbers and are used and sold in consecutive order. The daily records must include the beginning card tracking number taken from inventory and the ending card tracking number returned to inventory for each series of paper bingo cards used. A verification of the card tracking numbers of the cards taken from or returned to inventory must be done by two persons, unless there is only one employee on duty at the time. Both persons shall participate in the verification of the card tracking numbers of the cards in the presence of each other and resolve any difference. After completing and documenting the verification, both persons shall initial the record. The record must include the selling price of the card, beginning and ending card tracking numbers of cards issued and returned, number of cards voided, and number of cards sold for each primary color and type of card for the session. A discount coupon and gift certificate must be recorded in the daily records.

**History:** Effective April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

### **99-01.3-04-07. Floorworker sales report.**

The floorworker sales report receipting method may be used to record gross proceeds of paper bingo cards sold by floorworkers. A report must be completed, for each floorworker, by an employee who is not a floorworker. A floorworker's report must contain all the information required by subsections 1 through 6, by game, and must contain the information required by subsections 7 through 10, by session.

1. Game number or game name.
2. Floorworkers' names or assigned numbers.
3. Selling price of each single (one card) and packet.
4. Number of singles and packets issued to each floorworker, by game. The employee issuing the cards and the floorworker shall initial the report. If an organization sells singles at a discount, the number of discounted sets must be predetermined and separately accounted for when issued to a floorworker.
5. Number of singles and packets returned by floorworker, by game, as unsold, including the number of exchanged bonanza bingo cards. The floorworker and

an employee who is not a floorworker shall count the cards and initial the report in the presence of each other.

6. Number and value of singles and packets sold by each floorworker, by game.
7. Amount of cash turned in to a cashier by floorworker. The floorworker and the cashier shall count the cash and initial the report in the presence of each other.
8. Amount of cash long or short by floorworker.
9. Total value of singles and packets sold, total cash turned in, and total cash long or short.
10. A void, refund, or similar item must be approved by a supervisor or another employee who did not conduct the transaction if a supervisor is not available and retained with the floorworker sales report.

**History:** Effective May 1, 1998; amended effective July 1, 2002; July 1, 2004; October 1, 2006; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-04-08. Recordkeeping.**

Records must include and be retained for three years from the end of the quarter in which the activity was reported, unless otherwise provided by rule:

1. For each session:
  - a. The gross proceeds for each type of sale or game. If a site system involving bingo card marking devices is used, records must include the summary report for the session according to subdivision c of subsection 1 of section 99-01.3-16-09.1;
  - b. The starting and ending cash on hand and IOU records according to section 99-01.3-03-06;
  - c. Cash profit as defined in subdivision a of subsection ~~89~~ of section 99-01.3-02-01;
  - d. A summary of gross proceeds, prizes, adjusted gross proceeds, cash profit, cash long or short, and bank deposit. The summaries of all sessions for a quarter must reconcile to the tax return;

- e. Prize register according to section 99-01.3-03-07 and record of win according to section 99-01.3-03-08;
  - f. Record of called bingo numbers according to subsection 15 of section 99-01.3-04-03;
  - g. Inventory records according to subsections 3 and 4 of section 99-01.3-03-09;
  - h. A copy of or reference to a bingo program according to subsection 30 of section 99-01.3-04-03;
  - i. For progressive games, a record according to subsection 28 of section 99-01.3-04-03;
  - j. All voided paper bingo cards, other voided sealed and unpeekable bingo cards, and exchanged bonanza bingo cards, which must be retained for six months;
  - k. Gift certificate register according to subdivision b of subsection 4 of section 99-01.3-04-03;
  - l. Redeemed gift certificates and discount coupons; and
  - m. Purchase invoice or receipt documenting the cost and description of a merchandise prize.
2. Ideal cash bank master records according to subsection 5 of section 99-01.3-03-09.
  3. Verification of the amount deposited according to a bank statement, and an audit of the game's activity according to subsections 6 and 7 of section 99-01.3-03-10.
  4. The count and reconciliation of paper bingo cards, rolls of tickets, and cash banks according to subsections 3, 4, 5, and 7 of section 99-01.3-03-09.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**CHAPTER 99-01.3-04.1**  
**ELECTRONIC QUICK SHOT BINGO**

Section

99-01.3-04.1-01	Electronic Quick Shot Bingo
99-01.3-04.1-02	Equipment
99-01.3-04.1-03	Conduct and Play
99-01.3-04.1-04	Recordkeeping

**99-01.3-04.1-01. Electronic quick shot bingo.**

"Electronic quick shot bingo" means a bingo game played on portable hand-held bingo devices utilizing electronic bingo card images. The bingo game is played using twenty-four predrawn letters and numbers and may use up to six bonus numbers to achieve predetermined patterns. If a predetermined pattern is achieved, then the player wins a prize based on a specific prize table. Because the game has all of its letters and numbers predrawn, there may or may not be a winning player for each game played. A player is not required to say the word "bingo" before a bingo is awarded. Before a session begins, an employee shall draw or a random number generator shall draw twenty-four balls or numbers comprised of the first five balls or numbers from each of the "B", "I", "G", and "O" rows, and the first four balls or numbers from the "N" row. Up to six additional balls or numbers may be drawn as bonus numbers. Once twenty-four balls or numbers and any bonus balls or numbers, if applicable, are selected, an employee or the related equipment shall enter the numbers into the electronic quick shot bingo site operating system and post the selected balls or numbers once during a business day prior to starting the session. An electronic quick shot bingo site operating system with card-marking devices and related equipment may only be sold or provided to an organization with a state gaming license.

**History:** Effective July 1, 2012; amended effective April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-04.1-02. Equipment.**

An organization shall use this equipment:

1. A device from which bingo balls are drawn or a random number generator. The device or random number generator must draw from a set of seventy-five balls or numbers used to determine the original twenty-four balls or numbers for play of the game and any bonus numbers, if applicable. If actual bingo balls are used, rather than a random number generator, an organization employee shall ensure that all seventy-five numbers are available prior to the draw.

2. An electronic quick shot bingo site operating system, including a portable point-of-sale device, which allows an employee to deposit credits received from a player by cash, check, or debit card. All deposits must be received prior to play and no credit play is allowed. The electronic quick shot bingo site operating system must store all accounting information for a session.
3. An electronic quick shot bingo card-marking device that allows a player to play between one and sixteen bingo cards for an individual game. Cost per card may not exceed five dollars. When a player initiates play of the selected cards, the device automatically marks all of the player's cards with the predrawn numbers. The device may randomly mark the predrawn numbers in any order for each game played. No auto-daub feature which initiates play of a new game without a player's interaction is allowed. The phrase "malfunction voids all pays and plays" must be displayed on the game selection screen, game screen, or on a decal affixed to the front of the device.

**History:** Effective July 1, 2012; amended effective April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-04.1-03. Conduct and play.**

1. Only one set of numbers may be drawn for a business day. The predrawn numbers for the current session must be posted at the site. The use of a flashboard is optional. Unless there is only one employee on duty, two persons shall verify and attest to the numbers drawn or selected, numbers posted, and numbers entered into the electronic quick shot bingo site operating system for the current session. When the bingo numbers have been drawn or selected, the numbers may not be changed. Players are not allowed to pick any numbers to match for an electronic quick shot bingo game or bonus feature. No electronic quick shot bingo session may extend beyond the end of a business day. After a session has been closed, the called bingo numbers must be cleared before the start of the next business day.
2. Players are responsible for safeguarding their receipt with the designated account number to track all deposits on an electronic quick shot bingo card-marking device. A player's receipt must be presented when redeeming prizes or cashing out credits.
3. If a player has a winning prize pattern, all prize winnings must be awarded to players in a separate winnings account on an electronic quick shot bingo card-marking device. Automatic transfer by the player of any winnings balance to the credit (deposit) balance on the device is prohibited. All payouts of winnings must be transacted by an organization employee.



4. A player shall not be required to forfeit any winnings or make an additional wager in order to receive a bonus game or feature.
5. The following rules, information, and policies must be posted or made available to players in the area where electronic quick shot bingo activity is conducted. If made available to players, the rules, information, and policies must be in the form of a handout that is easily visible to the players and may not be a copy of the gaming law and rules:
  - a. A person under eighteen years of age may not play electronic quick shot bingo;
  - b. The actual letters and numbers predrawn by the organization are official;
  - c. If a person knowingly uses a fraudulent scheme or technique to cheat or skim involving electronic quick shot bingo, regardless of the amount gained, the offense is a class C felony punishable by a five thousand dollar fine or five years in jail or both;
  - d. An electronic quick shot bingo card-marking device may not be taken outside of the gaming area;
  - e. An employee may only assist a player in how to use an electronic quick shot bingo card-marking device;
  - f. No player can use more than one electronic quick shot bingo card-marking device at a time during a session;
  - g. If a player attempts to falsify or falsifies a record of win, the prize is forfeited;
  - h. A player may not sell the remaining credits on a device to another player;
  - i. A player shall present the player's receipt when redeeming prizes or cashing out credits;
  - j. A policy that if a player has more than one winning bingo pattern on a card, whether the highest prize pattern will be awarded or all winning prize patterns will be awarded;
  - k. A policy in the event that a player has lost the player's receipt;

- l. A policy when an organization may cancel a session due to power outage, electronic quick shot bingo site operating system being down, or any transmission problems; and
  - m. If applicable, a policy regarding use of an electronic quick shot bingo card-marking device and additional paper bingo cards at the same time.
6. An employee or floorworker shall use a point-of-sale device when adding additional credits (deposits) and redeeming winnings for additional credits (deposits) involving an electronic quick shot bingo card-marking device provided that all transactions are accounted for according to the manufacturing specifications in section 99-01.3-16-09.4.
7. An electronic quick shot bingo card-marking device cannot be reserved for a player. An organization shall provide each player an equal opportunity to use the available devices on a first-come, first-served basis.
8. An organization may pay a fixed rate per electronic quick shot bingo card-marking device or a fixed fee per bingo card sold. No payment for use of a device may be based on a percentage of the gross proceeds, adjusted gross proceeds, or net income earned.
9. A receipt must comply with subdivision i of subsection 12 of section 99-01.3-16-09.4.
10. A receipt for a void, refund, or similar item must be initialed by a supervisor or another employee who did not conduct the transaction if a supervisor is not available and retained with the daily records.
11. All prizes awarded must be cash.
12. No electronic quick shot bingo games may be played with a progressive prize unless authorized by the attorney general.
13. A separate cash bank must be used with electronic quick shot bingo at a site. All deposits must be separately identified from other game types, including other bingo games conducted at a site.
14. Unredeemed credits on an electronic quick shot bingo card-marking device are considered to be gross proceeds. Unclaimed prizes on the device are subtracted from total prizes won in calculating the adjusted gross proceeds.

15. An organization shall deactivate an employee password within forty-eight hours of that employee leaving employment. Passwords for employees of a site must be changed every six months.
16. No discount, gift certificates, or promotions are allowed unless authorized by the attorney general.
17. An organization shall back up all of an electronic quick shot bingo site operating system's accounting information for a session on a separate electronic media file prior to the start of the next business day and retain the backup file for three years from the end of the quarter in which the activity was reported on a tax return. The accounting information must comply with subsection 12 of section 99-01.3-16-09.4.

**History:** Effective July 1, 2012; amended effective April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

#### **99-01.3-04.1-04. Recordkeeping.**

Records must include and be retained for three years from the end of the quarter in which the activity was reported, unless otherwise provided by rule:

1. For each session:
  - a. The electronic quick shot bingo site operating system involving a bingo card-marking device must include the summary report for the session according to subdivision j of subsection 12 of section 99-01.3-16-09.4;
  - b. The starting and ending cash on hand and IOU records according to section 99-01.3-03-06;
  - c. Cash profit as defined in subdivision a of subsection 89 of section 99-01.3-02-01;
  - d. A summary of the total dollar value of credits sold, total dollar value of unplayed credits cashed out, gross proceeds, prizes won, unclaimed prizes, prizes paid, adjusted gross proceeds, cash profit, cash long and short, and bank deposit. The summaries of all sessions for a quarter must reconcile to the tax return;
  - e. Prize report according to subdivision l of subsection 12 of section 99-01.3-16-09.4;

- f. Record of win according to section 99-01.3-03-08; and
  - g. Record of the balls or numbers predrawn, including bonus numbers and a record of numbers actually entered into the electronic quick shot bingo site operating system according to subdivision m of subsection 12 of section 99-01.3-16-09.4.
2. Ideal cash bank master records according to subsection 5 of section 99-01.3-03-09.
  3. Verification of the amount deposited according to a bank statement, and an audit of the game's activity according to subsections 6 and 7 of section 99-01.3-03-10.
  4. The count and reconciliation of cash banks according to subsections 5 and 7 of section 99-01.3-03-09.

**History:** Effective July 1, 2012; amended effective April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**CHAPTER 99-01.3-05  
RAFFLES**

Section	
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**99-01.3-05-01. Raffle.**

A raffle is a game in which a prize is won by a player who bought a raffle ticket or square on a raffle board. A winning player is determined by drawing a ticket stub or number of a square on a raffle board from a receptacle or by an alternate fair method approved by the attorney general. A calendar raffle is a raffle in which a player's ticket stub is entered in two or more drawings held on predetermined days over an extended period of time for predetermined prizes. For a raffle board, the numbered squares on the board must be sold for the same price at a site on the day of the drawing. Any licensed organization or organization with a permit shall complete on the board the cost per square, prizes, and date of the raffle and for a licensed organization ensure a raffle board includes a state gaming stamp affixed by a distributor. For each square sold, an employee shall legibly write the player's full name in the square purchased by the player. Duplicate numbers corresponding to the numbered squares on a board must be placed into a receptacle for drawing. The conduct of a raffle is the drawing or alternate fair method of selection approved by the attorney general. Only a licensed gaming organization may sell raffle tickets online over the internet and may accept an electronic payment, including payment by a debit card or a credit card, for the purchase of a raffle ticket. All electronic payments of raffle tickets must be completed through an organization's website and all receipts from debit and credit card transactions must be deposited directly in the gaming account. An organization with a local permit or restricted event permit may not sell raffle tickets online or accept credit card payments.

**History:** Effective May 1, 1998; amended effective July 1, 2002; July 1, 2004; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-05-01.1. Online raffle ticket sales.**

1. A licensed organization may sell raffle tickets online over the internet and may accept an electronic payment, including payment by a debit card or a credit card, for the purchase of a raffle ticket. Any fees related to the use of an electronic payment is a gaming expense to the organization.
2. At least two months prior to conducting an online raffle ticket sales event, a licensed organization must first complete a form prescribed by the attorney general for approval.
3. An organization that accepts payment by credit card for the purchase of a raffle ticket shall limit an individual's ticket purchases using a credit card to five hundred dollars per day, not to exceed one thousand five hundred dollars per week.
4. Electronic fifty-fifty raffles, raffle boards, calendar raffles, and double roll ticket raffles may not be sold or conducted online over the internet. All tickets must comply with subsections 1 through 10 of section 99-01.3-05-02 and subsections 1 through 13 of section 99-01.3-05-04.
5. The conduct of a raffle is the drawing of ~~the~~ a physical ticket to determine the winner. No ticket may be drawn online using a random number generator and a drawing must comply with subsection 9 of section 99-01.3-05-02.
6. If a licensed organization accepts an electronic payment for the purchase of a raffle ticket, the organization shall verify the ticket purchaser is at least eighteen years of age and is physically located in the state of North Dakota.
7. All raffle announcements or advertisements conducted over the internet must include the following restrictions and information on the organization's website:
  - a. Name of organization;
  - b. Organization license number;
  - c. Price of each ticket, including any discounted price;
  - d. Prize, description of an optional prize selectable by a winning player, or option to convert a merchandise prize to a cash prize that is limited to the lesser of the value of merchandise prize or twenty-five thousand dollars;

- e. A statement that a person is or is not required to be present at a drawing to win;
  - f. Date and time of the drawing;
  - g. Location and street address of the drawing;
  - h. If a merchandise prize requires a title transfer involving the department of transportation, a statement that a winning player is or is not liable for sales or use tax;
  - i. The statement that a person must be at least 18 years of age to buy a ticket;
  - j. The statement that a person purchasing a ticket must be physically located in the state of North Dakota; and
  - k. A statement that a purchase of the ticket is not a charitable donation.
8. For tickets sold electronically, the tickets must be detached, scanned, and emailed to the purchaser. The stubs must be kept in a safe location until they are placed in the receptacle for the drawing to determine the winner.

**History:**

**General Authority:**

**Law Implemented:**

**99-01.3-05-02. Tickets – Limitations and requirements.**

1. Each raffle ticket is a separate and equal chance to win with all other tickets sold. A person may not be required to buy more than one ticket, or to pay for anything other than the ticket, to enter a raffle. An organization may sell several tickets or sell tickets in advance of a special event to a person at a discount. A discounted ticket must be specifically designated as a discounted ticket on the ticket and its stub. The number of discounted tickets must be predetermined and separately issued and accounted for when issued to a ticket seller.
2. An organization may not allow a raffle ticket seller to retain a ticket for free or retain any portion of the price of a ticket as compensation, and may not compensate the seller a certain amount or provide a gift for selling a winning ticket. An organization may provide a raffle ticket seller a fixed amount for selling the most or a certain number of tickets. No raffle ticket can be resold.

3. A raffle ticket must have a detachable stub that is consecutively numbered. A raffle ticket stub must have a duplicate number corresponding to the number on the ticket and contain the player's name, address, and telephone number, or email address, except when double roll tickets are used. A ticket must be issued, as a receipt, to a player. For a raffle conducted by a licensed organization, the ticket numbers must be mechanically or electronically imprinted. For a raffle conducted by an organization that has a permit, the ticket may be manually imprinted.
4. An employee may not sell a ticket on a site where another organization is licensed or has a permit unless the employee is granted permission by the lessor and other organization. An employee of a lessor may sell raffle tickets at the site for the organization authorized to conduct games at that site. ~~Raffle tickets may not be sold online or paid for with credit cards.~~ except for online raffles according to section 99-01.3-05-01.1.
5. A ticket seller shall return the stubs of all tickets sold. The stubs must be intermixed in a receptacle.
6. An organization shall return the price of a ticket to a player if the stub of the player's ticket was not placed in the receptacle for the drawing.
7. For a calendar raffle, the stub of each ticket sold must be entered in all the drawings conducted since the ticket was sold. A licensed organization may not conduct a calendar raffle for other than a fiscal year beginning July first and ending June thirtieth.
8. An organization may not conduct a drawing unless two employees are present. A drawing must occur at an authorized public or private site.
9. In conducting a drawing, an employee shall draw a stub for the highest valued prize first. If there is more than one prize, an employee shall continue drawing for the prizes in the order of descending value. A prize is valued at its cash value or retail price. An organization may defer announcing the names of the winning players and respective prizes until after all the drawings have occurred and may make the announcement in any sequence. This rule does not apply when an organization adopts a written policy to place a winning player's stub immediately back into a receptacle to potentially be drawn for another prize or multiple drawings with a winner's choice of prizes.
10. An organization may not print any word or phrase on promotional material or advertising which implies or expresses that a purchase of the ticket is a charitable donation.



**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; July 1, 2010; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

**99-01.3-05-03. Prize restrictions and requirements.**

1. No prize may be real estate, ticket for entry into another raffle, or live animal except for beef or dairy cattle, horse, bison, sheep, or pig. A prize must be an item that may be legally owned and possessed and has a value or a right to a free service. A winning player may not be required to first pay for or buy something to receive a prize. Cash or merchandise prizes may be awarded. A cash prize may be based on a percentage of gross proceeds. However, a single cash prize cannot exceed twenty-five thousand dollars and the total cash prizes cannot exceed twenty-five thousand dollars during a day. The maximum cash prize limits of this section do not apply to a public-spirited organization that supports amateur collegiate athletics. The public-spirited organization's primary purpose must include support of collegiate athletics.
2. On not more than two occasions, per year, a licensed organization may, at the request of a winning player, exchange a merchandise prize valued at not more than twenty-five thousand dollars for a cash prize. Merchandise prizes with a value in excess of twenty-five thousand dollars may not be exchanged for cash. An organization may advertise that cash may be requested as an alternative to the merchandise prize being offered.
3. An organization shall own, have a contract to acquire, or be able to obtain a merchandise prize before offering a merchandise prize in a drawing. However, an organization does not need to register or title an automobile or similar item.
4. Besides a primary prize that is awarded, an organization may offer an additional unguaranteed cash prize limited to one thousand dollars or merchandise prize provided:
  - a. A ticket must describe the prize;
  - b. The prize is predetermined and may be limited to a winning player of one of the other prizes;
  - c. A player is not required to pay an additional amount, forfeit a prize, or be present to participate;
  - d. Unless an organization owns a prize, an award of the prize must be insured; and

- e. Unless the prize is limited to a winning player of one of the other prizes, a drawing must be conducted from all tickets sold.
5. If an organization has not been able to recover the cost of the prize, it may cancel a raffle with approval from the attorney general and refund the gross proceeds.
6. A prize winner shall be drawn or determined on the date and at the location indicated on a ticket unless a different date or location is requested in writing and approved by the attorney general before the date of the drawing. If a different drawing date or location is approved, an organization shall notify the purchasers of the tickets of the change by contacting each purchaser or by making a public announcement. The attorney general may, for good cause, change the date or location for a drawing.
7. Within seven days of a raffle, an organization shall notify the winning player verbally or, if the value of the prize exceeds five hundred dollars, in writing, of the prize and arrange the pickup or delivery of the prize. If a prize remains unclaimed by a winning player for thirty days following the date of the written notification and an organization has made a good-faith effort to contact the winner to redeem the prize, the organization may retain the prize, have a second prize drawing, or award it in another raffle or game.
8. An organization may award a bonus prize based on a separate drawing of previously drawn winning tickets.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 36-21.1-09, 53-06.1-01.1, 53-06.1-10.1

#### **99-01.3-05-04. Information on a ticket.**

Each raffle ticket must contain this preprinted information, except for double roll tickets:

1. Name of organization;
2. Ticket number;
3. Price of the ticket, including any discounted price;

4. Prize, description of an optional prize selectable by a winning player, or option to convert a merchandise prize to a cash prize that is limited to the lesser of the value of the merchandise prize or twenty-five thousand dollars for a licensed organization or ~~six~~eight thousand dollars for an organization with a permit. However, if there is insufficient space on a ticket to list each minor prize that has a retail price not exceeding twenty-five dollars, an organization may state the total number of minor prizes and their total retail price;
5. For a licensed organization, print "office of attorney general" and license number. For an organization that has a permit, print the authorizing city or county and permit number;
6. A statement that a person is or is not required to be present at a drawing to win;
7. Date and time of the drawing or drawings and, if the winning player is to be announced later, date and time of that announcement. For a calendar raffle, if the drawings are on the same day of the week or month, print the day and time of the drawing;
8. Location and street address of the drawing;
9. If a merchandise prize requires a title transfer involving the department of transportation, a statement that a winning player is or is not liable for sales or use tax;
10. If a purchase of a ticket or winning a prize is restricted to a person of a minimum age, a statement that a person must be at least "\_\_\_\_\_" years of age to buy a ticket or win a prize;
11. A statement that a purchase of the ticket is not a charitable donation;
12. If a secondary prize is an unguaranteed cash or merchandise prize, a statement that the prize is not guaranteed to be won and odds of winning the prize based on numbers of chances; and
13. If a prize is live beef or dairy cattle, horse, bison, sheep, or pig, a statement that the winning player may convert the prize to a cash prize that is limited to the lesser of the market value of the animal or twenty-five thousand dollars for a licensed organization or ~~six~~eight thousand dollars for an organization with a permit.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; July 1, 2010; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

### **99-01.3-05-05. Double roll tickets.**

An organization may use double roll tickets provided:

1. Two single tickets must be printed side by side on a roll with a consecutive number. Both tickets must have the same number;
2. A list of the prizes must be disclosed or made available to players or the prize must be present at the site. If there is more than one prize, an organization may use a different receptacle for each prize to enable an employee or player to place one of the tickets in the receptacle related to a certain prize, or one receptacle in which the winning player can select from a variety of prizes. All tickets must be sold consecutively or in consecutive sets if the tickets are tracked by each ticket seller at an authorized site on the day of the raffle. All the tickets of each separately colored roll must be sold for the same price on that day. An organization may use a separate colored roll to sell several tickets to a person at a discount. The organization and player each retains one ticket, unless the player is allowed to temporarily retain the entire ticket until the player places one ticket into a receptacle;
3. A winning player need not be present when a drawing is held but shall claim the prize within a reasonable redemption period set by the organization on the same day of the raffle drawing. Otherwise, an organization shall conduct one or more additional prize drawings until the prize is claimed. A statement of the time of the drawing and redemption period must be on all promotional material and be posted at a site. If the prize is not claimed due to time limitations, the organization shall contact the attorney general the next business day; and
4. The organization's daily records must contain the ticket color, ticket selling price, lowest-numbered and highest-numbered tickets sold, and total tickets sold from each roll. A verification of the tickets used must be done by two persons, unless there is only one employee on duty at the time. Both persons shall participate in the verification in the presence of each other and resolve any differences. After completing and documenting the verification, both shall initial the record. Any tickets left on a roll which will not be sold in any other raffle must be retained as part of the daily records for one year from the end of the quarter in which the activity was reported on a gaming tax return. This subsection does not apply to a local permit.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-05-06. Reporting gross proceeds and prizes.**

1. When the sales price of a raffle ticket relates partly to admission for a meal or other nongaming activity, an organization shall deposit the total receipts into its gaming account and allocate the amount between gaming and nongaming activity in this order:
  - a. An amount is allocated to raffle gross proceeds equal to the cost of the prize.
  - b. An amount is allocated to nongaming activity to recover its cost. This amount must be documented and is not reported on a tax return.
  - c. The remaining amount is allocated to raffle gross proceeds.
2. If an organization conducts a raffle in which the prize drawing is in one quarter, the gaming activity must be reported in the quarter in which the prize drawing is held. If an organization conducts a calendar raffle in which prizes are awarded in more than one quarter, the gross proceeds and prizes must be reported in the quarter in which the final prize is awarded. Actual drawings for a calendar raffle may be conducted at one time with the awarding of prizes at a later date.

**History:** Effective May 1, 1998; amended effective July 1, 2002; July 1, 2004; October 1, 2006; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-05-07. Recordkeeping.**

Records must include and be retained for three years from the end of the quarter in which the activity was reported, unless otherwise provided by rule:

1. For each raffle that uses tickets with detachable stubs, including online raffles:
  - a. Purchase invoice documenting the purchase of tickets and range of ticket numbers printed;

- b. Ticket distribution log containing a ticket seller's name, quantity issued, range of single and discounted ticket numbers issued to the seller, and quantity sold;
  - c. Reconciliation of the cash and credit card receipts received from each ticket seller based on the number of tickets sold, including discounted tickets, date cash or electronic payment is received, and a schedule of bank deposits;
  - d. A sample of a ticket;
  - e. The stubs of all sold raffle tickets and all unsold raffle tickets ~~which~~ must be retained for one year from the end of the quarter in which the activity was reported on a tax return; and
  - f. Documentation of the cost of nongaming activity according to subdivision b of subsection 1 of section 99-01.3-05-06.
  - g. For online raffle ticket sales purchased electronically, list of the email addresses of purchaser.
2. For each raffle that uses double roll tickets:
- a. The daily starting and ending cash on hand and IOU records according to section 99-01.3-03-06;
  - b. Daily records according to subsection 4 of section 99-01.3-05-05;
  - c. Inventory records according to subsection 4 of section 99-01.3-03-09; ~~and~~
  - d. The sold tickets and all unsold tickets on a roll must be retained for one year from the end of the quarter in which the activity was reported on a gaming tax return; and
  - de. The count and reconciliation of rolls of tickets and cash banks according to subsections 4, 5, and 7 of section 99-01.3-03-09.
3. For each raffle board:
- a. The sold raffle board with the state gaming stamp affixed which must indicate the winning number and player;
  - b. The daily starting and ending cash on hand and IOU records according to section 99-01.3-03-06;

- c. Inventory records according to subsection 1 of section 99-01.3-03-09; and
  - d. The count and reconciliation of raffle boards and cash banks according to subsections 1, 5, and 7 of section 99-01.3-03-09.
4. For all raffles:
- a. Prize register according to section 99-01.3-03-07 and record of win according to section 99-01.3-03-08;
  - b. Cash profit as defined in subdivision b of subsection 89 of section 99-01.3-02-01;
  - c. A summary of gross proceeds, prizes, adjusted gross proceeds, cash profit, cash long or short, and bank deposit. The summaries of all raffles for a quarter must reconcile to the tax return; and
  - d. Purchase invoice or receipt documenting the cost and description of a merchandise prize.
5. Ideal cash bank master records according to subsection 5 of section 99-01.3-03-09.
6. Verification of the amount deposited according to a bank statement, and an audit of the game's activity according to subsections 6 and 7 of section 99-01.3-03-10.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**CHAPTER 99-01.3-05.1  
FIFTY-FIFTY RAFFLE SYSTEMS**

Section

99-01.3-05.1-01	Fifty-Fifty Raffle System
99-01.3-05.1-02	Tickets - Limitations and Requirements
99-01.3-05.1-03	Prize Restrictions and Requirements
99-01.3-05.1-04	Information on a Bearer Ticket
99-01.3-05.1-05	Recordkeeping

**99-01.3-05.1-01. Fifty-fifty raffle system.**

A fifty-fifty raffle system means computer hardware, software, and related equipment used to sell fifty-fifty raffle tickets and account for sales. A fifty-fifty raffle system server must be located in a secure location at the site of the raffle event. A fifty-fifty raffle system must be operated by the organization conducting the raffle. A winning player is determined by either drawing a draw number from a receptacle or by using a random number generator. A draw number is a number that is provided to the player on a bearer ticket which may be selected as the winning number for the raffle. A bearer ticket is a paper ticket that contains one or more draw numbers purchased. The conduct of a raffle is the drawing. Fifty-fifty raffle systems may only be used for single event raffles. Single event raffles are raffles conducted on the same day at the same event.

**History:** Effective April 1, 2016; amended effective July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-05.1-02. Tickets - Limitations and requirements.**

1. Each draw number is a separate and equal chance to win with all other draw numbers sold. A person may not be required to buy more than one draw number or to pay for anything other than the draw number to enter a fifty-fifty raffle.
2. Tickets must be purchased from attendant-operated fifty-fifty raffle sales units. Player-operated fifty-fifty raffle sales units are not permitted. A raffle sales unit is a portable wireless device or standalone cashier station that is used as a point of sale for bearer tickets that include the draw numbers purchased by the player. A discounted ticket is a bearer ticket that contains a specific number of draw numbers at a discounted price.
3. Tickets must only be printed when sold to a player. Preprinting of tickets is prohibited.



4. An organization may not allow a fifty-fifty raffle ticket seller to retain a draw number for free or retain any portion of the price of a ticket as compensation and may not compensate the seller a certain amount or provide a gift for selling a winning draw number. An organization may provide a raffle ticket seller a fixed amount for selling the most or a certain number of tickets. No ticket can be resold.
5. An organization may not conduct a drawing unless two employees are present. A drawing must occur at an authorized public or private site. All draw numbers in the receptacle must be intermixed before drawing a winning draw number.
6. An organization may not print any word or phrase on promotional material or advertising which implies or expresses that a purchase of the ticket is a charitable donation.
7. Draw numbers purchased from a raffle sales unit must be issued and numbered consecutively. Upon completion of a sale, the player shall receive a bearer ticket with the draw numbers printed on it for a chance to win a raffle drawing.
8. No sales of fifty-fifty raffle tickets may occur after the raffle purchase period has been closed. A raffle drawing must only be conducted after all raffle sales units have completed their final sync to the system server to ensure all sold draw numbers have been printed into the receptacle.
9. The winning draw number must be verified with the system as a sold and valid draw number prior to payout. The player shall present the bearer ticket to the organization for validation with the winning draw number. Voided tickets and their draw numbers must not be qualified toward any prize.

**History:** Effective April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-05.1-03. Prize restrictions and requirements.**

1. Prizes must only be cash and must be fifty percent or more of gross proceeds for each single event raffle. However, a single cash prize may not exceed twenty-five thousand dollars and the total cash prizes may not exceed twenty-five thousand dollars during a day. Prize payouts must be based on ticket sales and not on cash retained by sellers. The maximum cash prize limits of this section do not apply to a public-spirited organization that supports amateur collegiate athletics. The public-spirited organization's primary purpose must include support of collegiate athletics.

2. A prize winner must be drawn on the date and at the location indicated on a bearer ticket.
3. The winning draw number must be selected from all sold draw numbers from the current single event raffle drawing.
4. The organization shall post or publish by a public means, the winning draw number and where the prize may be claimed. A winning player need not be present when a drawing is held but shall claim the prize within five business days. A statement of the time of the drawing and redemption period must be on all promotional material and be posted at a site. If a prize is not claimed due to time limitations, the organization shall contact the attorney general.
5. If there is a power failure or technical problem with the system and the system can no longer be used, the raffle drawing must not occur until the power or system has been restored and all purchased draw numbers have been printed into the receptacle. The attorney general is to be notified immediately if a raffle drawing occurs and the organization later determines that not all eligible draw numbers were placed into the draw container. The organization shall specify the total number and draw numbers of the affected tickets and provide an explanation for how the problem occurred.

**History:** Effective April 1, 2016; amended effective July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-05.1-04. Information on a bearer ticket.**

1. Name of organization and phone number.
2. License number.
3. The purchase price of each bearer ticket.
4. Draw numbers.
5. Location, date, and time of the drawing.
6. The time limit for the ticket buyer to claim a prize.

**History:** Effective April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

### **99-01.3-05.1-05. Recordkeeping.**

For each fifty-fifty single event raffle, records must include and be retained for three years from the end of the quarter in which the activity was reported, unless otherwise provided by rule:

1. The single event raffle accounting and operating records according to subsection 2 of section 99-01.3-16-09.5.
2. The daily starting and ending cash on hand records according to section 99-01.3-03-06.
3. A record identifying the allocation of draw numbers to each raffle sales unit and the seller's names assigned to each unit.
4. A reconciliation of cash received to the dollar value of draw numbers sold for each raffle sales unit and its sellers and in total for the single event raffle.
5. A reconciliation of all sold, voided, and unsold draw numbers to the total number of draw numbers that were available for sale for each single event raffle.
6. The actual winning draw number, bearer ticket showing purchase of the winning draw number, and all sold and voided draw numbers if the winning player is determined by drawing a draw number from a receptacle, which must be retained for one year from the end of the quarter in which the activity was reported on a tax return.
7. Prize register according to section 99-01.3-03-07 and record of win according to section 99-01.3-03-08.
8. Cash profit as defined in subdivision b of section ~~89~~ of section 99-01.3-02-01.
9. A summary of gross proceeds, prizes, adjusted gross proceeds, cash profit, cash long or short, and bank deposit. The summaries of all raffles for a quarter must reconcile to the tax return.
10. Ideal cash bank master records according to subsection 5 of section 99-01.3-03-09.
11. Verification of the amount deposited according to a bank statement, and an audit of the game's activity according to subsections 6 and 7 of section 99-01.3-03-10.

12. The count and reconciliation of cash banks according to subsections 5 and 7 of section 99-01.3-03-09.

**History:** Effective April 1, 2016; amended effective July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**CHAPTER 99-01.3-06**  
**PULL TABS, CLUB SPECIAL, TIP BOARD, SEAL BOARD,**  
**PRIZE BOARD, AND PUNCHBOARD**

Section

99-01.3-06-01	Games - Definitions
99-01.3-06-02	Conduct and Play
99-01.3-06-03	Recordkeeping

**99-01.3-06-01. Games - Definitions.**

This chapter applies to a licensed organization that conducts pull tabs, club specials, tip boards, seal boards, prize boards, and punchboards, ~~but not pull tabs or prize boards involving a dispensing device.~~ The maximum price per chance is two dollars. A prize board, club special, punchboard, seal board, and tip board are conducted as a single game which may have a cash or merchandise prize and one or more seal prizes. The value of a seal prize or a last sale prize may exceed the value of the top tier prize. For pull tabs described by subsection 3, only a cash prize can be awarded, not a merchandise or seal prize.

1. "Club special" means a placard used with pull tabs and it contains numbered lines and a seal covering the winning number of the top tier prize. A player may win a minor prize or, if the player has a pull tab with a number matching a predesignated number on the placard, would sign the player's full name on the line. Only one player's name may be signed on a specific line. When all the lines are signed, a seal is removed to reveal a winning line number. A player whose signature is on that line wins the seal prize. An organization is responsible for ensuring that a complete description and retail price of a merchandise seal prize, description of minor merchandise prizes, or cash prize to be awarded and cost per play is on a flare. The maximum number of pull tabs in a deal is five hundred. The maximum cash prize, last sale prize, or seal prize, including the retail price of a merchandise prize, is one hundred fifty dollars.
2. "Prize board" means a board used with pull tabs to award cash or merchandise prizes. Coins of various values may be affixed to the board and, under each coin, a cash prize value is preprinted on the board. A board must contain numbered lines and a seal covering a winning number. A player having a pull tab with a number matching a predesignated number on a board for a seal prize signs the player's full name on the numbered line or supplemental sheet. Only one player's name may be signed on a specific line. However, if a number or symbol matches a winning number or symbol assigned to a specific coin or minor prize, the player wins that coin or prize, and a cash prize value stated under the coin. A last sale prize may be awarded. When the board is closed, a

seal is removed to reveal the winning line number. A player whose signature is on that line wins the seal prize. No board may be closed unless all the top tier winning pull tabs have been redeemed, all the pull tabs are sold, all the seals have been opened, or the board has been conducted for ninety calendar days. An organization is responsible for ensuring that a complete description and retail price of a merchandise seal prize, description of minor merchandise prizes, or cash prize to be awarded and cost per play is on a board. A seal prize and a last sale prize are not considered top tier prizes. If a coin is not awarded, an organization shall determine the prizes to report on a tax return by prorating the total cost of the coins, according to their face value, of the coins that were awarded to the total face value of all the coins. An organization may use an unawarded prize in another game, sell the prize, or deposit the coin in the gaming account. The maximum number of pull tabs in a deal is two thousand. The maximum cash prize, last sale prize, or seal prize, including the retail price of a merchandise prize, is five hundred dollars.

3. "Pull tab" means a folded or banded ticket (jar ticket), a card with break-open tabs (pull tab), or a ticket with a latex covering. The terms "pull tab" and "jar ticket" are used interchangeably unless otherwise stated. A winning pull tab contains certain symbols or numbers and may contain multiple winning symbols or numbers. A pull tab game must be played with two or more deals commingled at any time. The maximum cash prize for a winning symbol or number on a pull tab or last sale prize is five hundred dollars.
4. "Punchboard" means a board comprised of holes that contain numbered slips of paper (punches). A punchboard may include a seal prize, and more than one last sale prize if the punchboard is split into more than one section. An employee or player extracts a punch from the punchboard. If the number on the punch matches a number on a flare, the player wins a prize. No punchboard may be closed unless all the top tier winning punches have been redeemed, all the punches are sold, or the punchboard has been conducted for ninety calendar days. A seal prize and a last sale prize are not considered top tier prizes. An organization is responsible for ensuring that a complete description and retail price of a merchandise seal prize, description of minor merchandise prizes, or cash prize to be awarded and cost per play is on a board. The maximum cash prize, seal prize, or last sale prize, including the retail price of a merchandise prize, is five hundred dollars.
5. "Seal board" means a placard containing consecutively numbered lines. A seal covers the winning number. A player buys a blank "line" and signs the player's full name on it. Only one player's name may be signed on a specific line. After all the lines are signed, the seal is removed to reveal the winning line number. An organization is responsible for ensuring that a complete description and retail price of a merchandise seal prize or cash prize to be awarded and cost

per play is on a board. The maximum seal cash prize or retail price of a merchandise prize is five hundred dollars.

6. "Tip board" means a placard to which jar tickets or pull tabs are attached. A seal covers the winning number of the top tier prize. A player may win a minor prize or, if the number of a player's jar ticket matches a number on the placard, the player signs the player's full name on the line. Only one player's name may be signed on a specific line. After all the lines are signed or all the pull tabs have been sold, the seal is removed to reveal the winning number. An organization is responsible for ensuring that a complete description and retail price of a merchandise seal prize, description of minor merchandise prizes, or cash prize to be awarded and cost per play is on a board. The maximum number of jar tickets or pull tabs in a deal is five hundred. The maximum cash prize, seal prize, or last sale prize, including the retail price of a merchandise prize, is one hundred fifty dollars.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-08

#### **99-01.3-06-02. Conduct and play.**

1. Deals of pull tabs must be commingled for a game as follows:
  - a. Two or more deals must be placed in a receptacle and be thoroughly intermixed. When an organization's predetermined number or range of numbers of winning pull tabs remain in a game as unredeemed, an additional deal is added. An employee shall add a deal to a game when there are about two hundred fifty pull tabs remaining and the game cannot be or is not being closed. The new pull tabs must be intermixed with the pull tabs in the receptacle before any pull tab is sold;
  - b. The deals must be identical except for the game serial number, and a minor difference in printing that is approved by the attorney general. Each deal must have at least two top tier winning pull tabs. If deals of a game involve folded or banded jar tickets, the color of the tickets' band must be the same; however, multiple-colored bands on a single ticket may be used. When a deal is added to a game, an employee shall compare the color of a deal's pull tabs to the color of the game's pull tabs. If the two colors are not the same, the deal cannot be used;
  - c. A master flare or flare for at least one deal of a game must be displayed with the game and be visible to and not easily removed by a player. An

organization shall retain all original flares at a site while a game is in play. If a deal has a last sale prize feature, the deal's flare must also be displayed. Only the flare of one deal of a game may have a last sale prize feature;

- d. If an indicator for adding a deal to a game has been reached and an organization does not have a deal to add, the organization shall temporarily suspend the game until it procures a deal. However, if the organization is unable to procure a deal from the distributors and all the top tier winning pull tabs have been redeemed, it may close the game;
  - e. If a site's total gross proceeds of pull tabs averages twelve thousand five hundred dollars or less per quarter, a game may be closed anytime if all top tier winning pull tabs have been redeemed;
  - f. Except as provided by subdivision g, if a site's total gross proceeds of pull tabs averages more than twelve thousand five hundred dollars per quarter, no game may be closed unless an organization discontinues gaming at the site, or all the top tier winning pull tabs have been redeemed and a game has been in play for twenty-five consecutive calendar days; and
  - g. An organization shall close a game by the end of a quarter. If all top tier winning pull tabs have been redeemed, an organization may close a game for the quarter within fourteen calendar days before the end of that quarter. An organization may start a new game for the next quarter within fourteen calendar days before the next quarter begins. However, an organization may not start a new game and end that game within this fourteen-calendar-day period.
2. An employee may not place a deal of pull tabs, club special, or prize board in play which has a manufacturer's or distributor's seal broken on the game's container when the game was received from a distributor. A person may not take off a deal's manufacturer's cellophane shrink wrap or break the manufacturer's or distributor's security seal on the deal's container until the deal is to be placed in a receptacle. If a distributor's or manufacturer's security seal is broken before the deal is used, an organization shall return the deal to the distributor. If a deal is packaged in two or more containers, the full deal must be placed in play at the same time.
  3. The following rules, information, and policies must be posted or made available to players in the area where pull tab activity is conducted. If made available to players, the rules, information, and policies must be in the form of a handout



that is easily visible to the players and may not be a copy of the gaming law and rules:

- a. Restricting the play of a game to one player or a group of players is prohibited;
- b. A winning pull tab must be redeemed within a fifteen-minute time limit;
- c. If a person knowingly solicits, provides, receives, or knowingly uses any inside information, from or to any person, by any means, or knowingly uses a fraudulent scheme or technique to cheat or skim involving pull tabs, regardless of the amount gained, the offense is a class C felony punishable by a five thousand dollar fine or five years in jail or both;
- d. A pull tab cannot be redeemed if it has been taken from the gaming area;
- e. To the best of the organization's knowledge, a prize remaining on a board relates to a winning pull tab that has not been redeemed. This rule is not required to be posted or made available to players if an organization does not conduct a prize board;
- f. A deal may be added to a game at any time;
- g. If a player attempts to falsify or falsifies a record of win, the prize is forfeited. This rule is not required to be posted or made available to players if an organization does not pay a prize that requires a record of win;
- h. For any last sale prize, the method of determining which player is entitled to buy the last pull tab or punch for a last sale prize when two or more players desire to buy the last pull tab or punch;
- i. The information, if any, authorized by subdivision a or b, or both, of subsection 5;
- j. Any limit on the number of pull tabs or punches that a player may buy at a time; and
- k. When a game is being closed, an employee shall:
  - (1) Post a notice that the game is being sold out; and
  - (2) Any limit on the number of pull tabs or punches that two or more players may buy at a time.

4. A player may not redeem and an employee may not knowingly pay a prize for a pull tab after fifteen minutes have elapsed since the pull tab was bought. If a player attempts to redeem a pull tab after the time limit, an employee shall, if possible, retain and void the pull tab.
5. A person may post the information referenced by subdivision a or b, or both, for a commingled game provided that the posting contains a statement that the information is correct to the best of the organization's knowledge and that the information is not guaranteed to be accurate. A posting must be visible to players in the area where jar bars are located and where the game type is conducted. If an organization does not have a policy on when to stop posting this information when a game is being closed, it shall stop posting the information when there are less than six winning pull tabs, through a level of prize value determined by the organization, that remain unredeemed. Posted information may be as described in subdivision a or b, or both:
  - a. The minimum number of unredeemed winning pull tabs or a range of numbers of unredeemed winning pull tabs, through a level of prize value determined by an organization, that will always be in a game unless the game is being closed. This information may be for each prize value or the total of several prize values. The level of prize value must be posted. If a pull tab has two or more winning prize patterns, the information must be based on the value of each prize pattern.
  - b. The number of unredeemed winning pull tabs, through a level of prize value determined by an organization, that remain in a game. This information may be for each prize value or the total of several prize values. The level of prize value must be posted. If a pull tab has two or more winning prize patterns, the information must be based on the value of each prize pattern. The information must be continually updated.
6. An organization may limit the number of pull tabs a player may buy regardless if the player is redeeming a winning pull tab.
7. An employee may not selectively pick a pull tab from a receptacle based on its game serial number or other factor. An employee shall take a handful of pull tabs from a receptacle and count off the number bought. An employee may not permit a player to physically handpick a pull tab or honor a player's request to select a specific pull tab. However, an employee may honor a player's suggestion to select a pull tab from a general area of a receptacle. In applying subsection 2 of North Dakota Century Code section 53-06.1-16, the phrase "fraudulent scheme or technique" includes an employee selecting, by any

method, only certain pull tabs in a game or an employee not thoroughly intermixing pull tabs of the initial or added deals.

8. An employee may only assist a person with a disability in opening a pull tab.
9. An employee shall deface a winning number or symbol of a pull tab, including pull tabs used with a prize board, and punchboard punch when it is redeemed. If a pull tab has two or more winning prize patterns, a winning number or symbol of at least one pattern must be defaced. An employee may not knowingly pay a prize to a player who is redeeming a pull tab that has been defaced, tampered with, counterfeited, has a game serial number different from the serial numbers of the deals in the game, or is defective.
10. If a player buys a set of banded jar tickets and before opening or breaking the band of any jar ticket, determines that the set contains less than the standard number of tickets, an employee may issue the player only the number of tickets actually missing or may issue the player a new set in exchange for the defective set.
11. When a game is being closed, an organization may continue to conduct the game although all of its top tier and minor winning pull tabs have been redeemed. An employee may not permit a player to buy out a game except when a game is being closed. If an organization closes a game that has pull tabs unsold, it may not open or place the pull tabs back into play.
12. Unless an organization conducts a commingled game according to subdivision e of subsection 1 or closes a commingled game at least monthly, an employee who did not conduct the game, have sole access to the games in play, cash banks, and receipts or cash profit for the games, shall do a monthly interim audit of the game. If the percent-of-accuracy of all the games of a site for the previous quarter was less than ninety-eight and one-half percent, and a cash shortage of more than one hundred dollars, an employee who did not conduct the game, have sole access to the games in play, cash banks, and receipts or cash profit for the games, shall do a weekly interim audit of the games for that site for up to twelve continuous weeks or until the organization determines, resolves, and documents the cause. One of the weekly interim audits may be the audit required by subsection 7 of section 99-01.3-03-10. An organization shall start the weekly audits no later than the date on which its tax return for the quarter was filed with the attorney general. Percent-of-accuracy is computed as cash profit divided by adjusted gross proceeds.
13. An employee shall award the last sale cash or merchandise prize to the player who actually buys the last pull tab or punch.

14. An organization may transfer a commingled game, club special, tip board, seal board, prize board, and punchboard from a site to another site, or rotate games among sites. If an organization discontinues gaming at a site, it may close a game. If a game is in the process of being conducted through a jar bar, the game cannot be transferred to a dispensing device. A game must be reported for the site at which it was closed and on a tax return for the quarter in which it was closed.
15. An employee may not pay, from any source of funds, a prize to a player unless the player redeems an actual winning pull tab that has a game serial number from a game conducted at the site. This rule does not apply to a last sale prize.
16. Before leaving a jar bar unattended, an employee shall safeguard the games, cash, and records.
17. An organization may not publicly display a redeemed pull tab.
18. An organization or employee may not reimburse, from any source of funds, an amount to a player for play of a game that has a manufacturing defect or has an incorrect posting of information described by subsection 5, unless the attorney general approves.
19. If an organization suspects or determines that a game may be defective, the organization shall temporarily suspend the game, notify the attorney general, and follow the attorney general's instructions.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-08

### **99-01.3-06-03. Recordkeeping.**

Records must include and be retained for three years from the end of the quarter in which the activity was reported, unless otherwise provided by rule:

1. All redeemed and unsold pull tabs or punches for a game must be retained as documentation for gross proceeds and prizes for one year from the end of the quarter in which the activity was reported on a tax return.
2. For a commingled game, an accounting of each deal's, shift's, or day's redeemed pull tabs, including the number by prize value, total prizes, and number of redeemed top tier pull tabs by game serial number. This accounting must be consistent and be done each time a deal is added to a game, a shift ends, or at

the end of each day. If the accounting is done each time a deal is added to a game, the redeemed winning pull tabs for the period must be grouped separately and retained with all other groups of pull tabs of that game. If the accounting is done at the end of each shift or day, the redeemed winning pull tabs for each shift or day must be banded and each banded group must be dated with the date of activity and be retained in a storage container with all other banded groups of that game. For each game, there must be a daily accounting of deals added to a game, by gaming stamp and game serial numbers, and of the cash profit and bank deposit.

3. For a club special, tip board, seal board, prize board, and punchboard, an accounting of prizes, by state gaming stamp number.
4. A daily accounting of starting and ending cash on hand and IOU records according to section 99-01.3-03-06.
5. For a deal of pull tabs or prize board, the game information sheet, flare with the state gaming stamp affixed, and one master flare; and for a club special, tip board, punchboard, and seal board, the flare, with the state gaming stamp affixed.
6. A summary of ideal gross proceeds, value of unsold pull tabs or punches, gross proceeds, prizes, adjusted gross proceeds, cash profit, cash long or short, and bank deposit. The summaries for a quarter must reconcile to the activity reported on the tax return.
7. Record of win according to section 99-01.3-03-08.
8. Inventory records according to subsection 1 of section 99-01.3-03-09.
9. Ideal cash bank master records according to subsection 5 of section 99-01.3-03-09.
10. An organization approved by the attorney general to use a combined cash bank for pull tab games at a site shall document the allocation of cash profit to each game based on the ratio of a game's adjusted gross proceeds to the total adjusted gross proceeds of all the games.
11. For a commingled game, club special, tip board, seal board, prize board, and punchboard the cash profit as defined in subdivisions c, f, and g of subsection 89 of section 99-01.3-02-01.
12. Interim audit records according to subsection 12 of section 99-01.3-06-02.

13. Verification of the amount deposited according to a bank statement, and an audit of the game's activity according to subsections 6 and 7 of section 99-01.3-03-10.
14. Purchase invoice or receipt documenting the cost and description of a merchandise prize.
15. The count and reconciliation of deals, games, and cash banks according to subsections 1, 5, and 7 of section 99-01.3-03-09.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

## CHAPTER 99-01.3-06.1 ELECTRONIC PULL TAB DEVICES

### Section

99-01.3-06.1-01	Electronic Pull Tab Devices
99-01.3-06.1-02	Use and Requirements of an Organization
99-01.3-06.1-03	Requirements of a Bar
99-01.3-06.1-04	Requirements of a Bar and an Organization
99-01.3-06.1-05	Recordkeeping

### **99-01.3-06.1-01. Electronic pull tab devices.**

"Electronic pull tab device" means a device, approved by the attorney general, which electronically displays pull tabs. The device is part of an electronic pull tab device operating system used in the conduct of electronic pull tabs. After the insertion of cash or the manufacturer's credit ticket voucher into the electronic pull tab device's currency validator, the player has access to a credit account allowing for the purchase and play of an electronic pull tab. Following the play of an electronic pull tab on an electronic pull tab device, the result must be clearly shown on the video display along with any prizes that may have been awarded. If a winning combination of numbers, letters, or symbols is displayed after opening the electronic pull tab, ~~a player wins credits~~ the player's winning prize amount must be dispensed in the form of a credit ticket voucher or added to the credit meter. Credits that are displayed on the credit meter ~~and~~ can be used to purchase more electronic pull tabs or cashed out to a credit ticket voucher which can be redeemed for cash. may be redeemed for cash or inserted for credits in the manufacturer's electronic pull tab device.

**History:** Effective July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

### **99-01.3-06.1-02. Use and requirements of an organization.**

1. An organization may not install more than ten electronic pull tab devices in a site. A site must be a permanent location and cannot be a temporary location such as a fairground or special event. A device must be clearly labeled so as to inform the public that no one under twenty-one years of age is allowed to play.
  - a. An electronic pull tab device must be a stand-alone cabinet style device. No device may be a hand-held portable device or affixed to a bar, counter, or table top.
  - b. An electronic pull tab device must be used only to play electronic pull tabs. No other game type may be played on the device and no level of

player skill may be involved in the determination of any pull tab prize. A device may not be part of a progressive system or employ any other features, such as bonus plays or promotions. An extended play feature may be used in which a player may play without additional consideration. An extended play feature must not interfere with or in any way affect the outcome of any finite game being played. If an extended play feature is used a notification must be provided to the player explaining that an extended play feature is used on the game and that "Extended play features prolong the play of an electronic pull tab ticket but do not award a prize in addition to the predetermined prize for that ticket."

- c. Insertion of United States paper currency or the manufacturer's credit ticket voucher ~~only~~ must be accepted through the electronic pull tab device's currency validator to initiate play.
  - d. An electronic pull tab device may not directly dispense coins, cash, tokens, or anything else of value other than a credit ticket voucher.
2. An organization may not have more than ~~six~~twelve electronic pull tab game titles selectable for play on an electronic pull tab device operating system at a site. Only one of the games can be selected for play on an electronic pull tab device at any given time. A winning line or pattern on an electronic pull tab may be made up of a combination of numbers, letters, or symbols. A winning electronic pull tab may have more than one winning line or pattern. Each winning line or pattern on a winning pull tab constitutes an individual win. Game themes must not contain offensive or obscene graphics, animations, or references.
  3. An organization may only~~may~~ conduct electronic pull tab device activity during the hours when alcoholic beverages may be dispensed according to applicable regulations of the state, county, or city. A device must be programmed to not allow play during hours when alcoholic beverages may not be dispensed.
  4. The following rules must be posted on or near an electronic pull tab device and must be visible to the player:
    - a. A player may play only one electronic pull tab device at a time;
    - b. An electronic pull tab device may not be reserved. However, a device may be held for an active player for no more than fifteen minutes;
    - c. A credit ticket voucher is only valid and must be redeemed on the same business day as it was printed; ~~and~~



- d. If a credit ticket voucher leaves the site it is void, the device system must void any outstanding vouchers at the end of the business day; and
  - de. If a person knowingly solicits, provides, or receives any inside information, by any person, by any means, or knowingly uses a fraudulent scheme or technique to cheat or skim involving electronic pull tabs, regardless of the amount gained, the offense is a class C felony punishable by a five thousand dollar fine or five years in jail, or both.
5. An organization shall maintain custody of all keys to an electronic pull tab device. A bar employee may not have access to a device. The keys for each lock on a device must be keyed differently, including the lock for a device's outer door and the inner compartments that must separately house the computer logic ~~and server~~ area and currency validator stacker area. Access to the site server must be restricted to authorized individuals of the organization only. An organization may not provide an independent service technician keys to access an electronic pull tab device or site server, regardless if the electronic pull tab device operating system is leased.
  6. An organization or employee may not modify the assembly or operational functions of an electronic pull tab device.
  7. An organization may not post nor may an electronic pull tab device be capable of displaying any game information relating to electronic pull tab device activity, including the number of unsold pull tabs or the number and value of prizes remaining in a game.
  8. An organization shall use the attorney general's current recordkeeping system for electronic pull tab activity unless approval is obtained from the attorney general for use of another system.
  9. For each manufacturers electronic pull tab device operating system used to conduct electronic pull tabs at a site, an organization shall:
    - a. Withdraw currency and credit ticket vouchers redeemed for credit from ~~an each~~ electronic pull tab device within a seven-calendar-day interim period at a site. ~~Electronic~~An electronic pull tab device operating system must be made non-operational and electronic pull tab activity at a site must be suspended during the period of time when currency is being withdrawn from a device and credit ticket vouchers are bought back.
    - b. Generate and print an interim period electronic pull tab device activity report for ~~each device at~~ a site according to subdivision a of subsection

1622 of section 99-01.3-16-09.6. The information from this report must be recorded on an interim period site summary. ~~After completion of the interim period site summary, all~~The system generated interim period electronic pull tab device activity ~~reports~~report must be attached and retained with the completed interim period site summary.

- c. From the interim period site summary, post to a summary report – all games, total game activity information, including gross proceeds, prizes, adjusted gross proceeds, cash profit(loss), and cash long—or shortlong(short) for each—gameall games conducted at a site ~~must be posted to a game summary report maintained for each game. The game summary report – all games~~ must include cumulative totals for each. ~~Total cash profit for the interim period at a site is allocated to each game based on the ratio of a game's adjusted gross proceeds to the total adjusted gross proceeds of all the games~~gross proceeds, prizes, adjusted gross proceeds, cash profit, and cash long(short).
  - d. Report the total electronic pull tab activity for all manufacturers each quarter for all games conducted at a site on the gaming tax return. Except for cash profit, all game information is taken from the system generated electronic pull tab closed game summary report, according to subdivision d of subsection 22 of section 99-01.3-16-09.6. Total cash profit for all games is taken from the summary report—all games.
10. An organization shall have a rental agreement conforming to section 99-01.3-02-06.
  11. An organization shall maintain an access log prescribed by the attorney general for each electronic pull tab device. A person who accesses a device shall record the reason for access and date and initial the log. An organization shall retain the log in the device during the quarter of activity.
  12. Credit ticket vouchers redeemed for cash, may be ~~redeemed~~ paid by an organization employee when on duty, by a bar employee, or by both.
  13. For the redemption of credit ticket vouchers by organization employees at a site, an organization shall maintain one cash bank for each ~~different manufacturer's devices~~manufacturers electronic pull tab device operating system.
  14. An organization may provide a bar with a temporary loan to enable a bar employee to redeem a credit ticket voucher. A loan and any increase in the loan must be made by check payable to the bar and be interest free. An organization may not access, count, or take custody of the loaned money. The duration of

the loan must be until the organization discontinues conducting electronic pull tabs at the site. When the bar repays the loan, the organization shall deposit the funds in its gaming account and the deposit slip must reference the site, source of funds, and amount. The amount reimbursed to a bar must equal the dollar value of redeemed credit ticket vouchers which the bar provides to an organization. An organization employee may not use a bar's loan for redeeming a credit ticket voucher.

15. If a theft of currency occurs from an electronic pull tab device at a site, an organization ~~immediately~~ shall immediately discontinue ~~and close all~~ electronic pull tab ~~games~~ activity at the site associated with that manufacturer's devices, contact their distributor and, generate an interim period electronic pull tab device activity report according to subdivision a of subsection 22 of section 99-01.3-16-09.6, and electronic pull tab closed game summary report according to subdivisions a and d of subsection 16 of section 99-01.3-16-09.6. The organization shall provide a copy of all of this information to a local law enforcement agency and the attorney general.
16. A game must be conducted and played through an electronic pull tab device as follows:
  - a. Each electronic pull tab deal must contain a fixed number of tickets. The maximum number of pull tab tickets per electronic deal may not exceed fifteen thousand and the minimum may not be less than two thousand.
    - (1) All electronic pull tabs in a particular deal must be of the same purchase price and may not exceed the maximum two dollars sale price per pull tab as set forth by North Dakota Century Code section 53-06.1-08;
    - (2) The maximum prize amount awarded for a winning combination of numbers, letters, or symbols on each electronic pull tab may not exceed five hundred dollars as set forth by North Dakota Century Code section 53-06.1-08;
    - (3) A deal must have at least two top tier winning pull tabs;
    - (4) Each deal may not pay out more than ninety percent of gross proceeds;
    - (5) Each deal must be assigned a unique serial number; and
    - (6) Each deal must be assigned a unique state gaming stamp number by the distributor prior to delivery to the organization site server.

- b. ~~All games of electronic pull tabs of the same manufacturer at a site must be put into play and started at the same time.~~ For the start of each electronic pull tab game, at least two, and no more than two electronic pull tab deals must be commingled on the site server for each game. The game deals must be identical, which includes game identification, deal version, manufacturer, game name, total number of electronic pull tabs, purchase price per electronic pull tab ticket, and prize structure.
- c. For each electronic pull tab ~~game of the same manufacturer~~, when the unsold tickets of the original starting identical two deals reach two thousand pull tab tickets remaining, at least one full deal but no more than one additional identical deal of the same game must be automatically downloaded onto the site server and commingled with the remaining two thousand tickets of that game. Each time the two thousand ticket threshold is reached, an additional deal must automatically be downloaded and commingled with the remaining electronic pull tab tickets in the game continuously throughout the entire quarter.
- d. No electronic pull tab game may be closed during a quarter unless approved by the attorney general and all games of the same manufacturer at a site must be closed at the same time within fourteen calendar days from the end of the quarter. An organization may start new games for the next quarter within the fourteen days before the next quarter begins, however, it may not start new games and end the games within this fourteen calendar day period. Once closed, a game and its deals cannot be reopened.
- e. ~~When~~For each interim visit or when the electronic pull tab games are closed an employee shall buy back all ~~remaining~~ credit ticket vouchers from the organization employee cash bank, ~~and~~ from a bar. The game must be reported on a gaming tax return for the site at which it was closed.
- f. At the end of each month, an independent audit person of the organization shall reconcile the ~~game~~-summary report - all games to the monthly interim audit report according to subdivision c of subsection 1622 of section 99-01.3-16-09.6. At the end of the quarter, after ~~a game has~~ all games have been closed, the independent audit person shall reconcile the ~~game~~-summary report - all games to the electronic pull tab closed game summary report according to subdivision d of subsection 1622 of section 99-01.3-16-09.6. The electronic pull tab closed game summary report may not be generated or printed prior to ~~an~~all

electronic pull tab ~~game~~games being closed. Doing so will cause immediate and automatic termination of a ~~game~~all games. All reconciliations must be dated and signed by the independent audit person.

17. If a site closes or if an organization discontinues gaming at a site, it must generate an interim period electronic pull tab device activity report according to subdivision a of subsection 22 of section 99-01.3-16-09.6, close all electronic pull tab games, and generate an electronic pull tab closed game summary report according to subdivision d of subsection 22 of section 99-01.3-16-09.6.

~~17~~18. The organization immediately shall shut down an electronic pull tab device operating system and notify the attorney general if it detects or discovers any defect, malfunction, or problem with an electronic pull tab operating system, electronic pull tab device, or electronic pull tab game that affects the security or the integrity of the game. The organization shall also immediately notify their distributor of the defect, malfunction, or problem.

**History:** Effective July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

### **99-01.3-06.1-03. Requirements of a bar.**

1. A bar shall:
  - a. Place an electronic pull tab device in a location where alcoholic beverages are dispensed and consumed and where a bar employee will regularly observe the device. No device may be placed outside or in a patio area;
  - b. Prohibit a person from tampering or interfering with the operation or play of an electronic pull tab device;
  - c. Ensure that an electronic pull tab device is disabled from play unless alcoholic beverages may be dispensed, a bar employee is available to redeem a credit ticket voucher, and a bar has cash on hand to redeem a credit ticket voucher;
  - d. Absorb a loss related to a counterfeit or lost credit ticket voucher, redeemed credit ticket voucher that was not issued at the site on that day, and loss or theft of the temporary loan of funds;

- e. Repay an organization's temporary loan of funds immediately upon request from the organization that discontinues conducting electronic pull tabs at a site;
  - f. If a malfunction of an electronic pull tab device is known by the bar or its employee, disable play of the device and promptly notify the organization. Otherwise, the bar or its employee is responsible for any cash shortage; and
  - g. Use an organization's loan of money only to redeem a credit ticket voucher. If the bar violates this rule, the attorney general may suspend any or all games at the site for up to six months.
2. A bar employee may not access, attempt to access, or permit a person, other than an employee of an organization, to access the interior of an electronic pull tab device for any reason.
  3. If a bar employee believes there is a problem with an electronic pull tab device or ~~there is a problem~~ with a redeemed credit ticket voucher, the bar employee shall contact the charitable gaming organization and may disable the device ~~from play~~.
  4. A bar may accept or not accept a gaming-related check from a player. A player's check must be payable to a bar. A bar is responsible for a player's check returned by a financial institution as uncollectible. A bar may allow a player to buy back the player's check with cash and may return a player's check to the player as part of the redemption of a credit ticket voucher.
  5. Only a bar employee who is authorized by a bar may redeem a credit ticket voucher.
  6. A bar employee may not summarize or audit an electronic pull tab game for an organization.

**History:** Effective July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-06.1-04. Requirements of a bar and an organization.**

1. A bar employee or an organization employee shall ensure that a credit ticket voucher presented for redemption is valid. This includes ensuring the voucher was issued by an electronic pull tab device at the site and on the date it is presented for redemption. A valid credit ticket voucher must be paid with cash

and must have the date and initials of the person who redeemed the credit ticket voucher printed on it.

2. A bar employee or an organization employee may not:
  - a. Knowingly redeem a credit ticket voucher that has been defaced, tampered with, or counterfeited. If a player attempts to redeem a voucher that has been defaced, tampered with, or counterfeited, a bar employee or an organization employee, if possible, shall retain and void the credit ticket voucher;
  - b. Knowingly redeem a credit ticket voucher that was issued at another site or a voucher that was issued prior to the business day presented for redemption. If a player attempts to redeem a voucher that was issued prior to the business day presented for redemption, a bar employee or an organization employee, if possible, shall retain and void the credit ticket voucher; and
  - c. Pay, from gaming funds or any other source, moneys to a player unless the player redeems an actual valid credit ticket voucher issued by an electronic pull tab device at the site and on the ~~date~~business day it is presented for redemption.
3. If an electronic pull tab device malfunctions, is inoperable, and a player has credit on the device, a bar employee or an organization employee shall pay the player for the player's unplayed credits and record the refund on a credit redemption register. A bar shall provide this form to an organization to claim a reimbursement. If a player's currency jams in a currency validator and a device does not show a credit, a bar employee may not reimburse a player, and shall record the jam on a credit redemption register and notify an organization. If an organization determines that a device is cash long, the organization shall reimburse a player by cash or check.
4. A bar employee and an organization employee shall document and attest to the number of and total dollar value of redeemed credit ticket vouchers that are exchanged for cash or check. These credit ticket vouchers must be grouped, banded, dated, and retained separate from other credit ticket vouchers redeemed for credit through an electronic pull tab device, that an organization employee ~~may have~~ redeemed, by interim period.
5. An organization shall provide a bar employee and a bar shall maintain a current copy of subsection 8 of section 99-01.3-02-03 and sections 99-01.3-02-05, 99-01.3-02-09, 99-01.3-06.1-03, and 99-01.3-06.1-04 regarding the bar employee's and bar's duties and restrictions.

**History:** Effective July 1, 2018.  
**General Authority:** NDCC 53-06.1-01.1  
**Law Implemented:** NDCC 53-06.1-01.1

### **99-01.3-06.1-05. Recordkeeping.**

Records must include and be retained for three years from the end of the quarter in which the activity was reported, unless otherwise provided by rule:

1. An interim period electronic pull tab device activity report according to subdivision a of subsection ~~1622~~ of section 99-01.3-16-09.6. The report must be generated and printed for ~~each device at a site~~ each interim period.
2. Interim period site summary form. The information from ~~each~~the interim period electronic pull tab device activity report must be recorded on this form each interim period and must include totals for ~~each~~all electronic pull tab ~~game~~games conducted at the site, including gross proceeds, prizes, and adjusted gross proceeds ~~and totals for all games~~. It also must include total cash and credit ticket vouchers redeemed for credit in each electronic pull tab device and in total, total credit ticket vouchers redeemed, including bar redeemed, ~~and~~ organization employee redeemed if applicable, total credits paid if applicable, employee cash ~~long or short~~long(short) if applicable, cash profit(loss) or loss, cash long(short), and bank deposit.
  - a. ~~All~~The system-generated interim period electronic pull tab device activity ~~reports~~report and interim period credit ticket voucher redemption report must be attached and retained with the interim period site summary.
  - b. All redeemed credit ticket vouchers credited through an electronic pull tab device, and exchanged for cash, bar, ~~and~~ organization, redeemed, must be retained with the interim period site summary.
3. ~~Game summary~~Summary report for ~~each game - all games~~. The total game activity information from each interim period site summary, including gross proceeds, prizes, adjusted gross proceeds, cash profit(loss), and cash ~~long or short~~long(short) for ~~each game~~all games conducted at a site must be posted to a game-summary report - all games. The game-summary report - all games must include cumulative totals. ~~Total cash profit for the interim period at a site is allocated to each game based on the ratio of a game's adjusted gross proceeds to the total adjusted gross proceeds of all the games for gross~~ proceeds, prizes, adjusted gross proceeds, cash profit(loss), and cash long(short).



4. If an organization employee redeems credit ticket vouchers at a site, a daily employee report documenting the starting and ending cash on hand, IOU records according to section 99-01.3-03-06, and the number of and total dollar amount of credit ticket vouchers redeemed, credits paid, and cash long or short.
5. If an organization has established a runner cash reserve bank for the buyback of credit ticket vouchers, for each interim period visit, an accounting of the starting and ending cash on hand according to subsection 2 of section 99-01.3-03-06 must be completed.
56. Credit redemption register, including the date, device ID or serial number, amount, if credits were still on the electronic pull tab device, player's name and signature, signature or initials of person who paid the player, bar reimbursement information if applicable, and date paid.
67. Cash profit as defined in subdivision e of subsection ~~89~~ of section 99-01.3-02-01.
78. An electronic pull tab closed game summary report according to subdivision d of subsection ~~1622~~ of section 99-01.3-16-09.6. This report must be generated for each manufacture and printed after each all electronic pull tab ~~game~~ games are closed at a site. Printing the report prior to ~~an all~~ electronic pull tab ~~game~~ games being closed will cause immediate and automatic termination of ~~a game~~ the games. The ~~summaries of~~ electronic pull tab game summary reports for all electronic pull tab games ~~for~~ conducted during a quarter must reconcile to the amounts reported on the gaming tax return.
89. Access log for each electronic pull tab device, which includes the date, time, reason for entry, and initials of the employee who accessed the device.
- ~~910.~~ Deals in play report according to subdivision b of subsection ~~1622~~ of section 99-01.3-16-09.6., if requested by the attorney general. The report must be generated and printed for each game at a site at the end of each month and retained with the records for the game.
- ~~1011.~~ Monthly and quarterly audit and reconciliation records according to subdivision f of subsection 16 of section 99-01.3-06.1-02.
- ~~1112.~~ Ideal cash bank master records according to subsection 5 of section 99-01.3-03-09.
- ~~1213.~~ Verification of the amount deposited according to a bank statement and an audit of each electronic pull tab game's activity according to subsections 6 and 7 of section 99-01.3-03-10.

~~13~~14. The count and reconciliation of cash banks according to subsections 5 and 7 of section 99-01.3-03-09.

**History:** Effective July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**CHAPTER 99-01.3-07**  
**SPORTS POOLS**

Section

99-01.3-07-01        Sports Pool  
99-01.3-07-02        Recordkeeping

**99-01.3-07-01. Sports pool.**

A "sports pool" is comprised of wagers paid by players for a line or square that will determine which player wins. The maximum cost per line or square is twenty-five dollars. The conduct of a sports pool is the selling of chances on the board and awarding of a prize. Only cash prizes can be awarded. No sports-pool board with the state gaming stamp affixed may be conducted off of a site. ~~However, an organization with a local permit may conduct a calendar sports pool off of a site.~~ A licensed organization and organization with a permit must obtain sports pool boards from a licensed distributor.

1. A sports-pool board must be a multiple line or multiple square board based on the professional sporting event, provide for an equal chance for each player to win, and be acquired from a distributor.
2. An organization shall complete the cost per play, date of sports event, ideal prizes, and method of prize payout on a board. An employee of a lessor may sell chances on a board, but not award prizes, at the site for the organization authorized to conduct games at the site. The method of prize payout may be at periodic intervals or the end of an event. The total payout cannot exceed ninety percent of the gross proceeds.
3. An organization shall designate one opponent along the vertical columns of numbers and the other opponent along the horizontal rows of numbers. However, if the opponents are unknown when the board is being sold, an organization shall designate identifiable conferences, divisions, or events. A player who buys a square or line or an employee shall write the player's full name in that square or on that line. Only one player may buy a specific square or line. Except for a calendar sports pool, no tapes may be removed until all the squares or lines are sold and the opponents are designated. All the squares or lines must be sold before the sports event begins. If all the squares or lines are not sold, an organization may advance the board to another event or refund the players' money. If opponents were designated but the board is advanced to another event, an organization may keep the same opponents or designate new opponents. When an unsold board is advanced to another event, an organization shall post a notice on a site disclosing its policy of advancing the board. Gross proceeds must be separately maintained for each board.

4. An organization may conduct a calendar or master sports pool for two or more events of the same sport. An organization shall use one board for each event and buy the necessary number of boards before selling any square. For example, if a sports pool involves sixteen events, an organization shall buy sixteen boards. A player buys the same square on each board for all the events. Each board is reported separately on a tax return for the quarter in which the event was held.
5. A calendar sports pool must be conducted as follows:
  - a. The tapes covering the numbers assigned the horizontal rows and vertical columns of the boards must be removed to reveal the numbers. One opponent must be designated along the vertical columns of numbers and the other opponent designated along the horizontal rows of numbers. The board must state the event and its date;
  - b. Each square of each board must be assigned a consecutive number starting with number one. The numbering must be in sequence, left to right;
  - c. Each board must be printed and may be reduced in size. The quantity printed is based on the type of board. For example, for a one hundred square board, each board must be printed one hundred times. A printed board for each event and a receipt comprise a book;
  - d. A receipt must contain:
    - (1) A consecutive receipt number starting with one. A statement that the receipt number is the player's assigned square for all the boards in the book;
    - (2) Name and address of organization and name of site;
    - (3) For a licensed organization, print "office of the attorney general" and site license number. For an organization that has a permit, print the name of the city or county and permit number;
    - (4) Price of the book, method of prize payout and prize; and
    - (5) A detachable section containing a player's full name, address, telephone number, and matching receipt number which is retained by an organization;

- e. An employee may not sell a book on a site where another organization is licensed or has a permit unless the employee is granted permission by the lessor and other organization;
  - f. A player may not choose a particular book to buy. When a book is sold, a receipt's detachable section is completed. After a player buys a book, the player may see the numbers assigned that player's square on the boards;
  - g. For a licensed organization, a board must be posted at the site on the day that the related event is held; and
  - h. If all the books of a calendar sports pool are not sold before the first event, an organization shall refund the players' money and void all the boards. The voided boards must be reported on the tax return as "no activity".
6. A master sports pool must be conducted as follows:
- a. An organization shall post a multiple square master board at a site. Each square must be assigned a consecutive number starting with number one. The numbering must be in sequence, left to right. A master board must include:
    - (1) Name of organization;
    - (2) The events;
    - (3) Price of participating, number of events, method of prize payout and prize; and
    - (4) A statement that the scores assigned to the players' squares for each event will be posted at the site five days before the event.
  - b. A player shall buy a square and write the player's full name and telephone number in it.
  - c. A sports-pool board with the state gaming stamp affixed must be posted at a site five days before the event related to that board is held.
  - d. If all the squares of a master sports pool are not sold before the first event, an organization shall refund the players' money and void all the boards. The voided boards must be reported on the tax return as "no activity".

7. The winner of a board is determined, at periodic intervals or at the end of the event:
  - a. For a multiple line board, by determining the line that is assigned the winning number (one's position) or the combined score of both opponents.
  - b. For a multiple square board, by determining the square at the juncture of the horizontal row and vertical column which relate to the numbers (one's position) of each opponent's score.
8. ~~An~~ Upon completion of the event an organization immediately shall make a good-faith effort to contact a winning player to award a prize. If a prize is unclaimed for thirty days following the notification or a player attempts to falsify or falsifies a record of win, the prize is forfeited.
9. An employee shall record a prize on a board or a register according to section 99-01.3-03-07. If a prize is recorded on a board, the board must contain the information required by section 99-01.3-03-07. This subsection does not apply to a permit.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-09

**99-01.3-07-02. Recordkeeping.**

Records must include and be retained for three years from the end of the quarter in which the activity was reported:

1. For each sports-pool board:
  - a. The sold board with the state gaming stamp affixed which must indicate the winning square or line;
  - b. The daily starting and ending cash on hand and IOU records according to section 99-01.3-03-06;
  - c. Cash profit as defined in subdivision i of subsection ~~89~~. of section 99-01.3-02-01;
  - d. The type of professional sport and amount of each prize;

- e. A summary of gross proceeds, prizes, adjusted gross proceeds, cash profit, cash long or short, and bank deposit. The summaries of all sports-pool boards conducted during a quarter must reconcile to the activity reported on a tax return;
  - f. Prize register according to section 99-01.3-03-07 and record of win according to section 99-01.3-03-08; and
  - g. Inventory records according to subsection 1 of section 99-01.3-03-09.
2. Ideal cash bank master records according to subsection 5 of section 99-01.3-03-09.
  3. Verification of the amount deposited according to a bank statement, and an audit of the event's activity according to subsections 6 and 7 of section 99-01.3-03-10.
  4. The count and reconciliation of sports-pool boards and cash banks according to subsections 1, 5, and 7 of section 99-01.3-03-09.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**CHAPTER 99-01.3-08  
TWENTY-ONE**

Section

99-01.3-08-01	Twenty-one
99-01.3-08-02	Table, Drop Box, Cards, and Dealing Shoe
99-01.3-08-03	Casino Chips
99-01.3-08-04	Video Surveillance System
99-01.3-08-05	Distributing and Removing Chips
99-01.3-08-06	Chip Bank Services
99-01.3-08-07	Opening a Table and Accepting Cash and Chips
99-01.3-08-08	Shuffle and Cut of the Cards
99-01.3-08-09	Betting
99-01.3-08-10	Dealing
99-01.3-08-11	Playing
99-01.3-08-12	Dealing Mistakes
99-01.3-08-13	Disclosure
99-01.3-08-14	Drop Box Cash Count
99-01.3-08-15	Tournaments
99-01.3-08-16	Recordkeeping

**99-01.3-08-01. Twenty-one.**

1. "Twenty-one" is a card game in which a player tries to obtain a higher total card count than a dealer without exceeding twenty-one. An ace counts either one or eleven. A king, queen, and jack have a count of ten. Cards two through ten are counted at their face value.
2. A maximum of seven players may play at a table. A player may play up to two betting spaces if an adjacent betting space is available. An outsider may not wager on a player's hand and a player may not wager on another player's hand.
3. For a site at which total twenty-one prizes exceeded total twenty-one gross proceeds for a quarter, an organization shall contact the attorney general within thirty days of the quarter ending to discuss the situation. In addition, twenty-one percent-of-hold records must be maintained for each dealer at that site for twelve continuous weeks. Percent-of-hold is computed as adjusted gross proceeds divided by gross proceeds.
4. An organization may pay monthly rent for more than one table provided that each additional table is used at least thirteen times a quarter. This level of activity is based on a site's historical experience, or seasonal activity, for each of the previous four quarters, regardless of which organization conducted twenty-one at the site. For a new site or a site that has been completely



remodeled in appearance and function, the level of activity must be reviewed and reestablished after the first full quarter. If an additional table is used at least thirteen times in at least one but not all of the previous four quarters, the allowable monthly rent for that table must be prorated over all the active months of the licensing year. For example, if a second table was used at least thirteen times in only two of the previous four quarters, the additional monthly rent for the second table would be a maximum of two hundred dollars per month (or three hundred dollars per month if a wager greater than five dollars is accepted on the table) multiplied by six months (totaling one thousand two hundred dollars) and prorated to one hundred dollars per month for the licensing year. The organization shall document each table's usage, which includes the date, table number, and drop box cash amount for each table and how the prorated rental amounts were determined. This documentation must be retained with the organization's twenty-one records for three years.

**History:** Effective May 1, 1998; amended effective April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-10

**99-01.3-08-02. Table, drop box, cards, and dealing shoe.**

1. If there is more than one table at a site, a table must have a number. A table playing surface must be green and may not contain imprinted graphics, excluding the tip betting spaces, unless authorized by the attorney general. A table playing surface must display no more than seven separate betting spaces and these or equivalent statements:

BLACKJACK PAYS 3 TO 2

and

DEALER MUST STAND ON 17 AND MUST DRAW TO 16

or

If a site allows the dealer to take a hit card when the dealer has a soft  
seventeen:

BLACKJACK PAYS 3 TO 2

and

DEALER MUST HIT SOFT 17

2. A table must have a drop box that meets the specification of subsection 5 of section 99-01.3-15-02. If there is more than one table at a site, a drop box must have a number matching the table number. A drop box must have a money plunger which must remain in the slot unless the plunger is used to insert currency or forms.
3. The cards must be four, six, or eight decks and be dealt from a dealing shoe located at a dealer's left. The cards must be the same size, shape, design, and

be jumbo-faced. Red or maroon and black playing cards must be used. However, if a mechanical or electronic hole card reader is used on a table, cards that are not jumbo-faced may be used provided that the organization has received approval from the attorney general. Approval must be based on the attorney general's evaluation of the clarity of the cards on a recorded video of activity for the table. The color of the backs of all decks must be one predominate color, or one-half of the number of decks must be one predominate color and the other decks a different predominate color. The design on the back of each card must be identical.

4. A dealing shoe must hold four or more complete decks of playing cards.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; October 1, 2006; July 1, 2010.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-08-03. Casino chips.**

1. A wager and tip must be made with chips. If an organization accepts a twenty-five dollar wager, it shall provide twenty-five dollar chips to players for their optional use. Chips may be issued in values of fifty cents, one dollar, two dollars, five dollars, twenty-five dollars, and one hundred dollars. An organization may use a fifty cent metal coin or fifty cent United States coin as a substitute for a fifty cent chip provided the coin produces sufficient clarity on video surveillance.
2. Each chip must be permanently impressed, engraved, or imprinted on one side with an organization's name and on the other side with the value of the chip. The name may be represented by a unique identification that differentiates an organization's chips from all other organizations' chips. If a site had twenty-one gross proceeds averaging ten thousand dollars or more for two consecutive quarters and this level of activity is expected to continue or an organization installs a video surveillance system at a site, regardless of the value of wagers accepted at the site, the chips must meet the specifications of subsection 3.
3. Each value of chip must have the following prescribed primary color. A chip must have one or two contrasting secondary colors as edge spots, except for a fifty cent chip or metal coin. Edge spots must be visible and equally spaced on the perimeter of both sides of a chip and on the chip's circumference. An organization may not use a secondary color on any value of chip that is identical to the primary color used by the organization on another value of chip that results in a reversed combination of primary and secondary colors between the two values of chips. The primary colors and edge spots must be:

- a. Fifty cent mustard yellow chip - a fifty cent chip has no edge spots. A fifty cent metal coin or fifty cent United States coin may be used as a substitute for the fifty cent chip.
  - b. One dollar white chip - a one dollar chip must have four solid edge spots.
  - c. Two dollar pink chip - a two dollar chip must have four split edge spots. The two split portions of an edge spot must be the secondary color and the middle space may either be the primary color or a third color.
  - d. Five dollar red chip - a five dollar chip must have six solid edge spots.
  - e. Twenty-five dollar green chip - a twenty-five dollar chip must have eight white solid edge spots or three white solid edge spots.
  - f. One hundred dollar black chip - a one hundred dollar chip must have four white triple split edge spots.
4. An employee shall safeguard chips in a safe place or on a table with a locking cover. If a table has been opened and no employee is stationed at it, an employee shall remove or secure the chip tray with a locking cover.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-10

#### **99-01.3-08-04. Video surveillance system.**

If a site had twenty-one gross proceeds averaging ten thousand dollars or more per quarter for two entire consecutive quarters, this level of activity is expected to continue, and wagers exceed two dollars, an organization shall have a video surveillance system operational at the site within forty-five days from the end of the second quarter. However, for a site with seasonal activity, this level of activity is based on the average gross proceeds of the active quarters within the fiscal year July first through June thirtieth. A level of activity is based on a site's recent historical experience, but not earlier than the previous fiscal year, regardless of which organization conducted twenty-one at the site. If an organization conducts twenty-one at a newly acquired site that has a level of activity requiring a video surveillance system, it shall have the system for a table operational within forty-five days of conducting twenty-one or limit wagers to two dollars until the system is operational. A system must be operational for each twenty-one table that is regularly located on a site, regardless of how infrequent a table is used or the value of wagers accepted at the table. A temporary table that is brought onto a site for fourteen or fewer

consecutive days for a special event according to subsection 4 of section 99-01.3-01-02, but for not more than two events per quarter, does not need a system. An organization shall:

1. Install a system that meets these requirements:
  - a. A recording unit must record in real time. A video system must be approved by the attorney general and no time lapse or multiplex video recorders may be used as the primary mode of operation. A recording unit must be secured in a locked vented cabinet or area, plugged into an outlet that cannot be switched off, and be programmable with a minimum seven-day memory backup. A recording unit must have a built-in or separate time and date generator that displays the time and date on the recorded video without significantly obstructing a recorded picture. A playback unit used to review a recorded video must have forward and reverse frame-by-frame and high-speed scanning capability;
  - b. A high-resolution color camera must be positioned above the center of a table and record gaming activity from the dealer's perspective. A camera must be plugged into a surge protector and use an outlet that cannot be switched off. A camera must be protected by a slotted or clear dome;
  - c. A camera lens must have a field of view to record the face of a dealing shoe, all betting spaces, discard holder, chip tray, currency plunger, and table number;
  - d. A color video monitor onsite; and
  - e. A system must be capable of allowing organizations to download, burn, or copy files onto a storage device.
2. If an organization conducts twenty-one or paddlewheels at more than one site, a table must have a site identification. A site identification and any table number must be visible on a recorded video.
- ~~3. A playing surface must be green and may not contain imprinted graphics, excluding the tip betting spaces, unless authorized by the attorney general. Red or maroon and black jumbo-faced playing cards may be used.~~
43. Maintain a clean dome and a proper field of view on the playing surface.
54. Authorize only a gaming or shift manager or an independent person to:

- a. Access a recording unit, camera, and stored recorded video;
  - b. Start and stop a recording unit for a table when chips are first made available for use on the table and continue recording until the table is permanently closed for the day; and
  - c. Change a recorded video in a recording unit for a table at the beginning, during, or at the end of a day's activity, regardless if the authorized person is a dealer or wheel operator at the site. An organization may use two real time recorders in sequence to record a table's activity that exceeds the recording capability of one tape. If two recorders are used for one table, their separate recordings for a day's activity must overlap by ten minutes.
65. Retain a recorded video in a safe storage place for thirty days.
76. On a daily basis an employee shall review and document that a surveillance camera at each twenty-one and paddlewheel table at a site is recording an unobstructed view and clear picture of the table activity. If a recording unit or camera for a table is not properly operating or not producing an unobstructed view and clear picture of the cards, currency, or chips and is not repaired or remedied within forty-eight hours of activity on the table or four calendar days, the organization shall close the table or limit wagers to two dollars on the table until the equipment is repaired.
87. The attorney general's current recordkeeping system must be used unless approval is obtained from the attorney general for use of another recordkeeping system. An organization shall track a dealer's and wheel operator's percent-of-hold performance. Records tracking percent-of-hold must be maintained by dealer and wheel operator and must include all entries from each site worked by the dealer and wheel operator.
98. For a site that requires video surveillance, if percent-of-hold at that site is less than ten percent for twenty-one or less than fifteen percent for paddlewheel for a quarter, a minimum of one hour per week of video surveillance for each active table at that site must be reviewed and documented during the period immediately after the percent-of-hold for the quarter has been determined. The review of video surveillance must be continued for six continuous weeks or until the organization has determined and documented the reason the percent-of-hold is less than ten percent for twenty-one or less than fifteen percent for paddlewheel at that site. The review must be completed by an individual who did not conduct twenty-one or paddlewheel at the site on the shift selected for review.

~~109.~~ An organization may purchase or lease a camera, lens, cable, camera dome, digital recording device, time and date generator, and installation services, including moving a camera to another site, from a vendor approved by the attorney general, or any other business entity. If purchasing or leasing the equipment from an approved vendor, an organization shall defer remitting at least fifty percent of the cost or lease price of this equipment to the vendor until the attorney general approves the clarity of the recorded video for a table.

~~110.~~ An organization shall provide the attorney general with a sample recording to evaluate. If an organization acquires video surveillance equipment at a new site from another organization, moves a camera or table to another location at the site, or changes video surveillance equipment at a site, the organization shall, within fourteen days, provide the attorney general with a sample recorded video to evaluate. If the quality of the sample recording is not satisfactory, an organization and vendor shall resolve the deficiency and resubmit a sample recording for approval. An organization may buy or lease a qualifying item from another organization.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-10, 53-06.1-11

#### **99-01.3-08-05. Distributing and removing chips.**

1. A fill slip must be used to distribute casino and betting chips from a chip bank to a table and a credit slip to return chips from the table to the chip bank. An organization may not transfer or exchange chips directly between two tables. An organization shall use a fill and credit slip to temporarily transfer a chip tray to or from a table and jar bar. Access to a fill and credit slip must be restricted to an authorized person. The same fill and credit slip format may be used for both twenty-one and paddlewheels.
2. A fill slip and credit slip must be separate forms. Fill and credit slips must be mechanically or electronically consecutively numbered two-part carbonless forms, be used in sequential order, and be all accounted for. Originals and copies of voided fill and credit slips must be marked "VOID" and be initialed by the preparer.
3. A fill slip must be prepared by a chip bank cashier, pit boss, or shift manager. A credit slip must be prepared by a dealer, wheel operator, pit boss, or shift manager. The original and copy of a fill and credit slip must contain:

- a. Reference to twenty-one (21) or paddlewheels (PW), site, date and time (including a.m. or p.m.), and a table number;
  - b. Quantity and total value of chips, by value, and grand total value of chips; and
  - c. For a fill slip, the initials of a chip bank cashier or dealer acting in the capacity of the cashier. For a credit slip, the initials of a dealer or wheel operator.
4. After preparation of a fill slip, a chip bank cashier or dealer acting in the capacity of the cashier shall retain the original with the daily records. After preparation of a credit slip, a dealer or wheel operator shall deposit the original in a drop box.
  5. If an organization has a shift manager or authorized employee on duty who is not presently dealing or operating a paddlewheel, this person shall verify the quantity and value of the chips, initial the original part of the fill or credit slip, and transfer the copy of the fill slip with the chips to a table, or transfer the copy of the credit slip with the chips to a cashier.
  6. A dealer or wheel operator shall verify the information on the copy of a fill slip and, if correct, initial and deposit it in a drop box. A cashier or dealer acting in the capacity of the cashier shall verify the information on the copy of a credit slip and, if correct, initial and retain it with the daily records.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-08-06. Chip bank services.**

1. An organization shall sell casino chips at a table only for cash, no checks. A chip may be exchanged for a paddlewheel betting chip at a paddlewheel table. Checks may be cashed by a cashier. Cash for chips sold must be kept separate from all other cash until it has been counted. ~~Only a two-person audit team may access a drop box before the drop box cash count.~~
2. An organization shall redeem a chip for cash at the value for which it was sold, except when a chip was obtained or used unlawfully. An organization shall adopt a procedure on redeeming a player's chips that ensures that redeemed chips are separated, by value, and counted accurately. A cashier may use a rack to account for one or more sets of twenty chips of the same value. If an

organization discontinues twenty-one or paddlewheels at a site, it shall redeem its chips, at its business office or active site, for thirty days thereafter. An employee shall redeem a dealer's and wheel operator's tips through cash on hand. Unless a table has a video surveillance system, a dealer and wheel operator shall redeem the actual chips received as tips. This rule does not prohibit pooling of tips.

3. An employee may not take any chip, including tips, to a location outside the gaming area of a site. A dealer shall redeem tips before leaving a site.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-10

### **99-01.3-08-07. Opening a table and accepting cash and chips.**

1. When playing cards are brought to a table, a dealer shall first approve all decks of cards. Decks must be sorted into sequence, by suit and the back of each card inspected to assure that all cards are present and none are marked, taped, bent, crimped, cut, or shaved. After approval, a dealer shall spread the cards face upwards on a table, by deck, according to suit and in sequence within the suit for review by the first player. After a player's review, the cards must be shuffled. If cards are removed from a table for any reason, they must be stored in a safe place and a dealer shall comply with this subsection when the cards are brought back to the table. If a table has been opened and no dealer is stationed at it, a dealer shall remove the cards from the table or place the cards in a discard holder or dealing shoe and securely cover them.
2. A dealer or shift manager shall inspect each dealing shoe before each day's activity. If a shoe is removed from a table for any reason, it must be stored in a safe place. If a table has been opened and no dealer is stationed at it, a dealer shall securely cover the shoe or remove the shoe from the table.
3. A dealer, upon receiving currency or chips from a player, shall:
  - a. If an organization has not installed a video surveillance system at a site, spread the currency on top of a table in full view of the player and shift manager and state the amount of currency in a voice loud enough to be heard by all players at the table. A dealer shall then take chips from a chip tray, equal in value to the currency, place the chips in a stacked manner in the inner table area with only the dealer's right hand, fan the chips, push the chips to the player and place the currency in a drop box;  
or



- b. If an organization has installed a video surveillance system at a site, spread each bill of currency face down and flat, in sequence of denomination, in the inner table area, perpendicular to a chip tray, and momentarily move the dealer's hands away from the currency so the currency is within a camera's view. A dealer shall then take chips from a chip tray, equal in value to the currency, place the chips in a stacked manner in the inner table area with only the dealer's right hand, fan the chips, and momentarily move the dealer's hands away from the chips so the chips are within a camera's view. A dealer shall then restack the chips, and push the chips to a player, and place the currency in a drop box.
- c. If a chip is received from a player to be exchanged for ~~smaller chips of~~ other value chips, the dealer shall place the payout chip in the inner table area at the dealer's left, sort, stack, and fan the chips. If the table has a video surveillance system, a dealer shall momentarily move the dealer's hands away from the chips so they are within a camera's view. A dealer shall then take twenty-one chips from the chip tray, equal in value to the chips, and fan the chips. If the table has a video surveillance system, a dealer shall momentarily move the dealer's hands away from the chips so they are within a camera's view. A dealer shall then restack the chips, push the chips to the player, and place the exchanged chip in the chip tray.

**History:** Effective May 1, 1998; amended effective July 1, 2002.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-08-08. Shuffle and cut of the cards.**

1. Before starting play, and after each shoe of cards is dealt, a dealer shall, in front of the players, thoroughly shuffle all the cards. As an alternative to a dealer hand shuffling the cards, an organization may use an automatic card shuffling device which complies with section 99-01.3-16-09.3. Then, a dealer shall offer the stack of cards, with backs facing away from the dealer, or concealed by an indicator card to a random player to be cut. A player shall cut the cards by placing a cutting card in the stack at least ten cards in from either end. A dealer shall rotate the opportunity to cut the cards among all the players. If all players decline, a dealer or pit boss shall cut the cards. For a site with a video surveillance system, an organization shall standardize its dealers' procedures for shuffling and cutting cards and may use one or more standard shuffling methods.

2. A dealer shall take all the cards in front (toward the dealer) of a cutting card and place them in back of the stack or take all the cards in back (away from the dealer) of the cutting card and place them in front of the stack. The cutting card must be at the bottom of the stack. A dealer shall then insert an indicator card about fifty to one hundred cards from the bottom of the stack. The stack is inserted into a dealing shoe facedown. When an indicator card appears at the face of a shoe and enough cards have been dealt to complete the present hand, a dealer shall reshuffle the cards. A dealer may reshuffle the cards only if the indicator card appears, no activity has occurred at the table for a period of time set by the organization, or a table has been temporarily closed with no dealer stationed at the table and it is reopened.
3. After a shuffle a dealer shall remove the first card face downwards and without showing its value, place it in a discard holder (burning a card) located at the dealer's right. Each new dealer at a table shall burn one card before dealing. If a table is open but there is no player, a dealer shall reshuffle the cards or burn one card when a player comes to the table.

**History:** Effective May 1, 1998; amended effective July 1, 2002; July 1, 2004; October 1, 2006.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

### **99-01.3-08-09. Betting.**

1. An original wager must be an even dollar amount and may range from one dollar to twenty-five dollars. The organization may establish a minimum wager at not more than three dollars on one active table. If there is more than one active table at a site, the organization may set a higher minimum wager on additional tables. An active table under this subsection means a table in which a dealer and chips are present and available for play or has one or more players participating in the game. An organization may establish a maximum wager for each table, not to exceed twenty-five dollars. If all the tables at a site do not have the same betting limit, a plaque must be placed on top of a table indicating the minimum and maximum wager for the table. Wagers in increments of one dollar must be accepted between the posted minimum and the posted maximum limit. A wager that exceeds the maximum wager is valued at a table's maximum wager and the excess must be returned to a player. An organization shall post and announce a change in the minimum and maximum wager at a table with adequate notice to a player.
2. An original wager is the amount bet per hand before the first card is dealt and excludes tip betting. After the first card has been dealt, no original wager or tip bet may be changed. A separate wager may be a tip bet, insurance bet,

splitting pairs, and doubling-down. After the first two cards have been dealt to each betting space, with the exception of the tip bet which is placed prior to any cards being dealt, the following additional wagers may be bet:

- a. Tip bet. An organization may permit tip betting. A tip bet is made when the original wager is made by placing a chip outside a betting space, but with the chip touching the lower left edge of the betting space, from a dealer's perspective. A betting space is limited to one tip bet. A tip bet does not have to equal an original wager and may range from fifty cents up to a table's maximum wager, but may be limited to less than the table's maximum wager at an organization's option. If a player's hand wins, a tip bet is paid off at an equal amount and the tip bet and payoff are placed in a dealer's tip receptacle. If the dealer's hand wins, a tip bet is placed in the chip tray. If a player's and dealer's hands tie, a tip bet is a tie (push).
  
- b. Insurance bet. If a dealer's faceup card is an ace, the dealer shall ask the players if they desire to make an insurance bet. A player shall make an insurance bet by placing a chip on the insurance line of the playing surface. An organization may permit insurance betting except on a tip bet. An insurance bet must be one-half the original wager. The payoff on a winning insurance bet is two to one. A dealer shall reposition the chip below the lower right-hand corner of the first card dealt and to the immediate right of the second card dealt, from the dealer's perspective. A dealer shall then announce "insurance bets are closed". However, if a player who has been dealt a natural twenty-one (blackjack) desires to make an insurance bet and does not desire to double-down, a dealer may, at an organization's option, do an even money payoff rather than having the player place an "insurance" bet. To exercise this option, a dealer shall state "even money" and immediately do a chip payoff to a player equal to the player's original wager. A dealer shall then place the player's cards in a discard holder. For this option, a tip bet is a tie (push). This rule does not apply if an insurance bet is not permitted.
  
- c. Splitting pairs. A dealer shall, beginning from the dealer's left and for each player's hand, prompt a player to indicate whether the player desires to split. Splitting is permitted on any pair or any two 10-count value cards. A player is allowed a maximum of four hands per betting space. For splitting a hand, a player shall place an additional wager, equal to an original wager, horizontal to the original wager. A player's right-hand card in a split must be played to completion before the adjacent split hand is dealt a second card. A player shall take at least one card on a split hand. A wager on each hand must equal the original wager. Split aces draw only one card each; however, if an additional ace

is drawn it may be split again up to a maximum of four hands. A two-card twenty-one after a split is not a natural twenty-one.

- d. Doubling-down. Doubling-down is permitted on the first two cards dealt to a betting space or the first two cards of a split hand, except on split aces. An organization may permit doubling-down on tips bets. An organization may require a double-down wager to equal the original wager or tip bet or a double-down wager to be equal to or less than the original wager or tip bet. Only one additional card is dealt. A dealer shall, beginning from the dealer's left and for each player's hand, prompt a player to indicate whether the player desires to double-down. For doubling-down on an original wager or tip bet, a player shall place a chip vertical to the wager. A player may not double-down on a tip bet unless the player also doubles-down on the original wager. If a dealer is unsure of a player's intent, the dealer shall ask the player and properly reposition a chip.
3. If a player's wager consists of two or more values of chips, a player shall neatly stack the lowest value chip on top of the highest value chip. If the chips are improperly stacked, a dealer shall tell the player and either the dealer or player shall properly stack the chips.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-10

### **99-01.3-08-10. Dealing.**

1. ~~After a shuffle, a dealer shall remove the first card face downwards and without showing its value, place it in a discard holder (burning a card) located at the dealer's right. Each new dealer at a table shall burn one card before dealing. If a table is open but there is no player, a dealer shall reshuffle the cards or burn one card when a player comes to the table. Only one of three dealing methods may be used at a site:~~
  - a. Hole-card-no-peek method. A dealer may not look at the face of a hole card until after all cards requested by players are dealt. The cards must be dealt in this order:
    - (1) One card face upwards to each betting space with a wager.
    - (2) One card face upwards or face downwards (hole card) to a dealer.
    - (3) A second card face upwards to each betting space with a wager.

- (4) A second card face upwards to a dealer if the first card was dealt face downwards; or, a second card face downwards to a dealer if the first card was dealt face upwards.
  - b. No-hole-card method. A dealer may not deal a second card (hole card) to the dealer until after all cards requested by players are dealt. The cards must be dealt in this order:
    - (1) One card face upwards to each betting space with a wager.
    - (2) One card face upwards to a dealer.
    - (3) A second card face upwards to each betting space with a wager.
  - c. Hole-card-with-card-reading-device method. The dealer may use a mechanical or electronic hole card reader and special cards to determine if the dealer's hand is a natural twenty-one after dealing the first two cards to players and the dealer. The cards must be dealt in this order:
    - (1) One card face upwards to each betting space with a wager.
    - (2) One card face upwards or face downwards (hole card) to a dealer.
    - (3) A second card face upwards to each betting space with a wager.
    - (4) A second card face upwards to a dealer if the first card was dealt face downwards or, a second card face downwards to a dealer if the first card was dealt face upwards.
    - (5) In case of a card-reading device malfunction on a table, the organization shall use the hole-card-no-peek method or the no-hole-card method of dealing on that table.
2. A dealer shall, starting on the dealer's left, deal the cards by removing them from a dealing shoe with the left hand, turning them face upwards and with the right hand place them on the proper area of a playing surface; however, a dealer may deal cards to the first two betting spaces with the left hand. A player's second card and any hit card must be placed on top of the preceding card covering no more than the lower left-hand quarter of the preceding card, from the dealer's perspective. This rule does not apply to a disabled dealer.
3.
  - a. If the dealer is using the hole-card-with-card-reading-device method of

dealing, the dealer's faceup card is an ace or a ten-count card, and players have placed their insurance wagers, if the dealer's faceup card is an ace, the dealer shall insert the corners of both cards into the reading device to determine if the dealer's hand is a natural twenty-one. If the dealer's hand is a natural twenty-one, the dealer shall play the dealer's hand by immediately:

- (1) Collecting all player's original wagers and original tip bets, unless a player's original hand is also a natural twenty-one which results in a tie; and
  - (2) Paying any insurance bet at the rate of two to one.
- b. If the dealer's hand is not a natural twenty-one, the dealer shall collect all insurance bets according to subdivision a of subsection 10 of section 99-01.3-08-11 and continue the play of each player's hand, starting with the player on the dealer's left.

**History:** Effective May 1, 1998; amended effective July 1, 2010; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-08-11. Playing.**

1. A dealer ~~may~~ shall announce the dealer's faceup card one time to all the players at a table. As a prompt for optional wagers (splitting pairs or doubling-down), a dealer may announce the point total of each player's hand.
2. A dealer may not allow a player to touch any cards and may not switch or remove a player's card or chip, pay on a tie, or do anything to alter a fair and legal outcome of a betting hand.
3. If a player has split or doubled-down, or both, a dealer shall play each hand as follows:
  - a. When a player places a wager for a split, a dealer shall split the cards side by side. If a player has also placed a tip bet, a dealer shall assign and reposition the tip bet to the split hand located at the foremost left of a betting space, from the dealer's perspective. Each split hand must be played separately. If aces are split, one additional card must be dealt face upwards to each of the hands and placed at a right angle to the first card dealt, except if an additional ace is drawn it may be split again up to a maximum of four hands.

- b. A doubled-down hand must be dealt one additional card face upwards and placed at a right angle to the first two cards dealt. However, if a table does not have a video surveillance system, the card may be placed beneath a player's original wager.
- 4. A dealer may not take a hit card from a dealing shoe nor may a dealer bypass a player unless the player has first indicated the player's request for a hit card or to stand by a distinct hand signal.
- 5. As a player indicates to stand or draw a hit card, other than on a hand that has split aces or a double-down, a dealer shall deal face upwards an additional card or cards as the player requests. A player is responsible for correctly computing the total card count of the player's hand.
- 6. If an organization uses the hole-card-no-peek or no-hole-card method of dealing, a dealer's faceup card is an ace or a ten-count card and a player split, doubled-down, or placed an insurance bet and busts, the dealer shall gather the cards of that hand and place them outside the betting space. Then, a dealer shall reposition the player's split and or doubled-down wagered chips, in the same betting position, on top of the player's cards of that hand. A tip bet for such a split or double-down hand that busts is lost. A dealer shall immediately place the tip bet chips in a tray.
- 67. If a player did not split, double-down, or place an insurance bet, and busts (a player's total card count exceeds twenty-one), the player loses an original wager and any tip bet. A dealer shall immediately collect and place a player's chips, including any tip bet, in a chip tray and the cards in a discard holder.
- 78. If a dealer's faceup card is not an ace or a ten-count card and a player split or doubled-down and busts, the player loses the wager for that split or double-down hand and any tip bet assigned to it. A dealer shall immediately collect and place a player's chips in a chip tray and the cards in a discard holder.
- ~~8. If an organization uses the hole-card-no-peek or no-hole-card method of dealing, a dealer's faceup card is an ace or a ten-count card and a player split, doubled-down, or placed an insurance bet and busts, the dealer shall gather the cards of that hand and place them outside the betting space. Then, a dealer shall reposition the player's split and or doubled-down wagered chips, in the same betting position, on top of the player's cards of that hand. A tip bet for such a split or double-down hand that busts is lost. A dealer shall immediately place the tip bet chips in a chip tray.~~

9. If a dealer's faceup card is not an ace or a ten-count card and all players bust, a dealer shall end the round. If a dealer's faceup card is an ace or a ten-count card and all players bust, and no player split, doubled-down, or placed an insurance wager, a dealer shall end the round.
10. If the decisions of all players have been carried out, and dealer is not using a reading device, a dealer shall turn up the dealer's facedown card (hole-card-no-peek method) or deal a second card face upwards to the dealer (no-hole-card method). However, for the no-hole-card method, a dealer shall remove the dealer's second card from a dealing shoe and, without looking at the value of the card, place it beside the dealer's first card. Then, a dealer shall announce the total card count of the two cards. A dealer shall play the dealer's hand as follows:
  - a. If a dealer's faceup card is an ace and the dealer's hand is not a natural twenty-one, the dealer shall immediately, starting with the player to the dealer's right and moving left around the table, collect all the players' insurance bet chips, with the dealer's right ~~or left~~ hand, in a sweeping motion, and place them in a chip tray. A dealer may not use the right and left hand at the same time. Then, for all the players' busted hands that have been split, doubled-down, or both, a dealer shall immediately, starting with the player to the dealer's right and moving left around the table, collect the chips of busted hands, with the dealer's right ~~or left~~ hand, in a sweeping motion. A dealer may not use the right and left hand at the same time. When no other busted hand remains, a dealer shall place the collected chips in a chip tray, collect those players' busted hands, and place the cards in a discard holder. A dealer may, at an organization's option that is consistently applied at a site, collect each player's insurance bet chips and busted hands and related chips with only the dealer's right hand, on a hand-by-hand basis, and place the chips in a chip tray and the cards in a discard holder. Then, for all the players who have been dealt a natural twenty-one, the dealer shall immediately, starting with the player to the dealer's right and moving left around the table, do the payoff according to subsection 15 or 16, and collect and place those players' cards in a discard holder. If a player's hand remains in play, a dealer shall proceed according to subdivision f or g, and do the payoff procedure on any winning hand according to subsection 15 or 16.
  - b. If a dealer's faceup card is a ten-count card and a dealer's hand is not a natural twenty-one, for all the players' busted hands that have been split, doubled-down, or both, the dealer shall immediately, starting with the player to the dealer's right and moving left around the table, collect the chips of busted hands, with the dealer's right or left hand, in a



sweeping motion. A dealer may not use the right and left hand at the same time. When no other busted hand remains, a dealer shall place the collected chips in a chip tray, collect those players' busted hands and place the cards in a discard holder. A dealer may, at an organization's option that is consistently applied at a site, collect each player's busted hands and related chips with only the dealer's right hand, on a hand-by-hand basis, and place the chips in a chip tray and the cards in a discard holder. Then, for all the players who have been dealt a natural twenty-one, the dealer shall immediately, starting with the player to the dealer's right and moving left around the table, do the payoff according to subsection 15 or 16, and collect and place those players' cards in a discard holder. If a player's hand remains in play, a dealer shall proceed according to subdivision f or g, and do the payoff procedure on any winning hand according to subsection 15 or 16.

- c. If a dealer's faceup card is an ace, the dealer's hand is a natural twenty-one, and a player has placed an insurance bet, the player wins the insurance wager at the rate of two to one. A dealer shall do the payoff procedure according to subsection 15 or 16. However, if a player's original hand also is a natural twenty-one, subdivision d also applies.
- d. If a dealer's faceup card is an ace or a ten-count card and the dealer's hand is a natural twenty-one, the organization wins all original wagers and original tip bets, unless a player's original hand also is a natural twenty-one which results in a tie (push). All other players lose.
- e. If a player has doubled-down or split against a dealer's faceup card of an ace or a ten-count card and the dealer's hand is a natural twenty-one, only the player's original wager is lost unless the player's original hand also is a natural twenty-one which results in a tie. All separate splitting and doubling-down wagers are voided. A dealer shall return the chips of the separate wagers to the players.
- f. If the count of a dealer's hand is sixteen or under, the dealer shall draw a hit card until the count exceeds sixteen. An additional card must be dealt face upwards to the immediate right of a dealer's first two cards dealt, from the dealer's perspective, and the dealer shall announce the total card count.
- g. If the count of a dealer's hand exceeds sixteen but does not exceed twenty-one, the dealer shall stay (not draw a hit card). At its option, an organization may permit a site to allow a dealer to take a hit card when the dealer has a soft seventeen (ace card and a six). If the organization allows this option, it must be posted at the site. If a dealer's hand

contains an ace and a count of seventeen, eighteen, nineteen, twenty, or twenty-one can be obtained by counting the ace as an eleven, a dealer shall value the dealer's hand as such and stay. A dealer shall announce the final total card count of the dealer's hand.

- h. If a dealer's hand busts, the remaining players with active hands win.
11. If a player's original hand is a natural twenty-one and a dealer's faceup card is not an ace or a ten-count card, the player's hand wins and is paid off at a rate of three to two, unless the player chooses to double-down. A dealer's chip payoff on a player's wager may occur immediately or when the dealer, in the order of hands, comes to that player's hand.
  12. A wager is won or lost by comparing the total card count of each player's hand to the dealer's hand. A dealer or player with the highest total card count wins. Wagers, including tip bets, are paid off at an equal amount according to subsection 15 or 16. All ties are a push - no payoff is made, including on a tip bet.
  13. If a player's hand loses against a dealer's hand, an organization wins any tip bet. A dealer shall immediately, starting with the player to the dealer's right and moving left around the table, collect the chips of adjacent losing hands with the dealer's right ~~or left~~ hand, in a sweeping motion. A dealer may not use the right and left hand at the same time. A dealer may, at an organization's option that is consistently applied at a site, collect the chips of losing hands with only the dealer's right hand, on a hand-by-hand basis. When a tie hand is reached, the dealer shall recognize that hand with a tap on the tabletop and announce that it is a push. When a winning hand is reached, a dealer shall place any previously collected chips in a chip tray and do the payoff procedure for adjacent winning hands according to subsection 15 or 16. When a losing hand is again reached, the dealer shall repeat the collection and payoff procedure until all losing wagers have been collected and all winning hands have been paid. The dealer shall then collect all the remaining cards according to subsection 17.
  14. If a player's hand wins against a dealer's hand and the player placed a tip bet, the dealer wins the tip bet and the one-to-one payoff from a chip tray according to subsection 15 or 16.
  15. If a player's hand wins against a dealer's hand ~~and a table does not have a~~ video surveillance system, the payoff procedure is:
    - a. Normal hand. A payoff chip must be placed beside the original wagered chip in a betting space.

- b. Split hand. The payoff chip must be placed beside the wagered chips in a betting space.
  - c. Double-down hand. The payoff chips must be placed beside the two wagered chips in a betting space.
  - d. Insurance bet. A payoff chip must be first placed beside the insurance bet chip, fanned, then placed on top of the insurance bet chip and the chips pushed to a player.
  - e. Natural twenty-one. The payoff chips must be pyramided with the higher value chip placed beside the original wagered chip in a betting space and the smaller value chip placed on top over the center of the other two chips.
  - f. Tip bet. A payoff chip must be placed beside the tip bet chip and any double-down chip in the inner table area. Then, a dealer shall place the chips directly in a tip receptacle.
16. If a player's hand wins against a dealer's hand and a table has a video surveillance system, the payoff of each winning hand must be done on a hand-by-hand basis. The payoff procedure is:
- a. A dealer shall fan all of a player's wagered chips toward the dealer or side with only the dealer's left hand. A dealer may, at an organization's option that is consistently applied at a site, fan all of a player's wagered chips toward the dealer or side with only the dealer's right hand. However, for a site that has a pit boss on duty and the organization requires a double-down wager to equal the original wager, a dealer may, for a player who has placed a split bet or double-down bet, or both, fan only one of the player's stacks of wagered chips. A dealer shall reposition a player's tip bet chips in the inner table area with the dealer's left hand and fan the chips. A dealer may, at an organization's option that is consistently applied at a site, fan all the players' tip bets after the payoff procedure has been done on all winning players' hands. However, if a player's bet exceeds five dollars, the dealer shall separate the player's chips, by value, fan them in sets of five chips, and then fan any remaining chips. A dealer shall, with the dealer's right hand, take chips from the chip tray, equal in value to the player's wagered chips (not tip bet chips), place the payoff chips beside the wagered fanned chips, and fan the payoff chips toward the side or toward the dealer, and move the dealer's hands away from the chips. However, if the prize payoff exceeds twenty casino chips of the same value, the dealer may use a rack to

account for one or more sets of twenty chips and fan the remaining chips. A dealer shall repeat this procedure for each separate winning hand.

- b. After the payoff procedure has been done on all winning players' hands and the tip bet chips have been fanned, a dealer shall, with the dealer's right hand, take chips from the chip tray equal in value as the tip bet chips, place the payoff chips beside the fanned wagered tip bet chips, and fan the payoff chips. A dealer shall repeat this procedure for each separate winning tip bet. Then, a dealer shall move the dealer's hands away from the chips. After a dealer has picked up the cards according to subsection 17, the dealer shall place the chips directly in a tip receptacle.
17. At the end of a round of play, a dealer shall pick up all the cards remaining on the playing surface so that they can be played back to recreate each hand, starting with the player to the dealer's right and moving to the left around the table. After the cards have been collected in a sweep or hand by hand, a dealer shall pick up the dealer's cards against the top of the players' cards and place them in a discard holder.
18. If a table has a video surveillance system, a dealer's shift ends, and the dealer:
  - a. Does not desire to exchange the dealer's tips for other chips in the chip tray, the dealer shall momentarily show both sides of the dealer's hands, with fingers extended, within a camera's view. A dealer shall then take the tip receptacle and leave the table.
  - b. Does desire to exchange the dealer's tips for other chips in the chip tray, the dealer shall take all the chips out of the tip receptacle. A dealer shall place the chips in the inner table area at the dealer's left; sort, stack, and fan only the chips to be exchanged; take chips from a chip tray equal in value to the fanned chips; place the replacement chips at the dealer's right; sort, stack, and fan the chips, momentarily move the dealer's hands away from the chips so the chips are within a camera's view; place the exchanged chips in a chip tray; then place the replacement chips and unexchanged chips in a tip receptacle. A dealer shall then momentarily show both sides of the dealer's hands, with fingers extended, within a camera's view, take the tip receptacle, and leave the table. As an option, a dealer for the next shift may exchange the present dealer's tips.
19. An organization may adopt a policy to allow a dealer, when a player leaves a table, to exchange two or more of the player's casino chips for higher value chips provided that the dealer first asks the player's permission, the player agrees, and the dealer announces the value of chips being exchanged.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-10

### **99-01.3-08-12. Dealing mistakes.**

These procedures must be applied for dealing mistakes, unless an organization has an alternative written policy:

1. A card found turned face upwards in a dealing shoe must be burned.
2. If no cards are dealt to a player's betting space containing a wager, the betting space is inactive for the round. If only one card is dealt to a player's betting space, at the player's option, a dealer shall deal a second card to the player after all other players have received a second card. Otherwise, a player's betting space is inactive and the card dealt must be burned.
3. If a dealer deals a card to an inactive betting space and continues dealing cards to active betting spaces, the dealer shall burn the card dealt to the inactive betting space.
4. If a dealer misses dealing the dealer's first or second card, the dealer shall continue dealing the first two cards to each player, and then deal the proper number of cards to the dealer.
5. If a dealer does not ask a player if the player desires to place an insurance wager and the hand is played, the hand is valid.
6. If a dealer drops a player's or dealer's card off a table, the dealer shall burn the card.
7. A card drawn from a dealing shoe in error without the card's face being exposed to any player must be used as if it were the next card from the shoe.
8. After the first two cards are dealt to each player and a card is drawn from a dealing shoe in error with the card's face exposed to any player, the card must be burned.
9. If an insufficient number of cards remains in a dealing shoe to complete a round of play, all of the cards in a discard holder must be shuffled and cut, the first card must be burned, and a dealer shall complete the round of play.

10. If a dealer has a count of at least seventeen and draws a hit card, the card must be burned.
11. If a dealer permits a player to wager an unlawful amount and the player's hand wins, the dealer shall return the improper portion of the wager to the player. A dealer shall value a player's hand at the proper wager for the payoff. However, if a dealer permits a player to wager fifty cents and is dealt a card, the dealer shall return the fifty cents to the player and burn the card.
12. If a dealer or player suspects that the dealer miscounted the dealer's hand after a round of play, the dealer shall play back the cards.
13. If a dealer does not burn a card at the beginning of dealing a shoe, the dealer shall burn the card after the first complete round of play.
14. If a dealer's facedown card is exposed to any player before the decisions of all the players are carried out, the dealer shall burn the card and, after the decisions of all the players have been carried out, draw a new facedown card.
15. If a dealer misses dealing a player a hit card, the dealer shall continue dealing any requested hit cards to all other players and then deal a hit card to the player who was missed.

**History:** Effective May 1, 1998; amended effective July 1, 2010.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

### **99-01.3-08-13. Disclosure.**

The following rules and notice must be posted or made available to players in the area where twenty-one activity is conducted. If made available to players, the rules and notice must be in the form of a handout that is easily visible to the players and may not be a copy of the gaming law and rules:

1. House rules:
  - a. Minimum and maximum betting limit; and
  - b. Use Hole-Card-No-Peek method of dealing or use Hole-Card-with-Card-Reading-Device method of dealing or use No-Hole-Card method of dealing.
2. Player rules:
  - a. Must compute the card count of the player's hand;

- b. Must be twenty-one years of age or older;
  - c. Hand signals must be used;
  - d. No touching of cards;
  - e. Two betting spaces maximum;
  - f. No side bets;
  - g. No payoff on tie counts;
  - h. Splitting on any pair and two 10-count value cards and limited to a maximum of four hands per betting space;
  - i. Doubling-down on the first two cards dealt or the first two cards of any split hand, except on split aces;
  - j. Double-down bet must equal the original wager or double-down bet may be equal to or less than the original wager;
  - k. Insurance not permitted or insurance permitted - pays two to one;
  - l. Tip betting permitted or tip betting not permitted; and
  - m. Doubling-down on tip bets permitted - must equal the original tip bet or doubling-down on tip bets permitted - may be equal to or less than the original tip bet or doubling-down on tip bets not permitted.
3. Notice: If a person knowingly uses a fraudulent scheme or technique to cheat or skim involving twenty-one, regardless of the amount gained, the offense is a class C felony punishable by a five thousand dollar fine or five years in jail or both.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-10

**99-01.3-08-14. Drop box cash count.**

- 1. A drop box that has been used must be removed from a table by the end of the day's activity. If a drop box is removed from a table and the cash is not counted immediately, the drop box must be transported by the shift manager and, if

there is more than one employee on duty, escorted by an employee to a safe storage place. The cash must be removed from the drop box before the drop box can be used for another day's activity. An empty drop box may be stored on a table or in a safe storage place.

2. A drop box must be opened by a two-person count team. The persons shall be independent of each other. A count team may be an independent person and a gaming employee; two representatives of a financial institution, accounting firm, security agency, or security company; two nongaming employees; or two gaming employees provided that one of the gaming employees did not conduct games at the same site on the day of the gaming activity and day of the count. A count team may not be two persons who have a direct supervisor and subordinate relationship and may not be a common household member, spouse, child, parent, brother, or sister of the other count team member, except when using an independent contractor. A count team member may not be the person responsible for auditing the twenty-one activity.
3. The key to the lock securing the contents of a drop box must be controlled by one count team member who may not access the drop box unless both count team members are present. If there are two separate locks that secure the contents of a drop box, the key to the second lock must be controlled by the other count team member.
4. Each person shall independently count the drop box cash in the presence of the other person and resolve any difference between the two counts. Documentation of the count must be initialed and dated by both count team members.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-08-15. Tournaments.**

Except as provided by this section, an organization shall conduct a twenty-one tournament according to this chapter. These rules must be disclosed to players:

1. An organization shall charge a player an entry fee and provide the player a fixed number of no-value chips. The cumulative entry fee, including rebuys or add-ons, for an entire tournament cannot exceed two hundred dollars per player. An organization may allow a player to rebuy or add-on additional chips during a tournament by paying an additional amount which may be less than or equal to the original entry fee. An entry fee has no relationship to the



number of chips issued to the player. The chips have no cash redemption value. An organization shall maintain a register of players and their entry fee.

2. An organization may assign a player one or two betting spaces. An organization may use a rotating button to signify the order of betting. If a button is used, it must move clockwise one position after each hand. The organization shall set the time or number of shoes or hands to be played.
3. A player may not move from table to table, temporarily stop playing, remove chips from on top of a table, or transfer chips to or from another player. An organization shall set a minimum bet limit and may set a maximum bet limit based on a number of chips. A bet must be made on each hand. A player may not cash out before the end of play unless the player withdraws.
4. An organization may advance players with the most number of chips from each preliminary round to the next round or championship round. A player with the most number of chips, based on preliminary rounds or a championship round, wins. An organization may award a prize to the winning player of each preliminary round. However, if two players remain in the tournament, they may agree to split the prize rather than finish the tournament. A cash or merchandise prize may be awarded.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-07.2

#### **99-01.3-08-16. Recordkeeping.**

Records must include and be retained for three years from the end of the quarter in which the activity was reported, unless otherwise provided by rule:

1. For each day's activity:
  - a. The starting and ending cash and chip banks and IOU records according to section 99-01.3-03-06;
  - b. Drop box cash and values of fill and credit slips of each table;
  - c. Cash profit as defined in subdivision j of subsection 89 of section 99-01.3-02-01;
  - d. Daily surveillance review log;

- e. For tournament play, the fees; rebuys; add-ons collected; name of each player, signature or initials, and date of the employee who collected the fee;
  - f. For tournament play, prize register according to section 99-01.3-03-07 and record of win according to section 99-01.3-03-08;
  - g. A summary of gross proceeds, prizes, adjusted gross proceeds, cash profit, cash long or short, and bank deposit. The summaries of all twenty-one activity for a quarter must reconcile to the tax return; and
  - h. For a video surveillance system, dealer percent-of-hold information and video review documentation must be retained for one year from the end of the quarter of the activity.
2. Inventory records according to subsection 6 of section 99-01.3-03-09.
  3. Ideal cash bank master records according to subsection 5 of section 99-01.3-03-09.
  4. An organization using a combined cash bank for twenty-one and paddlewheel at a site shall allocate the cash long or short of the combined cash bank to twenty-one.
  5. Verification of the amount deposited according to a bank statement, and an audit of the game's activity according to subsections 6 and 7 of section 99-01.3-03-10.
  6. The count and reconciliation of cash banks and casino and betting chips according to subsections 5, 6, and 7 of section 99-01.3-03-09.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**CHAPTER 99-01.3-09  
POKER**

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**99-01.3-09-01. Poker.**

An organization with a restricted event permit may conduct poker during one event per year. Poker may only be conducted by a licensed organization on two occasions per fiscal year, July first through June thirtieth. Each of the two poker occasions are limited to a seventy-two hour period. During each poker occasion, an organization may run multiple poker tournaments at each of its licensed sites. Poker is a card game dealt by one dealer. For a tournament, an organization shall charge each player an entry fee. ~~The~~For each tournament conducted, the total fees for a tournament may not ~~cannot~~ exceed three hundred dollars per player ~~and includes, which includes~~ the buy-in or entry fee, plus any ~~rebuy or add-on~~rebuis, add-ons, and bounties. The total fees collected ~~and are~~ considered gross proceeds. ~~Satellite~~Each tournament may also have qualifying satellite tournaments ~~may be conducted~~at a site ran in conjunction with ~~at the main~~ tournament ~~and a separate fee not to exceed~~. Total fees of up to three hundred dollars per player may also be collected ~~and are~~ charged for qualifying satellite tournaments. This fee is also considered ~~part of~~ gross proceeds for the tournament. Total prizes awarded for ~~any one~~ tournament, including ~~any~~ satellite tournaments, may not exceed ninety percent of the gross proceeds for that tournament. The organization must complete the poker recordkeeping as required by section 7 of chapter 99-01.3-09 for each tournament ran during a poker occasion. The recordkeeping cannot be combined for multiple tournaments conducted during the seventy-two hour poker occasion. A non-tournament occasion and a side game are restricted to a twenty-four hour period during the poker occasion. For nontournament activity, an organization shall charge each player a fee not to exceed two dollars per one-half hour of playing time, collected in advance. The maximum single bet is one dollar and not more than three raises, of not more than one dollar each, may be made among all the players in a betting round. An organization employee shall be present to manage and control all poker activity.

After players receive their starting (hole) cards and after each round of new cards, there is a betting round. A player bets on the cards (hand) the player holds. All wagers

are placed in the center of the table and referred to as the pot. Each betting round, a player decides whether to continue by calling or raising the bet. After all the dealing of cards and betting has occurred and there are two or more players still in contention for the pot, there is a showdown to determine which player has the best hand. The object is for the player to win the pot by making a bet no other player is willing to match or for the player to have the most valuable hand. A winner is determined by the ranks and combinations of players' cards.

**History:** Effective May 1, 1998; amended effective July 1, 2002; July 1, 2010; July 1, 2012; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

### **99-01.3-09-02. Definitions.**

1. "Action" is a binding verbal statement or physical gesture of intention.
2. "Add-on" is the last opportunity a player has to buy additional chips in an attempt to better the player's chances to win in a tournament that allows the additional purchase of chips. The amount and time restriction is found in the tournament rules.
3. "Ante" is a player's forced bet of a predetermined amount into the pot before the first card of the hand is dealt.
4. "Bet" is the act of making a wager on a betting round.
5. "Betting round" is a complete cycle in a hand of poker after all players have called or folded.
6. "Blind bet" is a forced bet made before the first card of the hand is dealt. A small blind, which is usually one-half of a minimum bet, is made by the first player to the left of the dealer button and a big blind, which is usually the minimum bet amount, is made by player to the left of the first player.
7. "Button" is a token used to indicate the dealer position at the table for determining the order of betting.
8. "Bounty" is a feature in some poker tournaments that rewards a player for eliminating another player. Bounties must be of equal value and no bounty may be of an unknown value.
9. "Buy-in" is the minimum amount of money required to enter a tournament in exchange for a set amount of chips.

10. "Call" is to match a bet or match a raise.
11. "Check" is to waive the right to initiate the betting in a round, but to retain the right to call.
12. "Chip dumping" is a strategy whereby one player deliberately loses chips to another player.
13. "Community cards" are cards dealt face upward which can be used by all players to make their best hand.
14. "Deal" is the distribution of playing cards among the players.
15. "Flop" is the first three community cards dealt face up at one time.
16. "Fold" is a player discarding a hand during a betting round by refusing to match a bet.
17. "Hand" is a game in a series beginning with a shuffle and ending with the awarding of a pot. It is also used to describe the cards held by a player, or the best five cards of a player's holding.
18. "Misdeal" is a hand in which a dealing mistake was made and requires the hand to be dealt again.
19. "Open", "openers", "to open", is the first bet in any betting round.
20. "Poker run" is an event in which each participant in the event follows a charted course, stopping at five to seven checkpoints along the route to pick up a single playing card. Upon all participants' arrival at the final checkpoint, a showdown of the poker hands is conducted and prizes are awarded.
21. "Pot" is a collection of the total amount wagered by all players at a poker table for a hand and awarded to the winning players.
22. "Raise" is a bet in an amount greater than the immediately preceding bet in that betting round.
23. "Rebuy" is when a player qualifies to purchase another buy-in during a tournament that allows a player to continue competing in the tournament. The number and time restriction are found in the tournament rules.
24. "Satellite" is a qualifying tournament in which the prizes awarded must include a buy-in to a larger tournament.

25. "Showdown" is the revealing of each player's hand by the player after the last bet to determine the winners of the pot.
26. "Side game" is a poker game running concurrently with a tournament and made up of players who have either been eliminated or opted not to play in the tournament.
27. "Soft play" is failing to bet or raise in a situation that would normally merit it; to intentionally go easy on a player.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-07.2

### **99-01.3-09-03. Limitations and fees.**

1. An organization may only conduct poker on two occasions per fiscal year. An occasion may include more than one authorized site. A nontournament occasion and a side game are restricted to a twenty-four-hour period of play. Tournament activity, including any satellite activity, is an occasion of not more than three consecutive calendar days of play. Both tournament and nontournament play may occur as part of the same occasion provided that the nontournament play and a side game does not exceed a twenty-four-hour period of play.
2. Only a licensed distributor can provide consulting services to an organization for a poker occasion provided the licensed distributor does not manage, control, or conduct the game.
3. For nontournament play and a side game, if an organization does not provide a dealer, players shall use cash. If an organization provides a dealer, players shall use chips. An organization shall charge a player a fee not to exceed two dollars per one-half hour of playing time and collect the fee in advance. An employee shall record the fee when it is collected. The fee schedule must be posted or made available to players.
4. For a tournament, an organization may provide a dealer who cannot play in the game or allow the players to alternate as dealers and:
  - a. Types of poker authorized is limited to Texas hold'em and Omaha.
  - b. Use no-value chips.

- c. Advance players with the most number of chips from each round to the next round or championship round. A player with the most number of chips, based on a championship round, wins. Any remaining players in the tournament may agree to split the prize rather than finish the tournament.
  - d. An organization may award a buy-in to a larger tournament to multiple winning players of each satellite tournament. It is accounted for as a prize and valued at the cost of the buy-in. If a satellite buy-in prize is transferable to another player, an organization shall issue a receipt for the buy-in prize. When a buy-in prize is redeemed, it is accounted for as gross proceeds. If a buy-in prize is not redeemed, it is valued at zero and is not accounted for as a prize for the satellite tournament nor as gross proceeds for the larger tournament.
  - e. Bounty buy-in fees and payouts, if applicable, must be included as part of the gross proceeds and prizes of a tournament.
  - f. Only a cash prize or buy-in to a larger tournament may be awarded and the total prizes awarded may not exceed ninety percent of all fees collected.
  - g. After the start of the tournament, an organization may not refund a buy-in or other fee collected.
  - h. A director of a tournament and the organization employee managing, conducting, or controlling the poker activity may not participate in the tournament.
5. An organization that conducts poker through a poker run involving more than one site shall comply with guidelines prescribed by the attorney general.

**History:** Effective May 1, 1998; amended effective July 1, 2002; October 1, 2006, July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-07.2

#### **99-01.3-09-04. Conduct and play.**

- 1. The cards are ranked ace, king, queen, jack, ten, nine, eight, seven, six, five, four, three, and two. A poker hand in a showdown consists of five cards, usually the best five selected from a greater number, ranked according to the following from highest to lowest:

- a. Royal flush--the best hand of the same suit in sequence of ace, king, queen, jack, ten;
  - b. Straight flush--five cards of the same suit in sequence;
  - c. Four of a kind--four cards of the same rank;
  - d. Full house--three cards of the same rank and two cards of the same rank;
  - e. Flush--five cards of the same suit;
  - f. Straight--five cards in sequence; an ace may be low in a five-high-card straight;
  - g. Three of a kind--three cards of the same rank;
  - h. Two pair--two cards of the same rank and two cards of one other rank;
  - i. One pair--two cards of the same rank; and
  - j. High card--the highest ranking card in the hand.
2. The cards in the game of poker must be one complete standard deck of fifty-two cards. The design on the back of each card in the deck must be identical, and no card may contain any marking, symbol, or design that enables a player to know the identity of any element printed on the face of the card. The backs of the cards may contain a logo. The backs of the cards in the deck must be designed to eliminate the ability of any person to place concealed markings on them.
  3. The organization shall have additional decks of cards available at the site. The color of the backs of the cards of the replacement decks must be of a different predominant color.
  4. When cards are brought to the poker table, an organization employee first shall approve the deck of cards. The deck must be sorted into sequence, by suit and the back of each card inspected to assure all cards are present and none are taped, cut, shaved, marked, defaced, bent, crimped, or deformed.
  5. Before the play, the dealer, in front of the players, shall spread the cards face upwards on the table, according to suit and in sequence within the suit for review by the players. After review, the cards must be shuffled so the cards are randomly intermixed. If a replacement deck is used, this step must be repeated.



6. Before starting play, and after each hand, the dealer thoroughly shall shuffle the cards. Then the dealer shall cut the cards by placing a portion of the deck on top of a cutting card. The dealer then shall restack the cards with the former bottom part of the deck on top.
7. Cards must be dealt out of the hand by the dealer. Dealing must start with the first player to the left of the dealer or button. A card dealt must be the top card of the deck. After the first card of the hand has been dealt to a player, the deal continues in a clockwise direction. The order of cards in the deck may not be disturbed during the deal of a round.
8. The first holder of the button shall be determined at random by dealing for the high card or a set position before seat assignment. If two or more players have the same ranked card, card suit will determine high card. From best to worst, suits rank spades, hearts, diamonds, and clubs.
9. An ante may be used in the game at the discretion of the organization. The player shall ante for each hand by placing wagers equaling the ante in front of the player on the table before the first card of the hand is dealt. The dealer shall sweep the antes and place them in the pot. Once the first card is dealt to any player, the ante may not be altered.
10. If an organization allows blind bets, the first betting round is started by the player to the left of the big blind by opening or folding and each following player shall call, raise, or fold; otherwise the player to the left of the button shall check, open, raise, or fold and each following player shall check, call, raise, or fold. A player shall match or raise the previous bet amount to remain in the hand. Subsequent betting rounds are started by the first active player to the left of the button. A betting round ends when all players have had a chance to act and all players who haven't folded have wagered the same amount for the round.
11. If a table only has two players remaining (heads-up), the small blind is posted by the player that has the button. When play becomes heads-up, the player who had the big blind the most recently, is given the button and the other player is given the big blind. The player with the button shall be the first player to act on the first betting round and last to act on the subsequent betting rounds.
12. A card that is meant to be dealt face downward but is dealt face upward or flashed as it is dealt so that a player might know its identity or is dealt off the table is considered an exposed card. A card exposed by a player is not an exposed card. The replacement of an exposed card must be done after all players have received their cards in that round.

13. A misdeal occurs when during the initial deal a player receives an incorrect number of cards, an active player is dealt out or cards are dealt to an inactive empty seat at the table, or cards are dealt out of sequence. A misdeal causes all of the cards to be returned to the dealer for a redeal. A misdeal may not be called once substantial action has occurred. Substantial action" is defined as either three players acting by betting or folding or two players acting, if one of them has raised the pot.
14. An organization shall adopt a burn card procedure in which one card will be burned either after each round of betting or before dealing any additional cards.
15. A statement by a player of "call" or "raise" or of a specific bet is binding. A player who states a certain amount but puts a different amount into the pot shall correct the bet to the stated amount.
16. A player who unintentionally bets less than the amount required to call shall complete the call or fold. An improper bet must stand once three players have called, a player has raised, or all players in the pot have acted; otherwise, the action must back up to the player making the improper bet and any other action is nullified. A player makes a bet if the bet is pushed forward or placed into the pot at a sufficient distance from the player to make it obvious that the player intends to bet. If the situation is unclear and a player allows the dealer to pull the player's bet into the pot without making an immediate objection, it is a bet.
17. If a player places a single-chip wager into the pot that is larger than the bet, it must be regarded as a call unless the player announces a raise. If a multi-chip wager is fifty percent or greater of a legal raise then the minimum raise must be completed.
18. A fouled hand is a hand that has an improper number of cards, unless the player is short a card and due to get the top card of the deck. If a player has a fouled hand by having too many cards, that hand is dead and cannot win any part of the pot.
19. If a player discovers that the hand is fouled, the player cannot recover any wagers placed into the pot unless a misdeal can be called. If a player with a fouled hand makes a bet or raise and the next player has not yet acted, the next player may call attention to the fact that the hand is fouled. The dealer shall return the player's bet to the player with the fouled hand and betting may resume.

20. No player may deliberately foul a hand to recover a bet or make an attempt to win the pot by betting or raising after the player has discovered that the player's hand is fouled. If the dealer determines that a player has intentionally bet a fouled hand, the dealer shall rule that all of the player's wagers remain in the pot and the player's hand is dead.
21. When an active player exposes the player's hand to another active player, all other players at the table have the right to see the exposed hand.
22. If a card is improperly faced in the deck, it must be treated as a dead card and replaced by the next card below it in the deck.
23. At the conclusion of the final betting round, a player shall place the player's hand face upward on the table at the showdown as follows:
  - a. If there has been a bet on the final round, the player who made the bet shall show first;
  - b. If there have been one or more raises on the final round, the player who last raised shall show first;
  - c. If the final round has been checked by all the players, the player who acted first shall show first;
  - d. The subsequent order of showing hands is clockwise around the table from the player who shall show first; and
  - e. If there is a side pot, players involved in the side pot shall show their hands before any player who is "all-in" for only the main pot.
24. If two or more players remain in the pot after all of the cards have been dealt and the betting is over for that hand, the remaining players show their cards to determine which player has the best hand and wins the pot. A player may discard a hand without showing it. A player shall show the hand at the showdown if requested to do so by management. All hands will be shown without delay once a player is all-in and all betting action by all other players in the hand is complete. No player who is either all-in or has called all betting action may muck his hand without showing. All hands in both the main and side pots must be shown and are live. The following provisions govern showdown:
  - a. A hand with too many cards for that game is dead;

- b. A hand is ranked according to the actual cards it contains. The cards speak for themselves;
  - c. A hand that is prematurely discarded by a player and touches the discarded cards is dead unless it is one hundred percent identifiable and retrievable;
  - d. A verbal concession is binding;
  - e. A player who leaves the table conceding the pot shall discard the hand;
  - f. A hand discarded face upward is a live hand if it has not become irretrievably mixed with the discards;
  - g. A hand discarded face downward may be retrieved if the following conditions are met:
    - (1) The player retrieves it or requests the dealer to turn it face up; and
    - (2) Another player has not been induced to discard the other player's hand;
  - h. A hand discarded face downward that is not retrievable is dead even if it had been shown before being discarded;
  - i. A player is responsible for protecting their hand until a winner is declared; and
  - j. Dealers cannot kill a properly shown and tabled hand that was obviously the winner.
25. At a showdown if two or more hands are tied, the hand with the highest ranked card or cards for high poker games and the lowest ranked card or cards for low poker games wins; otherwise, the tie must be broken by the rank of the unmatched cards in the hand. All suits are of equal value for determining hand rankings. In high-low split poker games, the highest hand and the lowest hand split the pot. A player who wins in one direction (high or low) and ties a player for the other direction, receives three-quarters of the pot. A player who wins in both directions without a tie receives all of the pot. Aces may be used for either high or low.
26. Pots must be awarded by the dealer. A game must be played to conclusion and the pot awarded to the winning player. The reading of a shown hand may be

disputed until the next hand begins. Accounting errors in calculating and awarding the pot may be disputed until substantial action occurs on the next hand. If a hand finishes during a break, the right to any dispute ends one minute after the pot is awarded.

27. If using chips, and a pot that is split by having tied hands at the showdown has an odd chip, the chip is awarded to the player with a live hand clockwise from the dealer button. This section does not apply to splits between the high and low hands in high-low poker. If the lowest denomination chips in the pot are unable to be used to split the pot evenly, the dealer shall exchange the chips in order to divide split pots as evenly as possible.
28. If a defective deck is used, all wagers in the pot must be returned to the players in the amount each contributed. A player who knows the deck was defective and attempts to win the pot by a bet is not entitled to the player's wagers in the pot. Such wagers must remain in the pot as a forfeited amount for the next game. A player who won a pot is entitled to keep it, even though the deck is subsequently found to be defective.

**History:** Effective May 1, 1998; amended effective July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

### **99-01.3-09-05. Tournaments.**

Except as provided by this section, an organization shall conduct a poker tournament according to this chapter.

1. An organization shall post tournament rules and a written schedule for each tournament and satellite tournament. A schedule must contain:
  - a. Name of the site and organization;
  - b. Date or dates of the poker tournament;
  - c. Structure of the tournament prize payouts, once determined; and
  - d. Buy-in, fees, add-ons, rebuy, and bounty options.
2. Each table will set a maximum of eleven players. Players will be distributed as evenly as possible between all tables.

3. A seat assignment is determined at the time of the buy-in by the player randomly drawing a card from a specially marked deck or custom cards.
4. Tournament chips will be distributed directly to the player.
5. Texas hold'em must be played according to the following rules:
  - a. The dealer shall deal two (hole) cards to each player, face downward, and one at a time. The first player to receive a card is the player to the left of the player who has the button. The last player to receive cards is the player assigned the button. After each player has received two cards, there is a betting round and the players may bet an amount not more than the posted table limit;
  - b. The dealer shall discard the top card of the deck and place it in the discard card pile (burn a card) and deal three community cards from the deck face upward, in the center of the table. After the flop, another betting round occurs; and
  - c. The dealer burns another card and then deals a fourth community card face upward in the center of the table. Another betting round takes place. The dealer burns another card before dealing the fifth community card face upward in the center of the table for the final betting round. A player shall make the best five card hand using any combination of hole and community cards. If there are two or more players remaining in the game after all bets are made, there is a showdown. The highest hand wins the pot.
6. Omaha poker must be played according to the following rules:
  - a. The dealer shall deal four (hole) cards to each player, face downward, and one at a time. The first player to receive a card is the player to the left of the player who has the button. The last player to receive a card is the player assigned the button. After each player has received four cards, there is a betting round;
  - b. The dealer shall discard the top card of the deck and place it in the discard card pile (burn a card) and deal three community cards from the deck face upward, in the center of the table. After the flop, another betting round occurs;
  - c. The dealer burns another card and then deals a fourth community card face upward in the center of the table. Another betting round takes place. The dealer burns another card before dealing the fifth community

card face upward in the center of the table for the final betting round. A player shall use two hole cards and three of the community cards to make their best hand. If there are two or more players remaining in the game after all bets are made, there is a showdown. In Omaha high, the highest hand wins the pot. In Omaha high-low split, the highest hand and the lowest hand split the pot. A player who wins in one direction (high or low) and ties a player for the other direction, receives three-quarters of the pot. A player who wins in both directions without a tie receives all of the pot. Aces may be used for either high or low.

7. A player confronted by a bet larger than the player's stack of chips may call "all in" and place the chips into the pot as a call. The excess part of the bet is either returned to the bettor or used to form a side pot with another player or players by matching the amount called. There is no limit on the number of side pots. Play must continue and the remaining players shall place their bets into the side pot or pots. At the showdown, if the player who is "all in" has the high hand, the player wins the pot. The player with the second highest hand wins the side pot. If the player who is "all in" does not have the highest hand, the player with the highest hand wins both pots. In a high-low game, a similar procedure must be used to award the pots to the highest and lowest hand. A player who is "all in" and loses must leave the table or rebuy, if applicable.
8. A player may call "all in" at any time during a betting round provided that the bet does not exceed the tournament limit.
9. Chips may not be transferred or purchased from another player.
10. All chips must remain visible on the table throughout the event.
11. If a player is absent from the seat at the start of the initial deal of the hand, any ante or blind bet will be posted by the dealer on the player's behalf. A player shall be at the table by the time all other player's receive their hole cards in order to have a live hand for that deal.

**History:** Effective April 1, 2016; amended effective July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-09-06. Disclosure.**

The following rules must be posted or made available to players in the area where poker activity is conducted. If made available to players, the rules must be in the form of a handout that is easily visible to the players and may not be a copy of the gaming law and rules:

1. House rules:
  - a. Must use one deck of cards which is dealt out of the hand;
  - b. Must use a cut card to conceal the bottom card of the deck;
  - c. May allow a blind bet and set a minimum table limit;
  - d. May allow a minimum ante;
  - e. May allow a maximum of three raises per betting round; and
  - f. Must limit each raise to an amount equal to or greater than the original bet; however, each raise must be equal to or greater than the original bet of that betting round.
  
2. Player rules:
  - a. Must be twenty-one years of age or older;
  - b. No side bets or credit play is allowed;
  - c. Chips must remain visible on the table throughout the event;
  - d. The use of any electronic device for communication at the table is prohibited while the player has a live hand;
  - e. The placement of any electronic device on the table is prohibited; and
  - f. Ethical play: Any player who soft plays a hand shall be penalized. The penalty may include either chip forfeiture or disqualification or both. Any player involved in chip dumping and other forms of collusion shall be disqualified.

**History:** Effective April 1, 2016; amended effective July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-07.2

#### **99-01.3-09-07. Recordkeeping.**

Records must include and be retained for three years from the end of the quarter in which the activity was reported:



1. For each poker occasion:
  - a. The starting and ending cash on hand and chips according to section 99-01.3-03-06;
  - b. For nontournament play and a side game, the fees collected for each one-half hour interval on each table; number of players; time each fee is collected; and the name, signature, and time worked of the employee who collected the fee;
  - c. For tournament play, including satellite games; the fees; rebuys; bounties; add-ons collected; name and address of each player; signature or initials; and date of the employee who collected the fee;
  - d. For tournament play, including satellite games, prize register according to section 99-01.3-03-07, and record of win according to section 99-01.3-03-08;
  - e. Cash profit as defined in subdivision k of subsection 89 of section 99-01.3-02-01;
  - f. A summary of gross proceeds, prizes, adjusted gross proceeds, cash profit, cash long or short, and bank deposit. The summaries of all poker activity for a quarter must reconcile to the tax return;
  - g. A copy of the tournament rules for each poker occasion;
  - h. Receipts for transferred satellite buy-in prize; and
  - i. A copy of the tournament schedule according to subsection 1 of section 99-01.3-09-05.
2. Ideal cash bank master records according to subsection 5 of section 99-01.3-03-09.
3. Verification of the amount deposited according to a bank statement, and an audit of the game's activity according to subsections 6 and 7 of section 99-01.3-03-10.
4. The count and reconciliation of cash banks according to subsections 5 and 7 of section 99-01.3-03-09.

**History:** Effective April 1, 2016; amended effective July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**CHAPTER 99-01.3-10  
CALCUTTAS**

Section

99-01.3-10-01	Calcutta
99-01.3-10-02	Recordkeeping

**99-01.3-10-01. Calcutta.**

A "calcutta" is a sporting event in which players wager at an auction on the competitors. A sporting event is a competitive sport involving physical skill or endurance and scores a person's physical ability. The conduct of a calcutta is the auction process. An auction pool is comprised of the wagers paid by players who offered the highest bids on the competitors. The auction pool is distributed to the player who wagered on the winning competitor. The winning competitor may be one competitor, a team of competitors, or ranked competitors. A competitor may not be an animal and wagers may not be placed on animals. The payout of the cash prize to a winning player is based on a predetermined percentage of the auction pool, which may not exceed ninety percent. Only cash prizes may be awarded.

1. A calcutta may only be conducted for a professional or amateur sporting event held in North Dakota, but not for an elementary, secondary, or postsecondary education sporting event. An organization may conduct more than one calcutta on the same sporting event. More than one organization may independently conduct a calcutta on the same event.
2. An organization shall acquire a calcutta board from a distributor and complete on it the sporting event, date of the sports event, and manner of distributing the auction pool as a prize. The requirements of the players must be posted or made available to the players on the site.
3. Each competitor in a sporting event shall be identified before the auction begins. A competitor may also be a player who may wager on oneself. A competitor may wager on another competitor.
4. Each competitor shall be eighteen years of age or older to be eligible to be listed on a Calcutta board. Each eligible competitor shall be offered through an auction to prospective players. An organization may require that all eligible competitors be bid on and may set a minimum bid. A player who offers the highest bid for a competitor by a verbal, sealed, or open bid wagers on that competitor. A player may wager any amount and buy more than one competitor. A competitor may be auctioned off only to one player. An organization may not bid on a competitor.

5. An open bid enables a potential player, during a certain time, to write the player's name and bid for a competitor on a register assigned that competitor. Each successive potential player interested in that competitor shall write the player's name and bid, of an amount higher than the previous bid, on the register. When the time period ends, the last player listed on the register wagers the amount bid on that competitor.
6. An organization shall conduct an auction at its site that may be where the sporting event is held. A player shall be present to bid.
7. Before an auction, an employee shall:
  - a. Verbally announce the predetermined percentages of the auction pool that will be paid to a winning player and retained by an organization. The amount a player may win depends on the total amount of the auction pool and not on any odds; and
  - b. Complete for each line on a board a sequential number starting with the number one and a name of a competitor.
8. The sequence of a verbal bid auction must be determined by a random drawing of the numbers assigned each line.
9. If a competitor is not bid on by a player, an organization may sell the competitor by:
  - a. If there is more than one competitor not bid on, placing the competitors in one or more groups and auction a group as one competitor; or
  - b. Allowing a competitor to purchase oneself for a predetermined minimum wager.
10. After an auction, an employee shall complete this information for each line on a board and total the amounts wagered:
  - a. Full name and address of the player who bought the competitor; and
  - b. Amount wagered by the player.
11. If a competitor was bought by a player and does not compete in the event, an organization shall refund the wagered amount to the player and adjust the prize payout.

12. After a sporting event, an employee shall complete on the board, for each winning player, the amount of the auction pool won. A winning player is the player who wagered on the competitor who won the event. An organization may award the prize to a winning player where the event is held. If an eligible competitor was not bought by a player and wins or places in the event, the organization shall retain the prize that would have been awarded on the competitor. If an ineligible competitor wins or places in the event, the organization shall award the prize that would have been awarded on the competitor to the next highest ranked eligible competitor.
13. An organization shall make a good-faith effort to contact a winning player to award a prize. If a prize is unclaimed for thirty days following the notification or a player attempts to falsify or falsifies a record of win, the prize is forfeited.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-07.3

#### **99-01.3-10-02. Recordkeeping.**

Records must include and be retained for three years from the end of the quarter in which the activity was reported:

1. For each calcutta:
  - a. A calcutta board with the state gaming stamp affixed indicating the winning competitor and player;
  - b. The starting and ending cash on hand and IOU records according to section 99-01.3-03-06;
  - c. Prize register according to section 99-01.3-03-07 and record of win according to section 99-01.3-03-08;
  - d. Cash profit as defined in subdivision 1 of subsection ~~89~~ of section 99-01.3-02-01; and
  - e. A summary of gross proceeds, prizes, adjusted gross proceeds, cash profit, cash long or short, and bank deposit. The summaries of all calcuttas conducted for a quarter must reconcile to the tax return.
2. Inventory records according to subsection 1 of section 99-01.3-03-09.

3. Ideal cash bank master records according to subsection 5 of section 99-01.3-03-09.
4. Verification of the amount deposited according to a bank statement, and an audit of the game's activity according to subsections 6 and 7 of section 99-01.3-03-10.
5. The count and reconciliation of calcutta boards and cash banks according to subsections 1, 5, and 7 of section 99-01.3-03-09.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**CHAPTER 99-01.3-11  
PADDLEWHEELS**

Section

99-01.3-11-01	Paddlewheels
99-01.3-11-02	Paddlewheels - Excluding the Use of a Table
99-01.3-11-03	Paddlewheel, Table, Chips, and Video Surveillance System
99-01.3-11-04	Opening and Closing a Table, Number of Employees, Chip Bank Services, Procedure for Accepting Currency and Chips, and Drop Box
99-01.3-11-05	Conduct and Play
99-01.3-11-06	Disclosure
99-01.3-11-07	Recordkeeping

**99-01.3-11-01. Paddlewheels.**

Paddlewheels must be conducted and played according to these two methods:

1. Paddlewheels may be a game in which a prize cannot be a variable multiple of the amount bet. The ticket must contain one or more numbers or symbols corresponding to a paddlewheel. The number or symbol on a ticket may not be duplicated on any other ticket of the same card. No chips may be used. Cash or merchandise prizes may be awarded. Sections 99-01.3-11-02 and 99-01.3-11-07 also apply to this method.
2. Paddlewheels may be a table game in which a prize is a predetermined variable multiple of the amount bet. No merchandise prize may be awarded. Sections 99-01.3-11-03 through 99-01.3-11-07 also apply to this method.

**History:** Effective May 1, 1998.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-07.4

**99-01.3-11-02. Paddlewheels - Excluding the use of a table.**

This section applies to the method of paddlewheels described by subsection 1 of section 99-01.3-11-01.

1. All paddlewheel tickets of a card must be preprinted and contain one or more numbers or symbols corresponding to a paddlewheel. A number or symbol cannot be repeated on any of the tickets of a card number. A ticket must have a game serial number corresponding to the number printed on the ticket card's stub. A master flare for a series of paddlewheel ticket cards must state the type of paddlewheel tickets, cost per ticket, range of card numbers, have a state

gaming stamp affixed to it bearing the card number of the lowest-numbered ticket card, and be posted.

2. The maximum price per ticket is two dollars. All the tickets of a series of paddlewheel ticket cards must be sold for the same price and the tickets cannot be discounted. A person may not be required to buy more than one ticket. All tickets must be sold on a site the day the game is conducted. All the tickets of a card must be sold before a spin. Otherwise, an employee shall refund the gross proceeds in exchange for the players' unplayed tickets.
3. A winner must be determined by spinning a paddlewheel. An organization may spin a paddlewheel multiple times to award multiple prizes for one paddlewheel ticket card. A paddlewheel must make at least four revolutions. Otherwise, the spin is void and the paddlewheel must be spun again.
4. No cash prize may be a variable multiple of the price of a ticket. No cash prize or the retail price of a merchandise prize for one winning ticket may exceed one hundred dollars. After a prize payoff, an employee shall record the date, card number, and cash prize amount or cost and description of a merchandise prize and retain the winning ticket.
5. All paddlewheel ticket cards of a series related to the same master flare must be reported on the tax return in the quarter in which the series was first played. An organization may not carry over a partial series of paddlewheel ticket cards to another quarter. Any cards of a series which remain unsold during a quarter when other cards of that series were sold must be retained as part of the accounting records and cannot be used or disposed.
6. The following rules and policy must be posted or made available to players in the area where paddlewheel activity is conducted. If made available to players, the rules and policy must be in the form of a handout that is easily visible to the players and may not be a copy of the gaming law and rules:
  - a. A player may not bet tickets that exceed a value of twenty dollars for one spin;
  - b. A paddlewheel must make at least four revolutions;
  - c. Whether a player is or is not required to be present when the paddlewheel is spun to win;
  - d. If a player is not required to be present, the time limit for the winning player to claim the prize; however, the limit cannot exceed one hour from the time of the spin; and



- e. If a prize is not claimed, an organization shall conduct one or more additional spins until the prize is claimed.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2012; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-07.4

**99-01.3-11-03. Paddlewheel, table, chips, and video surveillance system.**

1. A paddlewheel is a round mechanical vertical wheel, at least thirty inches in diameter, and may be divided into a maximum of five concentric circles. The outer circle must contain at least forty numbers or symbols. A paddlewheel may have house numbers or symbols for an optional odd or even bet. Each inner circle may contain up to one-half of the number of numbers or symbols as that circle's adjacent outer circle. The numbers and symbols may repeat on a circle. Each circle must be divided into equally spaced sections, be a different primary color, and correspond to the colored numbers or symbols of a table playing surface. The colored numbers or symbols of all concentric circles must be at least five-eighths of one inch in height.
2. A peg must protrude, on the circumference of a paddlewheel, between each section of the outside circle. A pointer must be positioned above a paddlewheel. It is used to stop a spin of a paddlewheel and determine the winning colored number or symbol.
3. A table must have:
  - a. A chip tray and a rail for holding a player's chips;
  - b. A playing surface which must be permanently imprinted with colored numbers or symbols of at least one and one-half inches in height relating to each circle of a paddlewheel. A table may have spaces for various wagers, including sets of numbers, colored numbers, symbols, and "ODD" and "EVEN" bets;
  - c. Either a mirror to reflect or a color video camera and monitor to display the winning colored number or symbol on the paddlewheel; and
  - d. A table must have a "drop box" that meets the specification of subsection 5 of section 99-01.3-15-02. A "drop box" must have a money plunger which must remain in the slot unless the plunger is used.

4. An organization shall issue solid color-coded sets of chips for betting purposes. No betting chip can be the primary color of mustard yellow. The number of different sets and number of chips within each set is based on an organization's discretion. Each chip must be permanently impressed, engraved, or imprinted on one side with an organization's name and the other side may have a stated value of one dollar. The name may be represented by a unique identification that differentiates an organization's chips from other organizations' chips. Each chip is valued at one dollar. An organization may issue casino chips in values of one dollar, two dollars, five dollars, twenty-five dollars, and one hundred dollars for paying a winning bet or exchanging a betting chip. A casino chip must meet the specification of subsection 3 of section 99-01.3-08-03.
5. An organization shall have a picture-in-picture or simultaneous recording video surveillance system on a table and paddlewheel. The system must meet the requirements prescribed by ~~subsections 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11~~ of section 99-01.3-08-04.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-07.4

**99-01.3-11-04. Opening and closing a table, number of employees, chip bank services, procedure for accepting currency and chips, and drop box.**

1. To open a paddlewheel table, an employee shall inspect each peg and the pointer of a paddlewheel for uneven wear, immediately replace any worn peg or pointer, and evaluate the balance of a paddlewheel.
2. An organization may not conduct paddlewheels unless two employees are on duty at the site.
3. A fill and credit slip must be prepared and used according to section 99-01.3-08-05. An organization shall perform chip bank services according to section 99-01.3-08-06. An organization may account for the games of paddlewheels and twenty-one separately and, if the activity is separately recorded, shall use casino chips prescribed by the attorney general.
4. A wheel operator, upon receiving currency from a player at a table, shall spread each bill of currency facedown and flat, in sequence of denomination, in the inner table area, perpendicular to a chip tray, and momentarily move the wheel operator's hands away from the currency so it is within a camera's view. A wheel operator, upon receiving a casino chip from a player at a table to be exchanged for a betting chip, shall place the chip in the inner table area at the

dealer's wheel operator's left and sort, stack, and fan the chips. However, a wheel operator may use a rack to account for one or more sets of twenty chips of the same value. A wheel operator shall then take betting chips from the chip tray, equal in value to the currency or casino chip, fan the betting chips, and momentarily move the wheel operator's hands away from the betting chips so they are within a camera's view. A wheel operator shall then restack the betting chips, push the betting chips to the player, and place the currency in a drop box or place the casino chip in the chip tray, or both.

5. After a day's activity, an employee shall transport a drop box from a table, store it, and count drop box cash according to section 99-01.3-08-14.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2010; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-11-05. Conduct and play.**

1. An organization may limit the number of players and may require a minimum number of players to open a table.
2. A player shall buy a betting chip with currency or may exchange a casino chip for a betting chip. Only a betting chip can be used to place a bet.
3. The maximum betting limit of a player for each spin is twenty dollars. Each chip is a separate chance to win. Unless an organization has a restrictive policy, a player may bet more than one chip on the same colored number or symbol for a spin. To bet, a player shall place a chip on the betting layout of a table. If a player's total bet exceeds a value of twenty dollars or exceeds an organization's maximum wager on a spin, the bet is void and the organization shall return the player's chips to the player. A player may not place a tip bet for a wheel operator.
4. After all the players have bought a betting chip and before a paddlewheel is spun, a wheel operator shall announce that the players' bets for the next spin must now be placed. A wheel operator may place a chip for a player if the wheel operator first states, in a voice loud enough to be heard by all the players at a table, that the player is being assisted. When a wheel operator has determined that no other person desires to bet, the wheel operator shall announce bets closed. Thereafter, a player may not bet or touch any placed betting chip or obstruct the view of the playing surface until after a wheel operator pays off all winning wagers. A wheel operator shall double spin a paddlewheel by pulling it in a downward or upward direction and releasing it. While the

paddlewheel is in motion, a wheel operator shall again pull it in a consistent downward or upward direction. A paddlewheel must rotate at least four full unrestricted revolutions. Otherwise, the spin is void and a paddlewheel must be spun again.

5. When a paddlewheel stops, a wheel operator shall announce the winning colored number or symbol in a tone of voice loud enough to be heard by all the players at a table. The announcement must be in sequence of the outermost circle first to the innermost circle last. A wheel operator shall first remove all losing betting chips from the table and place them in the chip tray. Then, a wheel operator shall pay off the winning betting chips in the sequence of the bets that are most accessible to the players first and to the bets that are least accessible to the players last.
6. To pay off a winning bet, a wheel operator shall fan all of a player's betting chips toward the wheel operator or side. A wheel operator shall take betting chips of the same color as the winning chip or casino chips, equal to the prize amount of the winning bet, from the chip tray, place the betting or casino chips in a stacked manner beside the wagered fanned betting chips, fan the payoff chips toward the wheel operator or side, and momentarily move the wheel operator's hands away from the chips so they are within a camera's view. However, if the prize payout equals or exceeds twenty betting or casino chips of the same value, the wheel operator may use a rack to account for one or more sets of twenty chips and fan the remaining payoff chips.
7. A tip for a wheel operator must be made with a betting or casino chip. If a tip is made with a betting chip, a wheel operator shall immediately exchange the betting chip for a casino chip in the inner table area, momentarily move the wheel operator's hands away from the chip so it is within a camera's view, place the betting chip in the chip tray and casino chip in the tip receptacle. When the wheel operator's shift ends, the wheel operator shall take the tip receptacle and leave the table.
8. If a player desires to redeem a betting chip, an organization shall exchange the betting chip for a casino chip at the paddlewheel table. A player may redeem a casino chip with the ~~cash bank~~ cashier or use it in the game of twenty-one.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; October 1, 2006; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-07.4

**99-01.3-11-06. Disclosure.**

1. The following rules and notice must be posted or made available to players in the area where paddlewheel activity is conducted. If made available to players, the rules and notice must be in the form of a handout that is easily visible to the players and may not be a copy of the gaming law and rules:
  - a. A player may not bet chips that exceed a value of twenty dollars for one spin.
  - b. A player shall bet by placing a betting chip properly on the betting layout.
  - c. A player may not touch a betting chip after the wheel operator announces "bets closed" or obstruct the view of the playing surface until after a wheel operator pays off all winning wagers.
  - d. A paddlewheel must make at least four revolutions.
  - e. If a pointer stops on top of a peg, the number preceding the peg is the winning number.
  - f. A winning odd or even bet is determined by a winning number of only the designated colored circle. However, a player loses all odd and even bets if the pointer stops on a designated house number. This must be posted or made available to players if an odd or even bet is accepted.
  - g. If a player stops playing and has an unused betting chip, the player shall exchange the betting chip for a casino chip through the wheel operator before the player leaves the table.
2. Prize information must be posted, made available to players, or stated on a table playing surface. The information must reference each differently colored number or symbol, including an optional odd or even bet, and state each prize payoff. The payoff is the relationship of the prize to a winning betting chip. The payoff must be stated as "\_\_\_\_\_ to \_\_\_\_\_" or "\_\_\_\_\_ for \_\_\_\_\_". For example, for a red-colored number or symbol which pays forty dollars for a winning betting chip, the information must reference the red-colored number or symbol and state the payoff as "EXACT NUMBER RED 40 to 1".
3. A notice that if a person knowingly uses a fraudulent scheme or technique to cheat or skim involving paddlewheels, regardless of the amount gained, the offense is a class C felony punishable by a five thousand dollar fine or five years in jail or both.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; October 1, 2006; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-07.4, 53-06.1-16

**99-01.3-11-07. Recordkeeping.**

Records must include and be retained for three years from the end of the quarter in which the activity was reported, unless otherwise provided by rule:

1. For paddlewheel activity described by subsection 1 of section 99-01.3-11-01:
  - a. For each day's activity, the starting and ending cash banks and IOU records according to section 99-01.3-03-06;
  - b. For each ticket card of each series of paddlewheel ticket cards:
    - (1) Date conducted, card number, cash prize amount or cost and description of a merchandise prize;
    - (2) All winning tickets and unsold ticket cards which must be retained for one year from the end of the quarter in which the activity was reported on a tax return; and
    - (3) The flare with the state gaming stamp affixed;
  - c. Inventory records according to subsection 1 of section 99-01.3-03-09;
  - d. The count and reconciliation of each series of paddlewheel ticket cards according to subsections 1 and 7 of section 99-01.3-03-09;
  - e. Prize register according to section 99-01.3-03-07; and
  - f. Purchase invoice or receipt documenting the cost and description of a merchandise prize.
2. For paddlewheel activity described by subsection 2 of section 99-01.3-11-01:
  - a. The starting and ending cash and chip banks and IOU records according to section 99-01.3-03-06;
  - b. Drop box cash and values of fill and credit slips;
  - c. Daily surveillance review log;

- d. Wheel operator percent-of-hold information and video review documentation must be retained for one year from the end of the quarter of the activity;
  - e. Inventory records according to subsection 6 of section 99-01.3-03-09;
  - f. An organization using a combined cash bank for twenty-one and paddlewheel at a site, shall allocate the cash long or short of the combined cash bank to twenty-one; and
  - g. The count and reconciliation of casino and betting chips according to subsections 6 and 7 of section 99-01.3-03-09.
3. For all paddlewheel activity:
    - a. Cash profit as defined in subdivisions j and m of subsection ~~89~~ of section 99-01.3-02-01; and
    - b. A summary of gross proceeds, prizes, adjusted gross proceeds, cash profit, cash long or short, and bank deposit. For paddlewheel activity described by subsection 1 of section 99-01.3-11-01, a summary must be completed for each series of paddlewheel ticket cards. The summaries of all paddlewheel activity for a quarter must reconcile to the tax return.
  4. Verification of the amount deposited according to a bank statement, and an audit of the game's activity according to subsections 6 and 7 of section 99-01.3-03-10.
  5. Ideal cash bank master records according to subsection 5 of section 99-01.3-03-09.
  6. The count and reconciliation of cash banks according to subsections 5 and 7 of section 99-01.3-03-09.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**CHAPTER 99-01.3-12  
PULL TAB DISPENSING DEVICES**

Section

99-01.3-12-01	Use [Repealed]
99-01.3-12-02	Use and Requirements of an Organization
99-01.3-12-03	Requirements of a Bar
99-01.3-12-04	Requirements of a Bar and an Organization
99-01.3-12-05	Recordkeeping

**99-01.3-12-01. Use.**

Repealed effective July 1, 2000.

**99-01.3-12-02. Use and requirements of an organization.**

1. A licensed organization may operate a pull tab dispensing device when the organization's employee is on duty and may have a bar employee redeem a winning pull tab when the organization's employee is or is not on duty.
2. If a distributor's or manufacturer's security seal is broken on a deal's container before the deal is used, an organization shall return the deal to the distributor.
3. The following rules must be posted or made available to players in the area where pull tab dispensing device activity is conducted. If made available to players, the rules must be in the form of a handout that is easily visible to the players and may not be a copy of the gaming law and rules:
  - a. Restricting access to or delaying using credits on a device is prohibited;
  - b. A winning pull tab must be redeemed within fifteen minutes;
  - c. A pull tab cannot be redeemed if it has been taken from the gaming area; and
  - d. If a person knowingly solicits, provides, or receives any inside information, by any person, by any means, or knowingly uses a fraudulent scheme or technique to cheat or skim involving pull tabs, regardless of the amount gained, the offense is a class C felony punishable by a five thousand dollar fine or five years in jail or both; ~~and~~
  - e. ~~If a player attempts to falsify or falsifies a record of win, the prize is forfeited.~~



4. An organization shall maintain custody of all keys to a device.
5. An organization shall withdraw currency from a device within a seven-calendar-day interim period.
6. An organization shall use the current recordkeeping system unless approval is obtained from the attorney general for use of another system.
7. An organization shall have a rental agreement conforming to section 99-01.3-02-06.
8. An organization shall maintain an access log prescribed by the attorney general. A person who accesses a device for any reason shall record the access and initial the log. When a person does a test vend which affects the accounting meters or a test validation of currency, the person shall record the value of pull tabs and currency validated. An organization shall retain the log in a device during the quarter of activity.
9. An organization may provide a bar with a temporary loan to enable a bar employee to redeem a winning pull tab. A loan and any increase in the loan must be made by check payable to the bar and be interest free. An organization may not access, count, or take custody of the loaned money. The duration of the loan must be until an organization discontinues conducting pull tabs at a site through a device. When the bar repays the loan, the organization shall deposit the funds in its gaming account and the deposit slip must reference the site, source of funds, and amount. The amount reimbursed to a bar must equal the value of redeemed winning pull tabs which the bar provides an organization. An organization employee may not use a bar's cash on hand for redeeming a winning pull tab.
10. An organization may not provide an independent service technician a key to access a device regardless if the device is leased.
11. If a theft of currency occurs, an organization shall record the currency and pull tab accounting meters or print a cash withdrawal report and audit the game. The organization shall provide a copy of all of this information to a local law enforcement agency and the attorney general.
12. When a game is closed:
  - a. The game must be reported on a tax return for the site at which it was closed;

- b. An employee shall buy back all remaining redeemed winning pull tabs from a bar; and
  - c. If the game has unsold pull tabs, these cannot be put back into play.
13. An organization or employee may not:
- a. Modify the assembly or operational functions of a device;
  - b. Use or continue to conduct a deal of pull tabs after being notified by a distributor of a ban or recall of the deal;
  - c. Designate a pull tab to entitle a player who buys it with a prize provided by a bar or distributor; or
  - d. Intentionally test vend currency or pull tabs to synchronize nonresettable accounting meters.
14. A game must be conducted and played through a device as follows:
- a. The deals must be identical, except for a game serial number and color of the pull tabs;
  - b. An employee shall securely attach a master flare to the interior or exterior of a device, or on an adjacent wall, so the flare's information is visible to players. When a deal is added, the deal's flare may be retained in a device or at an organization's office;
  - c. An employee shall place at least one complete and one-third to one-half of a second deal in a device at the same time at the start of a game. The remaining pull tabs of any partial deal must be stored onsite and added to the game before any additional deals may be added. If during the quarter a deal is added to a game and the complete deal's tickets will not fit in a device, any remaining pull tabs of the partial deal must be stored onsite and added to the game before any additional deals may be added;
  - d. At the start of a game the pull tabs must be randomly placed in all the stacking columns. To add pull tabs to a game, an employee shall first add any remaining pull tabs of a deal previously partially placed in the device or pull tabs of a new deal by randomly mixing these pull tabs with the pull tabs in the device;

- e. If a deal is to be added to a game and an organization does not have a deal to add, the organization shall temporarily suspend the game until it procures a deal. However, if the organization is unable to procure a deal from the distributors and all the top tier winning pull tabs have been redeemed, it may close the game;
- f. If a site's total gross proceeds of pull tabs averages twelve thousand five hundred dollars or less per quarter or if a site has not previously had gaming, a game may be closed anytime if all top tier winning pull tabs have been redeemed;
- g. Except as provided by subdivision h, if a site's total gross proceeds of pull tabs averages more than twelve thousand five hundred dollars per quarter, no game may be closed unless an organization discontinues gaming at the site, or all the top tier winning pull tabs have been redeemed and a game has been in play for twenty-five consecutive calendar days;
- h. An organization shall close a game by the end of a quarter. If all top tier winning pull tabs have been redeemed or low-level switches in all but two columns of a device have been triggered, an organization may close a game for the quarter within fourteen calendar days before the end of that quarter. An organization may start a new game for the next quarter within fourteen calendar days before the next quarter begins. However, an organization may not start a new game and end that game within this fourteen-calendar-day period. When a game is being closed, an employee shall post a sign stating that the game is being sold out;
- i. If the percent-of-accuracy of all the games involving a device for a site for the previous quarter was less than ninety-eight and one-half percent, and a cash shortage of more than one hundred dollars, an employee who did not conduct the game, have sole access to the games in play, cash banks, and receipts or cash profit for the games, shall do a weekly interim audit of the games at the site for up to twelve continuous weeks or until the organization determines, resolves, and documents the cause. One of the weekly interim audits may be the audit required by subsection 7 of section 99-01.3-03-10. An organization shall start the weekly audits no later than the date on which its tax return for the quarter was filed with the attorney general. However, if games involving a device are conducted without a bar employee redeeming a winning pull tab, pull tab games not involving a device are also conducted, and the combined percent-of-accuracy of all pull tab games at the site for the previous quarter was ninety-eight and one-half percent or greater, no

weekly interim audit is required. Percent-of-accuracy is computed as cash profit divided by adjusted gross proceeds; and

- j. An organization may transfer a device from a site to another site or rotate a device among sites. If an organization discontinues gaming at a site, it may close a game or transfer the game to a device at another site. If a game is in the process of being conducted through a device, an organization may not transfer the game to a jar bar.
15. Two or more organizations may use devices at the same site on different days of the week provided the organizations use different names of games in the devices and the bar uses separate cash banks.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

#### **99-01.3-12-03. Requirements of a bar.**

1. A bar shall:
  - a. Place a device in a location where alcoholic beverages are dispensed and consumed and where a bar employee will regularly observe the device;
  - b. Prohibit a person from tampering or interfering with the operation or play of a device;
  - c. Have the electrical current to a device turned off unless alcoholic beverages may be dispensed, a bar employee or an employee is available to redeem a winning pull tab and a bar has cash on hand to redeem a winning pull tab;
  - d. Absorb a loss related to a counterfeit or lost pull tab, redeemed pull tab that was not bought at the site, and loss or theft of the temporary loan of funds;
  - e. Repay an organization's temporary loan of funds immediately upon request from the organization that discontinues conducting pull tabs through a device at a site;
  - f. If a malfunction of a device is known by the bar or its employee, turn the device off and promptly notify the organization. Otherwise, the bar or its employee is responsible for any cash shortage; and

- g. Use an organization's loan of money only to redeem a winning pull tab. If the bar violates this rule, the attorney general may suspend any or all games at the site for up to six months.
- 2. A bar employee may not access, attempt to access, or permit a person, other than an employee of an organization, to access the interior of a device for any reason.
- 3. If a bar employee believes that a deal is defective or there is a problem with a redeemed pull tab, the bar employee shall contact an organization and may turn a device off.
- 4. A bar may accept or not accept a gaming-related check from a player. A player's check must be payable to a bar. A bar is responsible for a player's check returned by a financial institution as uncollectible. A bar may allow a player to buy back the player's check with cash and may return a player's check to the player as part of a prize payout.
- 5. Only a bar employee who is authorized by a bar may redeem a winning pull tab.
- 6. A bar employee may not summarize or audit a game of pull tabs for an organization.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2010; July 1, 2012; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

#### **99-01.3-12-04. Requirements of a bar and an organization.**

- 1. A bar employee or an employee shall deface a winning number or symbol of a pull tab when it is redeemed. Tickets redeemed for credit through a dispensing device must be defaced by an employee of the organization at the time of the interim period site visit. All winning pull tab tickets with a bar code also must have the bar code defaced. If a pull tab has two or more winning prize patterns, a winning number or symbol of at least one pattern must be defaced.
- 2. A bar employee or an employee may not:
  - a. Assist a player in opening a pull tab except to assist a disabled player;

- b. Knowingly pay a prize to a player who is redeeming a pull tab that has been defaced, tampered with, counterfeited, or has a game serial number different from the serial numbers of the deals in the game;
  - c. Knowingly pay a prize to a player who is redeeming a pull tab when the player with the pull tab has left the gaming area of a site;
  - d. Publicly display a redeemed pull tab;
  - e. Knowingly pay a prize for a pull tab after fifteen minutes has elapsed since it was bought. If a player attempts to redeem a pull tab after the allowed time limit, a bar employee or an employee shall, if possible, retain and void the pull tab;
  - f. Pay, from gaming funds or any other source, a prize to a player unless the player redeems an actual winning pull tab that has a game serial number from a game conducted at the site; or
  - g. Reimburse, from any source of funds, an amount to a player for play of a game that has a manufacturing defect or has an incorrect posting of information described by subsection 78, unless the attorney general approves.
3. A prize must be cash. There may be no last sale prize.
  4. If a device malfunctions, is inoperable, and a player has a credit, a bar employee or an employee shall pay the player for the player's unplayed credits and record the refund on a credit redemption register. A bar shall provide this form to an organization to claim a reimbursement. If a player's currency jams in a currency validator and a device does not show a credit, a bar employee may not reimburse a player, and shall record the jam on a credit redemption register and notify an organization. If an organization determines that a device is cash long, the organization shall reimburse a player by cash or check.
  5. A bar employee and an employee shall document and attest to the number and value of redeemed winning pull tabs, by value and in total, that are exchanged for cash or check. These pull tabs must be grouped, banded, dated, and retained separate from other pull tabs that an organization employee may have redeemed, and separate from those redeemed through a credit redemption device, by interim period.
  6. An organization shall provide a bar employee and a bar shall maintain a current copy of subsection 8 of section 99-01.3-02-03 and sections

99-01.3-02-05, 99-01.3-02-09, ~~99-01.3-03-08~~, 99-01.3-12-03, and 99-01.3-12-04 regarding the bar employee's and bar's duties and restrictions.

7. A bar employee or an employee may post the information referenced by subdivision a or b, or both, provided that an organization does not have a partial deal that is to be added to a device. An organization shall post a statement that the information is correct to the best of the organization's knowledge and that the information is not guaranteed to be accurate. If an organization does not have a policy on when to stop posting this information when a game is being closed, it shall stop posting the information when there are less than six winning pull tabs, through a level of prize value determined by the organization, that remain unredeemed. Posted information may be the information described in subdivision a or b, or both:
  - a. The minimum number of unredeemed winning pull tabs or a range of numbers of unredeemed winning pull tabs, through a level of prize value determined by an organization, that will always be in a game unless the game is being closed. This information may be for each prize value or the total of several prize values. The level of prize value must be posted. If a pull tab has two or more winning prize patterns, the information must be based on the value of each prize pattern.
  - b. The number or unredeemed winning pull tabs, through a level of prize value determined by an organization, that remain in a game. This information may be for each prize value or the total of several prize values. The level of prize value must be posted. If a pull tab has two or more winning prize patterns, the information must be based on the value of each prize pattern. The information must be continually updated.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

#### **99-01.3-12-05. Recordkeeping.**

Records must include and be retained for three years from the end of the quarter in which the activity was reported, unless otherwise provided by rule:

1. All redeemed and unsold pull tabs for a game and be retained as documentation for gross proceeds and prizes for one year from the end of the quarter in which the activity was reported on a tax return.

2. The deal's game information sheet, flare with the state gaming stamp affixed, and one master flare.
3. A record of game serial numbers for each game.
- ~~4. Record of win according to section 99-01.3-03-08.~~
- ~~5.4.~~ Credit redemption register, including the date, amount, if credits were still on the device, player's name and signature, signature or initials of person who paid the player, bar reimbursement information if applicable, and date paid.
- ~~6.5.~~ If an employee redeems winning pull tabs at a site, a daily employee report documenting the starting and ending cash on hand, IOU records according to section 99-01.3-03-06, and prizes redeemed by prize value, total prizes, credits paid, and cash long or short, and number of redeemed top tier pull tabs by game serial number.
- ~~7.6.~~ Cash profit as defined in subdivision d of subsection ~~89~~ of section 99-01.3-02-01.
- ~~8.7.~~ Interim period site summary, including meter readings, test vends (if it affects the meter readings), gaming stamp number and game serial number of a deal added to a device, currency withdrawn, redeemed prizes by denomination obtained from a bar, total prizes including bar and employee redeemed if applicable, total prizes credited through the device if applicable, total credits paid, employee cash long or short if applicable, cash profit or loss, bank deposit, and information on top tier winners redeemed by game serial number.
- ~~9.8.~~ A summary that includes the following:
  - a. Number of redeemed top tier pull tabs by gaming stamp and game serial number, cumulative cash profit (loss), bank deposits, and prizes;
  - b. Reconciliation of nonresettable meters for currency and the number of pull tabs dispensed to the currency in the device and to the value of the pull tabs dispensed; and
  - c. Ideal gross proceeds, value of unsold pull tabs, gross proceeds, prizes, adjusted gross proceeds, cash profit, and cash long (short). The summaries of all games for a quarter must reconcile to the tax return.
- ~~10.9.~~ Access log, including the date, time, nonresettable currency meter reading, reason for entry, and initials of the employee.



~~11.10.~~ Inventory records according to subsection 1 of section 99-01.3-03-09.

~~12.11.~~ Interim audit records according to subdivision i of subsection 14 of section 99-01.3-12-02.

~~13.12.~~ Ideal cash bank master records according to subsection 5 of section 99-01.3-03-09.

~~14.13.~~ Verification of the amount deposited according to a bank statement, and an audit of the game's activity according to subsections 6 and 7 of section 99-01.3-03-10.

~~15.14.~~ The count and reconciliation of deals and cash banks according to subsections 1, 5, and 7 of section 99-01.3-03-09.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**CHAPTER 99-01.3-12.1  
PRIZE BOARD DISPENSING DEVICES**

Section

99-01.3-12.1-01	Definition
99-01.3-12.1-02	Use and Requirements of an Organization
99-01.3-12.1-03	Requirements of a Bar
99-01.3-12.1-04	Requirements of a Bar and an Organization
99-01.3-12.1-05	Recordkeeping

**99-01.3-12.1-01. Definition.**

This chapter applies to a licensed organization that conducts prize boards involving a dispensing device. The maximum price per chance is two dollars. The value of a seal prize or a column sold out indicator may exceed the value of the top tier prize.

For purposes of this chapter, "prize board dispensing device" means a board used with pull tabs dispensed from a device to award cash or merchandise prizes. Coins of various values may be affixed to the board and, under each coin, a cash prize value preprinted on the board. A board must contain numbered lines and a seal covering a winning number. A player having a pull tab with a number matching a predesignated number on a board for a seal prize signs the player's full name on the numbered line or supplemental sheet. However, if a number or symbol matches a winning number or symbol assigned to a specific coin or minor prize, the player wins that coin or prize, and a cash prize value stated under the coin. A column sold out indicator may be awarded. The column sold out indicator is an additional prize, which must be described on the flare, and is used to assist organizations in selling out pull tabs. Pull tabs with a column sold out indicator need to be distinctly marked as the last pull tab in each column and must contain the initials and date of the organization employee putting the column sold out indicator on the pull tab and upon redemption must include the signature of the winning player and date that the pull tab was redeemed. When the board is closed, a seal is removed to reveal the winning line number. A player whose signature is on that line wins the seal prize. No board may be closed unless all the top tier winning pull tabs have been redeemed, all the pull tabs are sold, all the seals have been opened, or the board has been conducted for ninety calendar days. An organization is responsible for ensuring that a description and retail price of a merchandise prize or cash prize to be awarded and cost per play are on a flare. A seal prize is not considered the top tier prize. The maximum number of pull tabs in a deal is two thousand. The maximum cash prize, total of all column sold out indicators, or seal prize, including the retail price of a merchandise prize, is five hundred dollars.

**History:** Effective July 1, 2010; amended effective April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

**99-01.3-12.1-02. Use and requirements of an organization.**

1. An organization may operate a prize board dispensing device when the organization's employee is on duty and may have an authorized bar employee redeem a winning pull tab and pay a cash or merchandise prize when the organization's employee is or is not on duty.
2. If a distributor's or manufacturer's security seal is broken on a deal's container before the deal is used, an organization shall return the deal to the distributor.
3. The following rules must be posted or made available to players in the area where prize board dispensing device activity is conducted. If made available to players, the rules must be in the form of a handout that is easily visible to the players and may not be a copy of the gaming law and rules:
  - a. Restricting access to or delaying using credits on a device is prohibited;
  - b. A winning pull tab must be redeemed within fifteen minutes;
  - c. A pull tab cannot be redeemed if it has been taken from the gaming area;
  - d. If a person knowingly solicits, provides, or receives any inside information, by any person, by any means, or knowingly uses a fraudulent scheme or technique to cheat or skim involving pull tabs, regardless of the amount gained, the offense is a class C felony punishable by a five thousand dollar fine or five years in jail or both;
  - e. To the best of the organization's knowledge, a prize remaining on a board relates to a winning pull tab that has not been redeemed; and
  - f. If a player attempts to falsify or falsifies a record of win, the prize is forfeited.
4. An organization shall maintain custody of all keys to a device.
5. An organization shall withdraw currency from a device within a seven-calendar-day interim period.
6. An organization shall use the current recordkeeping system unless approval is obtained from the attorney general for use of another system.

7. An organization shall have a rental agreement conforming to section 99-01.3-02-06.
8. An organization shall maintain an access log prescribed by the attorney general. A person who accesses a device for any reason shall record the access and initial the log. When a person does a test vend which affects the accounting meters or a test validation of currency, the person shall record the value of pull tabs and currency validated. An organization shall retain the log in a device during the quarter of activity.
9. An organization may provide a bar with a temporary loan to enable a bar employee to redeem winning pull tabs and pay prize board cash prizes. The loan and any increase must be made by check payable to the bar and be interest free. An organization may not access, count, or take custody of the loaned money. The duration of the loan must be until an organization discontinues conducting prize boards at a site through a device. As an option an organization may supply the bar with a cash loan amount equal to the total amount of cash prizes on a prize board. If this option is used, all remaining cash from unredeemed winning pull tabs and the redeemed winning pull tabs must be returned to the organization following final distribution of the seal prize. When the bar repays the loan, the organization shall deposit the funds in its gaming account and the deposit slip must reference the site, source of funds, and amount. The amount reimbursed to a bar must equal the value of redeemed winning pull tabs which the bar provides an organization. An organization employee may not use a bar's cash on hand for redeeming a winning pull tab.
10. An organization may not provide an independent service technician a key to access a device regardless if the device is leased.
11. If a theft of currency occurs, an organization shall record the currency and pull tab accounting meters or print a cash withdrawal report and audit the game. The organization shall provide a copy of all of this information to a local law enforcement agency and the attorney general.
12. When a prize board is closed:
  - a. The prize board must be reported on a tax return for the site at which it was closed;
  - b. An employee shall buy back all remaining redeemed winning pull tabs from a bar;
  - c. If the game has unsold pull tabs, these cannot be put back into play; or

- d. If a coin is not awarded, an organization shall determine the prizes to report on a tax return by prorating the total cost of the coins, according to their face value, of the coins that were awarded to the total face value of all the coins. An organization may use an unawarded prize in another game, sell the prize, or deposit the coin in the gaming account.
13. An organization or employee may not:
    - a. Modify the assembly or operational functions of a device;
    - b. Use or continue to conduct a deal of pull tabs after being notified by a distributor of a ban or recall of the deal;
    - c. Designate a pull tab to entitle a player who buys it with a prize provided by a bar or distributor; or
    - d. Intentionally test vend currency or pull tabs to synchronize nonresettable accounting meters.
  14. A prize board dispensing device must be conducted and played as follows:
    - a. An employee shall place all pull tabs from a deal evenly among the columns used.
    - b. If used, column sold out indicators must be designated on the last pull tab of each column when the deal is placed into the device. Each column sold out indicator for a deal must be of equal value.
    - c. An organization may transfer a device from a site to another site or rotate a device among sites. If an organization discontinues gaming at a site, it may close a prize board or transfer the prize board to a device at another site. If a prize board is in the process of being conducted through a device, an organization may not transfer the prize board to a jar bar.

**History:** Effective July 1, 2010; amended effective April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

#### **99-01.3-12.1-03. Requirements of a bar.**

1. A bar shall:

- a. Place a device in a location where alcoholic beverages are dispensed and consumed and where a bar employee will regularly observe the device;
  - b. Prohibit a person from tampering or interfering with the operation or play of a device;
  - c. Have the electrical current to a device turned off unless alcoholic beverages may be dispensed, a bar employee or an employee is available to redeem a winning pull tab, and a bar has cash on hand to redeem a winning pull tab or cash seal prize;
  - d. Absorb a loss related to a counterfeit or lost pull tab, redeemed pull tab that was not bought at the site, and loss or theft of the temporary loan of funds;
  - e. Repay an organization's temporary loan of funds immediately upon request from the organization that discontinues conducting prize boards through a device at a site;
  - f. If a malfunction of a device is known by the bar or its employee, turn the device off and promptly notify the organization. Otherwise, the bar or its employee is responsible for any cash shortage; and
  - g. Use an organization's loan of money only to redeem a winning pull tab or cash seal prize. If the bar violates this rule, the attorney general may suspend any or all games at the site for up to six months.
2. A bar employee may not access, attempt to access, or permit a person, other than an employee of an organization, to access the interior of a device for any reason.
  3. If a bar employee believes that a deal is defective or there is a problem with a redeemed pull tab, the bar employee shall contact an organization and may turn a device off.
  4. A bar may accept or not accept a gaming-related check from a player. A player's check must be payable to a bar. A bar is responsible for a player's check returned by a financial institution as uncollectible. A bar may allow a player to buy back the player's check with cash and may return a player's check to the player as part of a prize payout.
  5. Only a bar employee who is authorized by a bar may redeem a winning pull tab or pay a cash or merchandise prize.

6. A bar employee may not summarize or audit a prize board for an organization.

**History:** Effective July 1, 2010; amended effective July 1, 2012; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

**99-01.3-12.1-04. Requirements of a bar and an organization.**

1. A bar or organization employee may pay a winning player a cash or merchandise prize won on a prize board.
2. A bar employee or an employee shall deface a winning number or symbol of a pull tab when it is redeemed.
3. A bar or organization employee shall display the prize board while the board is in play.
4. A bar employee or an employee may not:
  - a. Assist a player in opening a pull tab except to assist a disabled player;
  - b. Knowingly pay a prize to a player who is redeeming a pull tab that has been defaced, tampered with, counterfeited, or has a game serial number different from the serial number of the deal in play;
  - c. Knowingly pay a prize to a player who is redeeming a pull tab when the player with the pull tab has left the gaming area of a site;
  - d. Publicly display a redeemed pull tab;
  - e. Knowingly pay a prize for a pull tab after fifteen minutes has elapsed since it was bought. If a player attempts to redeem a pull tab after the allowed time limit, a bar employee or an employee shall, if possible, retain and void the pull tab;
  - f. Pay, from gaming funds or any other source, a prize to a player unless the player redeems an actual winning pull tab that has a game serial number from a game conducted at the site; or
  - g. Reimburse, from any source of funds, an amount to a player for play of a game that has a manufacturing defect, unless the attorney general approves.

5. If a device malfunctions, is inoperable, and a player has a credit, a bar employee or an employee shall pay the player for the player's unplayed credits and record the refund on a credit redemption register. A bar shall provide this form to an organization to claim a reimbursement. If a player's currency jams in a currency validator and a device does not show a credit, a bar employee may not reimburse a player, and shall record the jam on a credit redemption register and notify an organization. If an organization determines that a device is cash long, the organization shall reimburse a player by cash or check.
6. A bar employee and an employee shall document and attest to the total cash prizes of redeemed winning pull tabs that are exchanged for cash or check. These pull tabs must be grouped, banded, and retained separate from other pull tabs that an organization employee may have redeemed and separately from any other dispensing device pull tabs redeemed at the site.
7. An organization shall provide a bar employee, and a bar shall maintain, a current copy of subsection 8 of section 99-01.3-02-03, sections 99-01.3-02-05, 99-01.3-02-09, 99-01.3-03-08, and 99-01.3-12.1-03, and this section regarding the bar employee's and bar's duties and restrictions.
8. A player having a pull tab with a number matching a predesignated number on a board for a seal prize signs the player's full name on the numbered line or supplemental sheet. Only one player's name may be signed on a specific line. When all tickets from a prize board have been sold, a bar employee or an employee may remove the seal revealing the winning prize number, obtain the winner's information for a record of win form, and award the prize to the winning player. If the bar employee cannot locate the winning player, the employee shall contact the organization.

**History:** Effective July 1, 2010; amended effective April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

#### **99-01.3-12.1-05. Recordkeeping.**

Records must include and be retained for three years from the end of the quarter in which the activity was reported, unless otherwise provided by rule:

1. All redeemed and unsold pull tabs for a game, including column sold out indicators, must be retained as documentation for gross proceeds and prizes for one year from the end of the quarter in which the activity was reported on a tax return.



2. The deal's game information sheet, flare with the state gaming stamp affixed, and supplemental sign-up sheet if applicable.
3. Purchase invoice or receipt documenting the cost and description of merchandise prizes.
4. Record of win according to section 99-01.3-03-08.
5. Credit redemption register, including the date, amount, if credits were still on the device, player's name and signature, signature or initials of person who paid the player, bar reimbursement information if applicable, and date paid.
6. If an employee redeems winning pull tabs at a site, a daily employee report documenting the starting and ending cash on hand, IOU records according to section 99-01.3-03-06, change in cash bank, total cash prizes, credits paid, and cash long or short.
7. Cash profit as defined in subdivision h of subsection 89 of section 9-01.3-02-01.
8. Interim period site summary, including gaming stamp number and game serial number, date placed and date removed, meter readings, test vends, currency withdrawn, total cash prizes redeemed by bar and organization employees, credit redemption register refunds, cash receipts, and bank deposit.
9. A summary that includes the following:
  - a. Cumulative cash receipts, bank deposits, and prizes;
  - b. Reconciliation of nonresettable meters for currency and the number of pull tabs dispensed to the currency in the device and to the value of the pull tabs dispensed; and
  - c. Ideal gross proceeds, value of unsold pull tabs, gross proceeds, total cash prizes, total prizes paid by check, cost of coins, total prizes, adjusted gross proceeds, cash profit, and cash long or short. The summaries of all prize boards for a quarter must reconcile to the tax return.
10. Access log, including the date, time, nonresettable currency meter reading, reason for entry, and initials of the employee.
11. Inventory records according to subsection 1 of section 99-01.3-03-09.
12. Ideal cash bank master records according to subsection 5 of section 99-01.3-03-09.

13. Verification of the amount deposited according to a bank statement, and an audit of the game's activity according to subsections 6 and 7 of section 99-01.3-03-10.
14. The count and reconciliation of deals and cash banks according to subsections 1, 5, and 7 of section 99-01.3-03-09.

**History:** Effective July 1, 2010; amended effective April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

**CHAPTER 99-01.3-13**  
**BINGO CARD DISPENSING DEVICES**  
[Repealed effective July 1, 2010]

**CHAPTER 99-01.3-14**  
**ELIGIBLE USES**

Section

99-01.3-14-01        Restrictions and Requirements

99-01.3-14-02        Eligible Uses

**99-01.3-14-01. Restrictions and requirements.**

1.     An organization may not accept, and a recipient or potential recipient of net proceeds may not give or offer to give, a payment, gift, service, loan, personal or real property, or other thing of material value, for disbursing or receiving net proceeds. However, a recipient or potential recipient of net proceeds that is an organization or group of people may initiate and transact a formal agreement with a donor organization to voluntarily provide a gaming or nongaming related service to the donor organization in exchange for receiving net proceeds; provided, the agreement is first approved by the attorney general or complies with guidelines prescribed by the attorney general. If the attorney general approves the service, the donor organization shall document the service by recording the location, names of volunteers, description of service, number of hours volunteered, and value of the service based on a reasonable hourly rate. The donor organization shall offset the value of these services against the amount of net proceeds disbursed to the recipient during a quarter by reporting the value of these services as an adjustment on a tax return.
  
2.     A disbursement of net proceeds must be specific as to recipient and use. After an organization disburses net proceeds, it may not interfere with a recipient's control of the funds or attempt to own or influence the use or sale of personal or real property bought by or for a recipient of the funds.
  
3.     Use of net proceeds for economic development or tourism programs may not directly benefit a member, employee, or board of directors' member of a donor or donee organization nor may this person have a financial interest in a funded economic development or tourism program.
  
4.     No private athletic, social, hobby, trade, business, professional, or similar clubs or associations may receive net proceeds, unless the use of the funds complies with subsection 2 of North Dakota Century Code section 53-06.1-11.1 or section 99-01.3-14-02. An expense related directly or indirectly with gaming is not an eligible use.
  
5.     Restrictions on fundraising activities are:

- a. An organization or recipient may not use net proceeds for a fundraising activity that relates directly to the conduct of gaming, including purchase of equipment or consumable goods for a cafe for a site or for direct or indirect expenses and capital costs for a business involving material unrelated business income;
  - b. An organization may only use net proceeds for expenses related to fundraising activities if the gross receipts from the fundraising activity are deposited into the trust account and the net income of the fundraising activity is used for a specific recipient or purpose that qualifies as an eligible use of net proceeds;
  - c. If an organization conducts a qualifying fundraising event and deposits the event's gross receipts in or pays the expenses from other than its trust account, it may not disburse net proceeds to the recipient unless it transfers the net income from the event to its trust account and makes a proper adjustment on a tax return; and
  - d. If a civic and service, fraternal, or veterans' organization uses net proceeds to conduct a fundraising activity and the amount spent on expenses exceed the net income generated by the activity, it shall reimburse the trust account for the difference between the expense amount and the net income amount with nongaming funds and make a proper adjustment on the tax return.
6. The attorney general may require a recipient of net proceeds to document the use of the funds and reimburse a donor organization if the funds were used for an ineligible use.
  7. Unless an organization has first received approval from the attorney general, it may not sell a gift certificate or other thing of value to a recipient of its net proceeds.
  8. If a check for a disbursement of net proceeds is not cashed by a recipient within six months of the date of the check, an organization shall contact the recipient to cancel or cash the check. If a check is voided, an organization shall make a proper adjustment on a tax return. If a recipient of net proceeds cashes a check related to a disbursement of net proceeds but has not applied the amount toward the intended eligible use within six months of the date of the check, the organization may request the recipient to return the net proceeds.
  9. An organization may only disburse net proceeds to a recipient provided the recipient first requests a donation in writing and provides a description of the intended use and amount requested and the request is signed and dated. This

rule does not apply to an unsolicited donation of net proceeds or a disbursement of net proceeds by an organization to a program or service that qualifies as an eligible use and which is supported directly by the organization.

10. If an organization conducts or enables a nonprofit corporation, community or school club, or other similar entity to conduct a fundraising event at the organization's facility, the organization may not exchange the gross or net receipts of the fundraising event for net proceeds.
11. An organization may not disburse net proceeds to a recipient on the condition that the recipient hold a meal or banquet at the donor's facility.
12. No disbursement of net proceeds can be used for services or fees that do not qualify as an eligible use or for any gaming-related expense. No disbursement of net proceeds to a recipient can be designed to circumvent the allowable expense limit.
13. If an organization is involved in any of the following types of transactions, it shall deposit the net proceeds, income, or receipts directly into its trust account or, if it is exempt from having a trust account, deposit the net proceeds, income, or receipts in its gaming account, and make a proper adjustment on a tax return:
  - a. The organization receives net proceeds from another organization and the net proceeds have been designated for a specific eligible use which the recipient has paid for or will pay for with net proceeds, or the net proceeds have not been designated for a specific eligible use;
  - b. The gross receipts derived from fundraising activity according to subdivision b of subsection 5 of section 99-01.3-14-01;
  - c. The organization loans net proceeds and receives interest or repayment of principal, or both;
  - d. A recipient returns net proceeds to or reimburses the organization; or
  - e. The organization disburses net proceeds, which qualify as an eligible use, and receives back funds that are directly associated with the disbursements or receives back income that is directly derived from the disbursement of the net proceeds.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-11

**99-01.3-14-02. Eligible uses.**

1. A use of net proceeds for erecting, acquiring, improving, maintaining, or repairing real or personal qualifying property owned by an organization is an eligible use provided the organization agrees that, upon abandoning the exclusive use of the property for an eligible use, it will transfer the property to a governmental unit or to an organization that will use it for an eligible use. However, if an organization sells the property, the portion of net receipts from the sale related to the original net proceeds must be deposited in the trust account and disbursed to an eligible use, or reinvested in property used for a similar purpose.
2. In applying subdivision a of subsection 2 of North Dakota Century Code section 53-06.1-11.1, net proceeds must be disbursed to or by a recognized nonprofit city or county job development authority or certified or noncertified local development corporation.
3. In applying subdivision b of subsection 2 of North Dakota Century Code section 53-06.1-11.1, net proceeds must be used to attract in-state and out-of-state visitors by publicizing attractions, promoting, planning, conducting, and sponsoring market research, trade shows, meetings, conventions, seminars, sporting events, and festivals, and by developing and promoting the state's attractions, recreational opportunities, shopping malls, and other tourism-related activities. Uses may not directly benefit a for-profit business.
4. In applying subdivision c of subsection 2 of North Dakota Century Code section 53-06.1-11.1, eligible uses include:
  - a. A scholarship for a student. A scholarship may be based on criteria, including community service, patriotism, leadership, education, talent, athletic ability, course of study, or special disability. No scholarship award may be decided by a donor organization, unless the organization administers an education program for special students or students inflicted with disease. Net proceeds may be disbursed to a scholarship board or to an educational institution. A majority of the members of a scholarship board may not be members of a donor organization. A disbursement must be payable to an educational institution and a recipient, scholarship board and a recipient, or to an educational institution or scholarship board. A student receiving a scholarship may

apply it at a nonprofit public, or for-profit or nonprofit private, educational institution, including a trade or business school, registered with or accredited by any state board. A scholarship may be for housing, books, tuition, and meals that relate to a student's educational need. A scholarship may be awarded through a pageant, contest, or tournament; however, associated administrative and operating expenses do not qualify. No scholarship may be based on criteria that includes a person's physical appearance;

- b. Supplemental assistance to a primary, secondary, or postsecondary nonprofit educational institution, including affiliated alumni associations, booster clubs, parent-teacher councils, and college sororities and fraternities. Net proceeds may be used for youth activities, educational equipment, musical instruments, playground equipment, extracurricular activities, sporting events, field trips, cultural exchanges, maintenance of buildings, remodeling, fixed assets, administrative and operating expenses, and supplies;
- c. Assistance to a library for maintenance of buildings, remodeling, fixed assets, administrative and operating expenses, supplies, program services, special events, promotions, educational material, books, computer systems, information services, exhibits, story hours, film showings, and discussion groups. A disbursement to a museum may be for maintaining buildings, remodeling, fixed assets, administrative and operating expenses, and assembly of exhibits for preservation, collection, education, and interpretation;
- d. Assistance to a nonprofit performing arts and humanities organization for studio and auditorium rental, speaker fees, equipment, travel, administrative and operating expenses, and uniforms. Functions may include children's theater, summer camps, and developing art parks;
- e. Preservation of cultural heritage, including restoring, reconstructing, improving, or preserving public buildings in North Dakota which are listed in the state historic sites registry or the national registry of historic places. Net proceeds may be used for programs of nonprofit organizations that provide historical information or tell a story about a local region, North Dakota, or the nation and which primarily educate and inspire the public, elderly, disabled, schoolchildren, teachers, and foreign visitors. Qualifying programs include the lifestyles and human experiences of homesteaders, immigrants, Indian culture, frontier army, and fur trade. Net proceeds may be used for interpretive programming, including exhibits, publications, simulations of life, classroom outreach services, audiovisual presentations, special events, and tours. Special



events such as chautauquas and community celebrations of Norskfest, threshing bees, and Octoberfest qualify for expenses of parades, displays, equipment, educational materials, and awards. School reunion expenses do not qualify;

- f. Youth community and athletic activities open to all youth, less than eighteen years of age. An organization shall disburse, to the extent possible, equal amounts to activities for each gender. Net proceeds may be used for uniforms, equipment, tournament fees, private and public ground transportation, coaches' salaries and mileage, judges, field trips, speaker fees, father-son and mother-daughter banquets provided that the meals for these banquets are provided free, meals, and lodging. Meals and mileage may not exceed the state per diem rate and lodging expenses must be documented with a receipt;
  - g. Adult amateur athletic activities within North Dakota. Net proceeds may be used for sponsorship and league fees for entire teams, uniforms, umpire fees, construction, use and maintenance of a sports complex, and team equipment. Uniforms and equipment must be owned by the team or league association. Tournament fees, individual player fees, food and drink, lodging, trophies, prizes, yearbook, advertising, and private or public transportation expenses do not qualify, except transportation expenses for a disabled player. Unless specifically allowed in this section, net proceeds may not be used for adult hobby and recreational activities that personally benefit adult individuals. Rodeos, car, or horse racing, car or gun shows, shooting events, fishing derbies, tractor or pickup pulls, and similar activities do not qualify;
  - h. Maintenance of religious buildings, remodeling, fixed assets, administrative and operating expenses, gospel outreach programs, youth church activities, uniforms for a choir, furnishings, and supplies for church groups and services; and
  - i. Scientific research for a cure to relieve human beings of disease and suffering.
5. In applying subdivision d of subsection 2 of North Dakota Century Code section 53-06.1-11.1, eligible uses include:
- a. Food, temporary housing, clothing, utilities, medical services, and fuel for private and public transportation for an individual or family suffering from poverty or homelessness, or financial distress due to a natural disaster or medical problem;

- b. Purchase and maintenance of a ground transportation vehicle for the elderly;
- c. Services for abused persons, including to:
  - (1) Provide emotional support, guidance, and counseling to victims of crimes of rape and sexual assault and encourage prosecution of perpetrators;
  - (2) Establish educational programs about rape, sexual assault and incest, the dramatic effects it has on victims and their families, and the cost to society;
  - (3) Establish and direct services for abused spouses and their children in the community, including advocacy, emergency shelter and food, information services, referrals, and peer support; and
  - (4) Develop and coordinate programs to encourage and assist development of a strong volunteer advocate network;
- d. Support for youth centers and halfway houses;
- e. Recognize an individual or group of people who volunteer their time to community services, nursing homes, or hospitals if a gift, prize, or other gratuity does not exceed one hundred dollars per person per calendar year;
- f. Net proceeds may be used for public or private nonprofit nursing homes, day care centers, and medical facilities for maintaining buildings, remodeling, fixed assets, administrative and operating services, supplies, reading programs, and craft activities for patients;
- g. Complying with the Americans with Disabilities Act of 1990 by remodeling a publicly owned facility; and
- h. To remodel or improve a veterans' organization's owned facility to make it accessible or usable to youth, senior citizens, people with disabilities, and nonmembers of the organization, for community programs, services, or functions. The community shall use a building for free or a reasonable fee. To make a building accessible, net proceeds may be used to widen doorways and hallways, remodel bathroom fixtures and facilities, install chair lifts, wheelchair ramps, elevators, handrails, and automatic door openers. To make a building usable, net proceeds may be used to repair

a building to meet a building code or make it structurally fit for use, to enlarge a facility, replace a furnace, water heater, and air-conditioner, and to make it safe. Net proceeds may not be used to remodel or improve an area of a facility where alcoholic beverages are prepared.

6. In applying subdivision e of subsection 2 of North Dakota Century Code section 53-06.1-11.1, eligible uses include burial expenses and flowers provided an organization does not discriminate between members and nonmembers.
7. In applying subdivision f of subsection 2 of North Dakota Century Code section 53-06.1-11.1, eligible uses include promotion and celebration of civil rights, nondiscrimination, patriotism, and freedom. Net proceeds may not be used for social or recreational activities or for events, activities, programs, or expenses that are of a direct benefit to the organization and are primarily beneficial to organization members and their families. This includes state and national convention expenses; recognition nights that may include a banquet, program, and dance for past commanders or past members; and ceremonial and ritual activities.
8. In applying subdivision g of subsection 2 of North Dakota Century Code section 53-06.1-11.1, eligible uses include maintaining parks and perpetual trust funds for public cemeteries.
9. In applying subdivision j of subsection 2 of North Dakota Century Code section 53-06.1-11.1, net proceeds may be used for subsistence for a family member traveling with an ill family member to an out-of-town medical facility.
10. In applying subdivision l of subsection 2 of North Dakota Century Code section 53-06.1-11.1, eligible uses include:
  - a. Adult and city bands, choirs, drum and bugle corps, and color and honor guards; parade floats; director fees; rent of storage; postage; insurance; laundry; utilities; uniforms; gun safe; firearm; sheet music; audio system and instruments owned by a band, choir, or organization; transportation vehicle owned by the organization; in-state lodging, and private and public ground transportation for performances at community concerts, homecomings, open houses, parades, festivals, funerals, nursing homes, hospitals, and special events. For only a color or honor guard, net proceeds may be used to pay a member a maximum per diem not to exceed the daily funeral service rate paid to members of the armed forces ready reserve;
  - b. Community celebrations that recognize or honor the military service of individuals in the armed services;

- c. Educational agricultural trade shows and conventions held in North Dakota. Meals and entertainment do not qualify;
  - d. Nonprofit organizations that protect animals. Uses include:
    - (1) Hatcheries and wildlife preserves, wetlands, and sanctuaries;
    - (2) Teaching and promoting ecology, game and wildlife management, and outdoor interests involving animals, fish, and birds; and
    - (3) Spay and neuter programs, pet placement, lost and found pet services, educational programs, investigations of animal abuse, and information services;
  - e. Preserving and cleaning up the environment, including air quality, water quality, waste and recycling programs, and conservation of natural resources; and
  - f. Outreach public medical care.
11. In applying subdivision m of subsection 2 of North Dakota Century Code section 53-06.1-11.1, a special trust fund:
- a. Must be managed and controlled by trustees, who may be board members, appointed by an organization. However, if an organization dissolves, it must establish a nonprofit corporation limited to the primary purpose stated in its declaration of trust. A trust may be revocable or irrevocable; and
  - b. Must be comprised only of net proceeds which can be disbursed tthe trust periodically or in a lump sum. Net proceeds must be invested only in marketable securities. A trust's principal, interest, dividends, and gains on sales of investments must be applied toward the trust's primary purpose. No trust's principal can be disbursed until a donor organization has permanently discontinued conducting games or dissolved.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01, 53-06.1-01.1

## CHAPTER 99-01.3-15 DISTRIBUTORS

### Section

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### **99-01.3-15-01. License.**

A person may not sell, lease, solicit business, or provide gaming equipment to a licensed organization, distributor, or organization that has a permit without a license, except as provided by subsection 1 of section 99-01.3-02-04. A license is not transferable. The annual licensing period is April first through March thirty-first. An application must include information prescribed by the attorney general. A license must be displayed at the business office.

**History:** Effective May 1, 1998; amended effective July 1, 2002; July 1, 2010.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-14

### **99-01.3-15-02. Restrictions and requirements.**

1. A licensed organization, organization that has a permit, or licensed manufacturer may not be a distributor. A person who is an officer, manager, gaming manager, or member of a governing board of a licensed organization or organization that has a permit may not be an officer, director, shareholder, proprietor, independent contractor, consultant, or employee of a distributor, nor have a financial interest in that distributor. A person having a financial interest in a distributor may not be a lessor of a site to an organization that is an active customer of that distributor. A change in ownership of a distributor must be immediately reported to the attorney general.
2. A distributor shall have an office in North Dakota where records must be kept.

3. A distributor shall not offer or provide anything of value to any licensed organization or gaming location site, lessor, agent or representative as an incentive or inducement to locate, keep, or maintain any gaming equipment, which includes electronic gaming systems or devices, at the gaming site.
4. A distributor shall not include any discount or incentive to any licensed organization or gaming location site, lessor, agent or representative for any non-gaming item such as amusement devices, electronics, advertisements or recognitions or have any influence in the lessors charitable gaming organization.
35. An officer, director, shareholder, agent, or employee of a distributor may not:
- a. Play a game of pull tabs, including electronic pull tabs, club special, tip board, prize board, seal board, sports-pool board, punchboard, or electronic quick shot bingo at any site;
  - b. Conduct games of pull tabs, prize boards, pull tab and prize board dispensing devices, electronic pull tabs, club specials, seal boards, raffle boards, tip boards, sports-pool boards, or punchboards at an organization's site;
  - c. Interfere with or attempt to influence a lessor's relationship with an organization involving a lease agreement, interfere with or attempt to influence an organization's management, employment practices, policy, gaming operation, disbursement of net proceeds, or procure a site for an organization. A distributor may notify an organization of an available site; or
  - d. Provide bookkeeping services, including summarizing or auditing games ~~to~~for an organization.
46. A distributor may not have an expressed or implied agreement with another distributor to restrict the sales of either of them to a specific geographic area or organization.
57. A distributor may not sell or provide a drop box unless it is a double-locking removable metal container and has:
- a. One lock that secures a drop box to the underside of a table, and one or two separate locks that secure the contents placed into the drop box. The key to each of the locks must be different; and

- b. A slot opening through which currency and forms can be inserted into a drop box. The slot of a drop box may not exceed three and one-half inches in length and one-half inch in width. Inside a drop box there must be a spring-loaded mechanism that automatically closes and locks the slot opening when the drop box is removed from a table.
- ~~68.~~ For a twenty-one table, a distributor may only sell or provide a playing surface that ~~meets the requirements of subsection 1 of section 99-01.3-08-02 and subsection 3 of section 99-01.3-08-04~~ is green and does not contain imprinted graphics, excluding the tip betting spaces, unless authorized by the attorney general. A table playing surface must display no more than seven separate betting spaces and the following or equivalent statements: "BLACKJACK PAYS 3 TO 2" and "DEALER MUST STAND ON 17 AND MUST DRAW TO 16". If a site allows the dealer to take a hit card when the dealer has a soft seventeen, it must include the following statements: "BLACKJACK PAYS 3 TO 2" and "DEALER MUST HIT SOFT 17".
- ~~79.~~ A distributor may not sell or provide twenty-one and paddlewheel (betting and casino) chips to an organization if those chips are identical in physical characteristic to chips previously sold or provided by that distributor to a different organization.
- ~~810.~~ A distributor may not give a gift, trip, prize, or other gratuity valued singly or in the aggregate in excess of one hundred dollars per employee per calendar year related to a licensed organization or organization that has a permit. A distributor may not loan money (excluding credit) to a licensed organization or organization that has a permit, or to an employee of such an organization.
- ~~911.~~ An employee shall read and acknowledge in writing, within thirty days of employment and the effective date of new gaming laws or rules, that the person has read and understands the provisions of the gaming law and rules which relate to the person's job duties. The distributor shall designate the provisions to be read. The acknowledgment must be dated, reference the provisions, and be part of the person's personnel file.
- ~~1012.~~ If information on a license application becomes inaccurate or outdated in any material way, including changes to the employee listing, the distributor shall provide the attorney general, in writing, items of change within fourteen days following the change.
- ~~1113.~~ A distributor may not share an office or warehouse facility with an organization.

- ~~12~~14. A distributor shall file a copy of each sales invoice and record of voided gaming stamps with the attorney general by the fifth business day following the month of the transaction.
- ~~13~~15. A distributor may not buy or be provided gaming equipment from an affiliated company unless the company is a wholly owned subsidiary of the distributor. An affiliated company shall have originally bought the equipment directly from a licensed manufacturer.
- ~~14~~16. A distributor may not buy or be provided gaming equipment from an out-of-state distributor unless the out-of-state distributor has the manufacturer ship the equipment directly to the licensed distributor and the manufacturer is licensed.
- ~~15~~17. A distributor may not knowingly possess, display, sell, or provide an organization a deal of pull tabs, club special, tip board, prize board, or punchboard that:
- a. Does not conform to the quality standards of sections 99-01.3-16-04 and 99-01.3-16-05;
  - b. Has a manufacturer's or distributor's seal broken on the manufacturer's container or has been prohibited by the attorney general from sale or play within North Dakota; or
  - c. Contains pull tabs or punches that have winner protection features although they are not winning pull tabs or punches.
- ~~16~~18. A distributor may not temporarily store any game that has a state gaming stamp affixed to its flare which has been sold. A sale occurs when a distributor issues a sales invoice. If a distributor sells or provides gaming equipment to another distributor, the distributor shall ship the equipment directly to the other distributor's address.
- ~~17~~19. A distributor shall direct a manufacturer to ship gaming equipment directly to the distributor and the distributor shall have it unloaded at its warehouse. However, if a distributor buys equipment from a manufacturer for sale to another distributor or buys a flashboard, blower, jar bar, paddlewheel, or twenty-one, poker, or paddlewheel table for sale to an organization, the distributor may direct the manufacturer to ship the equipment directly to the other distributor or organization, including the organization's site.
- ~~18~~20. A distributor may not separate a paper bingo card when there are two or more faces on a sheet.



~~1921.~~ A distributor may not:

- a. Sell or provide a dispensing device, fifty-fifty raffle system, site system with bingo cardmarking devices, electronic quick shot bingo site operating system with card-marking devices, electronic pull tab device with operating system, and related equipment to an organization unless a model of the device or system has first been approved by the attorney general;
- b. Modify an approved dispensing device model, electronic currency validator, fifty-fifty raffle system, site system with bingo card-marking devices, electronic quick shot bingo site operating system with card-marking devices, or an electronic pull tab device with operating system unless authorized by the attorney general; or
- c. Rent a dispensing device to an organization unless the rent is for a fixed dollar rate per month or other duration. For a site system with bingo card-marking devices, a distributor may rent a site system with devices to an organization for a fixed dollar rate per month or other duration, or for a percentage or fixed dollar amount of rental income derived from players who use the devices. For an electronic quick shot bingo site operating system with card-marking devices, a distributor may rent a site operating system with devices to an organization for a fixed dollar rate per month or other duration, or a fixed rate per bingo card sold. For a fifty-fifty raffle system, a distributor may rent a system to an organization for a fixed dollar rate per month or other duration, or a fixed rate per ticket sold. For electronic pull tab devices with operating system, a distributor may rent devices with operating system to an organization for a fixed dollar rate per month or other duration, or a fixed rate per electronic pull tab ticket sold. Rent may not be based on gross proceeds, adjusted gross proceeds, or net income earned from bingo, raffles, or pull tabs. If a distributor rents a site system with bingo card-marking devices, electronic quick shot bingo site operating system with card-marking devices, fifty-fifty raffle system, or electronic pull tab devices with operating system to an organization, the distributor may have a manufacturer, on behalf of the distributor, issue an invoice to an organization; however, the organization shall remit all rent payments directly to the distributor.

~~2022.~~ A distributor may arrange for an organization to acquire a dispensing device through a financing lease purchase agreement with a finance or lease company. Although an organization is deemed to own a device, a finance or

lease company may have a security interest or ownership right in the device until the organization satisfies the lease.

~~21~~23. If a distributor is an agent for another distributor in marketing a dispensing device, the agent is not required to complete a sales invoice. A distributor is an agent if it receives a commission and does not finance or take temporary possession or title to the device.

~~22~~24. A distributor that sells or provides a new or used dispensing device to an organization or distributor, other than as an agent, or merely transacts a transfer of a device, for or without a fee, between two organizations, shall do the following unless that distributor contracts with another distributor to comply with this rule on its behalf:

- a. Maintain an adequate inventory of electronic and mechanical parts in North Dakota, provide maintenance service, and provide technical assistance and training in the service and repair of a device;
- b. Make available, upon request, electrical and mechanical parts to all other licensed distributors at the usual price for such parts; and
- c. Notify the attorney general of any recurring electronic or mechanical malfunction of a device model.

~~23~~25. A distributor that resells, transacts a transfer, rents, or provides a used dispensing device to an organization shall change or arrange to have changed all the keyed locks on the device.

~~24~~26. A distributor shall initially set up a dispensing device, fifty-fifty raffle system, site system with bingo card-marking devices, electronic quick shot bingo site operating system with cardmarking devices, electronic pull tab devices with operating system, and related equipment at a site and prior to activation of the device or system, conduct and document one training session on the operation and service of each for ~~an employee~~all employees of an organization that acquires a device or system for the first time. The training must be documented, which includes detailing what was covered in the training and a listing of the individuals of the organization who participated in the training. The documentation must be dated and attested to by each organization employee, the distributor representative, and for electronic pull tab devices with operating system, by the manufacturer representative according to subsection 5 of section 99-01.3-16-09.6. A copy of this documentation must be retained by the organization and distributor. A distributor shall provide an operations manual to an organization operating a dispensing device, electronic pull tab devices with operating system, fifty-fifty raffle system, site system

with bingo card-marking devices, electronic quick shot bingo site operating system with cardmarking devices, and related equipment.

~~2527.~~ If a modification or software upgrade is required for gaming equipment, a distributor must modify, upgrade, or replace the software or gaming equipment within the time frame established by the attorney general. Gaming equipment provided by a distributor that remains in operation without the required modification, upgrade or replacement is considered unapproved by the attorney general.

~~2628.~~ A service technician may not access a dispensing device or electronic pull tab device unless accompanied by an organization employee.

~~2729.~~ A distributor may not possess, in inventory, a processing chip encoded with proprietary software that was duplicated by the distributor for a dispensing device or electronic pull tab device usable in North Dakota.

~~2830.~~ A distributor may not sell or provide new video surveillance equipment or install video surveillance equipment for an organization unless the distributor is an approved vendor of the equipment or is approved by the attorney general.

~~2931.~~ If a distributor receives an administrative or criminal complaint or a citation from another state, it shall notify the attorney general in writing within thirty days of the date of the complaint or citation.

~~3032.~~ An electronic quick shot bingo site operating system with card-marking devices, fifty-fifty raffle system, site system with bingo card-marking devices, electronic pull tab devices with operating system, and related equipment may only be sold or provided to an organization with a state gaming license.

~~3133.~~ A distributor shall report a malfunction of a fifty-fifty raffle system, site system with bingo cardmarking devices, electronic quick shot bingo site operating system with card-marking devices, or electronic pull tab devices with operating system, which affects the security or integrity of the system or the outcome of a game to the attorney general within the next business day of the date of occurrence.

~~3233.~~ ~~At least seven calendar days before installing, upgrading, or converting an electronic pull tab device and operating system at a gaming site, the distributor shall report the following information to the attorney general in writing:~~

~~a. — Manufacturer;~~

~~b. — Serial numbers of the gaming equipment;~~

- e. ~~Source from whom the gaming equipment was acquired, how the gaming equipment was transported into the state, and name and address of the common carrier or person that transported the gaming equipment;~~
- d. ~~Gaming site where the gaming equipment will be placed;~~
- e. ~~Identification number of software components;~~
- f. ~~Certification; and~~
- g. ~~Date of install~~

~~32. At least seven calendar days before removal of an electronic pull tab device and operating system from a gaming site, the distributor shall report the following information to the attorney general in writing:~~

- a. ~~Manufacturer;~~
- b. ~~Serial numbers of the gaming equipment;~~
- e. ~~Date on which it was removed;~~
- d. ~~Destination of the gaming equipment; and~~
- e. ~~Name of the person to whom the gaming equipment is to be transferred to, including the person's street address, business and home telephone numbers, how the gaming equipment is to be transported, and name and address of the common carrier or person transporting the gaming equipment.~~

34. Within five business days after installation, upgrading, converting, transfer, or removal of an electronic pull tab device and operating system, a distributor shall submit an electronic pull tab certification notice on a prescribed form to the attorney general.

35. All electronic pull tab devices must be keyed in the following manner:

- a. The logic compartment must be keyed with a lock that is different from all other locks. The logic compartment key is to be in the possession of the distributor. The organization must not have possession of this key. This key cannot open any other area of any device. The logic compartment key can be universal for a manufacturer but must be individually keyed per distributor.

- b. Each stacker drop box must have a separate key per site and be keyed differently than any other area of the device. This key is to only be in the possession of the organization. The distributor cannot have access to this key.
- c. The belly key or keys must be keyed separately from the logic compartment area and stacker drop box. This key can be universal to the organization. Only the organization can possess this key. A distributor cannot have access to this key.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-14

### **99-01.3-15-03. Inventory records and reconciliation.**

1. A distributor shall maintain a quantity-based perpetual inventory system for deals of pull tabs, club specials, tip boards, prize boards, and punchboards that are bought or received from any source. A system must account for the sale or disposition of each item. The system must separately account for the quantity of items acquired, sold, and remaining in inventory by:
  - a. Name of manufacturer or other source, and purchase invoice number and date;
  - b. Name of game and manufacturer's game form number, excluding deals of jar tickets; and
  - c. Distributor's sales invoice number and date.
2. A distributor shall maintain a quantity-based perpetual inventory system for paper bingo cards that are bought or received from any source. A system must account for the sale and disposition of each card. The system must separately account for the quantity of cards acquired, sold, and remaining in inventory by:
  - a. Name of manufacturer or source, and supplier's sales invoice number and date;
  - b. Type of card or booklet;
  - c. Primary color of card;

- d. Size of the series;
  - e. Quantity received; and
  - f. Distributor's sales invoice number and date.
3. A distributor shall semiannually reconcile its inventory of deals of pull tabs, paper bingo cards, club specials, prize boards, tip boards, and punchboards that are recorded as being in inventory to these items that are actually in inventory. A person shall count these items in inventory, compare this count to the inventory records, and resolve any difference. The count must be done by a person who is not primarily responsible for safeguarding the physical inventory. A reconciliation must be documented, including the name and title of the person who does the reconciliation, date performed, result, corrective action taken, and initials of that person.

**History:** Effective May 1, 1998; amended effective July 1, 2002; July 1, 2010; July 1, 2012.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-15-04. Purchase and sales restrictions.**

Repealed effective July 1, 2000.

**99-01.3-15-05. Restrictions and requirements - Dispensing devices.**

Repealed effective July 1, 2000.

**99-01.3-15-06. Distribution of gaming equipment.**

- 1. A manufacturer's game serial number must be on a paddlewheel ticket described by subsection 1 of section 99-01.3-11-01, all pull tabs, including pull tabs used with prize boards, club specials, and tip boards and punches in a punchboard. No game serial number may be special ordered. A game serial number must be preprinted on a paddlewheel ticket card. If a game serial number is not preprinted on a seal board, raffle board, prize board, sports-pool board, or calcutta board, a distributor shall assign and electronically or mechanically imprint it on the board. No serial number may be repeated within three years.
- 2. For a deal of pull tabs and jar ticket game, a distributor may open a manufacturer's cellophane shrink wrap to access a flare. A distributor shall

affix a state gaming stamp on the front of the original flare, or a legible copy of the flare, of a deal of pull tabs, club special, tip board, series of paddlewheel ticket cards, and on a punchboard, sports-pool board, seal board, raffle board, prize board, and calcutta board that is sold or provided to a customer. A gaming stamp must be affixed in North Dakota. A distributor shall legibly write a manufacturer's game serial number in ink on the stamp. If the written number is incorrect, the number cannot be changed or erased and the stamp must be voided. For a series of paddlewheel ticket cards, the game serial number written must be the lowest numbered paddlewheel ticket card. Then, a distributor shall replace, if applicable, a flare inside the cellophane shrink wrap and seal the opening. This rule does not apply to gaming equipment provided directly to an Indian tribe, United States military, out-of-state purchaser, or another licensed distributor.

3. If a manufacturer's security seal on a container is inadvertently broken but the integrity of a deal remains intact, a distributor may reseal the deal with an adhesive security seal identifying the distributor. The seal must be applied to all accessible sides of a container and ensure that a deal is secure. A distributor shall indicate on a sales invoice that the deal was resealed by the distributor and the reason.
4. For electronic pull tab deals, a distributor electronically shall assign a state-issued electronic gaming stamp number to each electronic pull tab deal issued to a licensed organization. This placement must occur prior to the deal being downloaded to the organization's site server. The organization and attorney general must be notified of the assigned electronic gaming stamp number, game serial number, game name, site received at, and date and time the deal was received at the site at least monthly or on demand. Electronic gaming stamps must be issued in consecutive order.
5. A distributor shall provide a flare with a deal of pull tabs or jar tickets and series of paddlewheel ticket cards. The master flare for a game involving deals of jar tickets that contain winning tickets of the same prize value printed in differently colored numbers or symbols must have the flare's numbers and symbols printed in matching colors. A flare, including a master flare, must indicate the name of the game, manufacturer's form number, cost per play, and value and number of winning prizes. The front of a flare for a deal of jar tickets must indicate the number of jar tickets in the deal. The number of prizes may be designated by a number or by a quantity of symbols that represent the number of winning prizes and winning number or symbol. A symbol must be pictured on a flare, not described. A flare, including a master flare, may not display combinations of winning pull tabs, unless the phrase "prizes above are combinations of single prizes listed below" or a similar phrase is used and additional statements such as "may contain multiple winners", may be used in

conjunction with this phrase. A last sale prize must be printed on a flare or be indicated by a permanently affixed sticker. The flare or sticker must contain the last sale feature, prize value, and distributor's name or license number. A distributor may not alter a flare except to add a last sale feature to a manufacturer's flare for a deal of pull tabs. A distributor may make a flare for a deal of jar tickets. This information must be mechanically or electronically printed on a flare.

6. A distributor may not sell or provide a multiple line or multiple square sports-pool board to a customer unless a special opaque tape covers the numbers on the board. If a tape is disturbed, any recovering of the numbers must be detectable. A tape must prevent the concealed numbers from being viewed from the outside when using a high-intensity lamp.
7. For a deal of jar tickets, club special, tip board, and prize board, a distributor shall provide a game information sheet containing gaming stamp number, cost per play, ideal gross proceeds, ideal prizes, including any last sale prize, if known, ideal adjusted gross proceeds, and the quantity, face value, and total face value of coins on a prize board or, in place of a separate sheet, the information may be printed on the front or back of the deal's flare.
8. A distributor shall print these phrases on a sports-pool board:
  - a. Professional sports pool;
  - b. Cost per play \$\_\_\_\_\_ (maximum cost per play is \$25.00);
  - c. Date of sports event \_\_\_\_\_;
  - d. Ideal prizes \$\_\_\_\_\_; and
  - e. Method of prize payout \_\_\_\_\_.
9. A distributor shall include this information on the flare of a series of paddlewheel ticket cards:
  - a. Game serial numbers of the lowest and highest numbered paddlewheel ticket cards;
  - b. Quantity of cards;
  - c. Type of paddlewheel ticket (for example, 40 x 3 x 120), if applicable; and
  - d. The printed phrase "cost per ticket \$\_\_\_\_\_".



10. A distributor shall print the phrases "merchandise prize \_\_\_\_\_" and "retail price \$\_\_\_\_\_" on a flare and for each seal for a game that has a merchandise prize.
11. A distributor shall sell a calcutta board on which is printed a matrix of horizontal lines and vertical columns sufficient to accommodate the information required by subsections 7, 10, and 12 of section 99-01.3-10-01. A distributor shall print "calcutta" at the top of a board and print the phrases "sporting event \_\_\_\_\_", "method of prize payout \_\_\_\_\_", and "date of sports event \_\_\_\_\_" on the board.
12. A distributor shall print the phrases "cost per play \$\_\_\_\_\_", "merchandise prize \_\_\_\_\_" (if applicable), and "retail price \$\_\_\_\_\_" on a seal board.
13. A distributor shall print the phrases "cost per square \$\_\_\_\_\_", "date of raffle\_\_\_\_\_", and "prize\_\_\_\_\_" on a raffle board.
14. A distributor shall print "cost per play \$\_\_\_\_\_", and for each merchandise seal prize the phrases "merchandise prize \_\_\_\_\_" and "retail price \$\_\_\_\_\_" on a prize board.
15. If a distributor is notified by an organization that the game serial number of a deal of pull tabs, club special, tip board, seal board, raffle board, punchboard, series of paddlewheel ticket cards, calcutta board, prize board, or sports-pool board is different from the number written on a state gaming stamp, the distributor shall follow procedures prescribed by the attorney general.
16. If a distributor is notified by a manufacturer or attorney general of a ban or recall of defective pull tabs or punchboards, the distributor shall comply with subsection 2 of section 99-01.3-16-07.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1.-01.1, 53-06.1-14

**99-01.3-15-07. Sales to an Indian tribe, United States military, out-of-state purchaser, or organization that conducts games on tribal land.**

A distributor may not sell gaming equipment to any individual. Gaming equipment sold or provided to an Indian tribe, United States military, out-of-state purchaser, organization that is not licensed that conducts games on tribal land, or a person authorized by the attorney general must be shipped directly to the buyer or the

distributor shall verify that the buyer represents that customer. This verification must include:

1. If a person represents an Indian tribe, United States military, or has been authorized by the attorney general, the person's name, address, and, if applicable, title or rank;
2. If a person represents an organization that conducts games on tribal land, the person's name and address; and
3. A driver's license number and state of registration recorded from a person's pictured driver's license or the person's full name and address recorded from two other forms of pictured identification.

**History:** Effective May 1, 1998; amended effective July 1, 2000.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-15-08. Promotional and sample bingo cards and pull tabs.**

A distributor may not sell or provide promotional paper bingo cards, jar tickets, or pull tabs to an organization or any person unless the face of each paper bingo card, the outside of a jar ticket, or the game information side of each pull tab or bingo card contains the phrase "promotional use only", "happy hour", "no purchase necessary", or similar phrase. A distributor may not sell or provide sample paper bingo cards, jar tickets, or pull tabs to an organization or any person unless the word "void" is on the face of each paper bingo card and jar ticket and on the game information side of each pull tab or bingo card. A distributor may sell other nongaming promotional items to any person.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2004; July 1, 2010.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-15-09. State gaming stamp and return of gaming equipment.**

1. A distributor shall maintain gaming stamps at its North Dakota office. A distributor may not provide a stamp to another distributor. If a distributor voids or does not use a stamp, it shall return the stamp to, or for electronic gaming stamps, notify the attorney general. There is no credit for a voided or unused stamp. If a distributor discontinues business, it shall return all voided and unused stamps to the attorney general within fourteen days after discontinuance of business.

2. If an organization returns an unplayed deal, game, or series containing a state gaming stamp, a distributor shall void the stamp and complete a form prescribed by the attorney general. A distributor may not take back an unplayed deal or game containing a stamp from an organization unless the distributor originally sold it or is authorized by the attorney general. If a distributor resells or reissues a deal, game, or series, the distributor shall affix a new stamp on the flare.
3. Distributors shall maintain records accounting for all state gaming stamps. A distributor shall complete an annual reconciliation of state gaming stamps. Any unaccounted for state gaming stamps must be reported to the attorney general.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-14

#### **99-01.3-15-10. Recordkeeping.**

A distributor shall maintain complete, accurate, and legible accounting records in North Dakota. The records must be retained for three years and include, by month:

1. Purchase invoices for gaming equipment.
2. Sales of gaming and nongaming equipment, supplies, and services sold or provided on a distributor's invoice. A sales invoice must be prepared on a form approved by the attorney general and include:
  - a. License number of the distributor;
  - b. Business name and address of the buyer and business name and address where the gaming equipment or supplies were shipped to or where the service was performed;
  - c. License or permit number of the buyer, if applicable;
  - d. Invoice number and date;
  - e. Date shipped or date of service;
  - f. Indication for a credit memo;

- g. Quantity, price, and description of each item of gaming equipment, supplies, and services. This includes the name of game and indication of the item as a deal of pull tabs, electronic deal of pull tabs, club special, prize board, tip board, seal board, raffle board, punchboard, sports-pool board, calcutta board, or series of paddlewheel ticket cards. For a deal of pull tabs (excluding jar tickets), it must include a manufacturer's form number. For a series of paddlewheel ticket cards, it must include the number of paddlewheel ticket cards and number of tickets on each card. For a prize board, it must include separate costs, including sales tax, for a merchandise prize (if any), coins, and board and pull tabs. For paper bingo cards, it must include the primary color of single cards or primary color of the top card of collated booklets, type (number of faces on a sheet) of collated booklets or single cards, number of cards in a collated booklet, and serial number and size of series. For dispensing devices, it must include name of the device and its model and serial number. For a site system with bingo card-marking devices and electronic quick shot bingo site operating system with card-marking devices, it must include the quantity of devices and name, model and serial number, and version of the system and devices. For a fifty-fifty raffle system, it must include name of the system and its model and serial number. For electronic pull tab devices with operating system, it must include the quantity, name, model, and serial numbers of the devices and version of the operating system. For service work performed, it must include the nature of the work and identify the system or device the work was performed on;
  - h. Gaming stamp number;
  - i. Ideal gross proceeds, ideal adjusted gross proceeds, price of a merchandise prize, and value of a last sale prize; and
  - j. An indication that a deal was resealed and the reason, if applicable.
  - k. For electronic pull tab devices with operating systems for which a fixed rate per electronic pull tab ticket sold is charged, the sales invoice must include a separate line item amount for each site and specific set of games that the fixed rates are being billed for. Charges for each specific set of games for a site must be easily identifiable on the sales invoice and must include the site name, manufacturer, and the date range for which the charges apply.
3. A sales invoice must be:
- a. Prenumbered consecutively with a preprinted number of at least four characters;

- b. Prepared in three parts and issued as follows:
    - (1) One part to the customer;
    - (2) One part retained in an invoice file by customer name; and
    - (3) One part to the attorney general. Every invoice, including voids, must be numerically accounted for; and
  - c. A credit memo for a returned item must be prepared and issued like a sales invoice. A credit memo must represent only a returned item.
4. A sales journal must include the invoice date, number, total amount, and name of customer.
  5. A cash receipts journal must include cash sales, cash received from all sources, name of customer, date a payment is received, and amount.
  6. A cash payments journal must include checks issued, cash payments, date of check or payment, check number, name of payee, and type of expense.
  7. Record of voided gaming stamps on a form prescribed by the attorney general.
  8. Inventory records and reconciliation of inventories.
  9. A repair report for each service call on a dispensing device.
  10. Documentation of a training session conducted according to subsection 2426 of section 99-01.3-15-02.
  11. A manufacturer's invoice that references a rental fee charged to an organization for a site system with bingo card-marking devices, an electronic quick shot bingo site operating system with card-marking devices, fifty-fifty raffle system, and electronic pull tab devices with operating system.
  12. A monthly report detailing, for each different variation of electronic pull tab game, the total number of times a deal for the game was downloaded to an organization site server for play. The report must include for each deal, manufacturer, game name, state gaming stamp number, game serial number, number of pull tabs, cost per play, ideal gross proceeds, ideal prizes, and pay out percentage.

13. Perpetual inventory records of bingo card-marking devices used with site systems and of cardmarking devices used with electronic quick shot bingo site operating systems, which must include the organization name, site, model of device, serial number of device, and dates issued to and returned from a site.
14. Perpetual inventory records of fifty-fifty raffle systems which must include the organization name, site, control programs installed, and number of sales units.
15. Perpetual inventory records of electronic pull tab devices with operating systems, which must include the organization name, site, control programs installed, and number of electronic pull tab devices at the site. For each electronic pull tab device, the inventory records must include manufacturer, unique serial number, model number, and date of manufacture. This information must be retained for three years.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**CHAPTER 99-01.3-16  
MANUFACTURERS**

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**99-01.3-16-01. License.**

1. A manufacturer of deals of pull tabs, electronic deals of pull tabs, paper bingo cards, site systems with bingo card-marking devices, electronic quick shot bingo site operating systems with card-marking devices, pull tab dispensing devices, fifty-fifty raffle systems, electronic pull tab devices with operating systems, or any other person may not sell, lease, solicit business, or provide these items to a distributor without a license. If two or more manufacturers are affiliated, each manufacturer shall apply for a license. A license is not transferable. The annual licensing period is April first through March thirty-first. An application must include information prescribed by the attorney general. The license fee for a manufacturer of pull tabs, electronic pull tabs, bingo cards, site systems with bingo card-marking devices, electronic quick shot bingo site operating systems with card-marking devices, or electronic pull tab devices with operating systems, is four thousand dollars. The license fee for a manufacturer of only pull tab dispensing devices is one thousand dollars. The license fee for a manufacturer of a fifty-fifty raffle system

is five hundred dollars. If a person manufactures pull tabs and paper bingo cards, or, pull tab dispensing devices and either pull tabs or paper bingo cards, or both, only one license fee is required.

2. In addition to the annual license fee of four thousand dollars, manufacturers of electronic pull tab devices with operating systems are required to procure, at its own cost, and submit to the attorney general, a bond payable to the state of North Dakota in the amount of two million dollars for the term of their manufacturer's license plus seven subsequent years thereafter, conditioned on their faithful performance as a licensee and their subsequent support of existing electronic pull tab devices in the state at the expiration or termination of their manufacturer's license. If the manufacturer fails to faithfully perform their duties as a licensed manufacturer or support existing electronic pull tab devices in the state at the expiration or termination of their manufacturer's license, the bond may be forfeited to the state of North Dakota.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-14

**99-01.3-16-02. Background investigation and notification of complaint in another state.**

1. The attorney general may conduct a background investigation of a manufacturer and request information on each partner of a partnership, and each stockholder owning ten percent or more of the outstanding voting common stock of a corporation, including the corporation's parent or subsidiary corporation, if any.
2. A manufacturer shall provide all documentation, assurances, consents, waivers, or other information requested by the attorney general.
3. If a manufacturer receives an administrative or criminal complaint or a citation from another state, it shall notify the attorney general in writing within thirty days of the date of the complaint or citation.

**History:** Effective May 1, 1998; amended effective October 1, 2006.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-06

**99-01.3-16-03. Restrictions and requirements.**



1. A manufacturer that sells, or provides, paper bingo cards to a distributor shall print its name or distinctive logo and the assigned serial number and series number (card number) on each card. A manufacturer shall have available for sale or provide to a distributor a master checkbook covering all card serial numbers. A manufacturer may not ship paper bingo cards directly to a licensed organization or organization that has a permit.
2. A manufacturer may only sell or provide gaming equipment to a licensed distributor. A manufacturer shall maintain accounting records of all sales of gaming equipment and retain them for three years. The records may be in electronic form.
3. A manufacturer shall not offer or provide anything of value to any licensed organization or gaming location site, lessor, agent or representative as an incentive or inducement to locate, keep or maintain any gaming equipment, which includes electronic gaming systems or devices, at the gaming site.
4. An officer, director, shareholder, agent, or employee of a manufacturer may not:
  - a. Play a game of pull tabs, including electronic pull tabs, club special, tip board, prize board, seal board, sports-pool board, punchboard, or electronic quick shot bingo, of that manufacturer, at any site;
  - b. Conduct games of pull tabs, prize boards, pull tab and prize board dispensing devices, electronic pull tabs, club specials, seal boards, raffle boards, tip boards, sports-pool boards, or punchboards at an organization's site;
  - c. Interfere with or attempt to influence a lessor's relationship with an organization involving a lease agreement, interfere with or attempt to influence an organization's management, employment practices, policy, gaming operation, disbursement of net proceeds, or procure a site for an organization; or
  - d. Provide bookkeeping services, including summarizing or auditing games for an organization.
5. A manufacturer may not share an office or warehouse facility with an organization.
36. A manufacturer may not give a gift, trip, prize, or other gratuity valued singly or in the aggregate in excess of one hundred dollars per employee per calendar year related to a licensed distributor or organization.

- ~~4.7.~~ A manufacturer may not modify the assembly or operational functions of an approved pull tab dispensing device model unless requested by the attorney general or a written request is approved by the attorney general. The attorney general may apply section 99-01.3-16-10 for approving a modification to a device model.
- ~~5.8.~~ A manufacturer may not modify pay table, bonus features, games, or current methods of operation of an approved site system with bingo card-marking devices, and electronic quick shot bingo site operating system with card-marking devices and related equipment unless requested or authorized by the attorney general. The attorney general may apply section 99-01.3-16-10 for approving a modification to a device.
- ~~6.9.~~ A manufacturer may not modify the software, pay table, extended play features, games, or current methods of operation of an approved electronic pull tab device with operating system and related equipment unless requested or authorized by the attorney general. The attorney general may apply section 99-01.3-16-10 for approving a modification to a device or operating system.
- ~~7.10.~~ A manufacturer may not modify operating software or methods of operation of an approved fifty-fifty raffle system and related equipment unless requested or authorized by the attorney general. The attorney general may apply section 99-01.3-16-10 for approving a modification to a system.
- ~~8.11.~~ A manufacturer may service a fifty-fifty raffle system, site system with bingo card-marking devices or electronic quick shot bingo site operating system with card marking devices and related equipment used by an organization.
- ~~9.12.~~ A manufacturer of a dispensing device, fifty-fifty raffle system, site system with bingo cardmarking devices, or electronic quick shot bingo site operating system with card-marking devices and related equipment shall provide an operations manual to a distributor.
- ~~10.13.~~ A manufacturer shall report a malfunction of a fifty-fifty raffle system, site system with bingo card-marking devices, electronic quick shot bingo site operating system with card-marking devices, or electronic pull tab device with operating system which affects the security or integrity of the system or the outcome of a game to the attorney general by the next business day of the date of occurrence.
- ~~11.14.~~ A manufacturer shall provide on the front of a master flare for a deal of jar tickets or pull tabs and on the flare display of an electronic pull tab device, that contain:

- a. Name of game;
- b. Manufacturer's form number;
- c. Cost per play;
- d. Value and number of winning prizes;
- e. Number of pull tabs or jar tickets; and
- f. The phrase, "prizes above are combinations of single prizes below" or a similar phrase when combinations of winning pull tabs are displayed on the flare.

The number of prizes may be designated by a number or by a quantity of symbols that represent the number of winning prizes and the winning number or symbol. A symbol must be pictured on a flare, not described. A master flare for a game involving deals of jar tickets that contain winning tickets of the same prize value printed in differently colored numbers or symbols must have the flare's number and symbols printed in matching colors.

If an extended play feature is used for electronic pull tabs, a notification must be provided to the player explaining that an extended play feature is used on the game and that "Extended play features prolong the play of an electronic pull tab ticket but do not award a prize in addition to the predetermined prize for that ticket."

~~12-15.~~ A manufacturer, its agents and employees, members of a manufacturer's immediate family, or persons residing in a manufacturer's household may not make any loan directly or indirectly to any organization or officer, director, game manager, or entity involved in the management, operation, or conduct of charitable gaming in the state of North Dakota.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-16-04. Quality standards for pull tabs.**

A manufacturer shall manufacture paper pull tabs according to these standards:

1. Construction.

- a. A deal must be designed, constructed, glued, and assembled to prevent the determination of a winning pull tab or numbers or symbols without first removing the tabs or other covering.
  - b. All the pull tabs of a deal must have the same game serial number which cannot be repeated on the same form number for three years.
  - c. When a tab or other covering is removed, the numbers or symbols must be fully visible in the window. The numbers or symbols can be displaced to the left or right in a window for increased security.
  - d. The window slits on a pull tab must be perforated on three sides. A pull tab must be glued on all four edges and between each window. The glue must be of sufficient strength and type to prevent any separation.
2. Opacity. Concealed numbers, symbols, or winner protection features cannot be viewed or determined from the outside of a pull tab using a high-intensity lamp.
  3. Color. It must not be possible to detect or pick out winning from losing pull tabs through a variation in printing graphics or colors.
  4. Printed information. The minimum information printed on a pull tab must be as follows, except that subdivisions b, c, and d are not required for a folded or banded jar ticket or to a two-ply or three-ply card with only one perforated break-open tab which measures one and one-quarter inches by two and one-quarter inches or less in size, subdivisions a, c, d, and e are not required for pull tabs used with a tip board, and subdivisions b, c, and e are not required for a pull tab used with a prize board:
    - a. Name of manufacturer or its logo;
    - b. Name of game;
    - c. Cost per pull tab;
    - d. Manufacturer's form number;
    - e. Number of winning pull tabs and winning numbers or symbols, and prize amounts, or a flare must be included with the game providing that information; and
    - f. Unique minimum five-character game serial number, printed on the game information side of the pull tab.

5. Winner protection. A unique symbol or printed security device, such as a specific number keyed to a particular winning pull tab, or the name of the symbol or some of the symbol colors changed for a winning pull tab, or other similar protection must be placed in the winning windows of winning pull tabs. Also, a winning pull tab that has a prize greater than twenty dollars must have a secondary form of winner verification.
6. Randomization. The winning pull tabs must be intermixed among all other pull tabs in a deal to eliminate any pattern between deals, or portions of deals, from which the location or approximate location of any winning pull tab may be determined. A deal must be assembled so that no placement of winning or losing pull tabs exists that allows prize manipulation or pick out. Banded jar tickets packaged in a bag must be randomized.
7. Guillotine cutting. It must not be possible to isolate winning or potential winning pull tabs of a deal by variations in size or the appearance of a cut edge of the pull tabs.
8. Packaging.
  - a. A deal must contain a seal warning the purchaser that the deal may have been tampered with if the container was received with the seal broken. A seal must ensure that a deal's pull tabs are not accessible from outside the container when sealed. A manufacturer shall seal or tape every entry point into the container. The seal or tape must be tamper-resistant and be designed so that should a container be opened or tampered with, it would be easily noticed. For jar tickets packaged in a bag, the glue used to seal the flap of the bag must be permanent adhesive glue. The required seal cannot be a manufacturer's cellophane shrink wrap.
  - b. A manufacturer shall print, in bold letters, "Pull tabs must be removed from this packaging container and thoroughly mixed before sale to the public" or similar language on the outside of a container.
  - c. A deal's game serial number must be legibly placed on or be able to be viewed from the outside of the deal's container.
  - d. For a deal shipped to North Dakota, a flare for a pull tab or jar ticket deal must be located on the outside of the deal's sealed container so that the manufacturer's security seal will not be broken to access the flare.
9. Number of top tier winners. A deal must have at least two top tier winning pull tabs, except for a deal for a prize board and a last sale prize feature.

10. A manufacturer may not duplicate (print) a winning number, symbol, or set of symbols of any nonpromotional jar ticket or pull tab on any promotional jar ticket or pull tab.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-16-05. Quality standards for punchboards.**

A manufacturer of punchboards shall print a game serial number on all punches and manufacture, assemble, and package a punchboard so that winning punches, or approximate location of winning punches, cannot be determined in advance of punching the punchboard, including any patterns in manufacture, assembly, packaging, or markings. Winning punches must be randomly mixed among all other punches in a punchboard and between all other punchboards.

**History:** Effective May 1, 1998; amended effective April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-16-06. Quality standards for bingo cards used in a dispensing device.**

Repealed effective July 1, 2010.

#### **99-01.3-16-07. Ban or recall of defective pull tabs or punchboards.**

1. If the attorney general determines that deals of pull tabs, electronic pull tabs, or punchboards for sale in North Dakota do not meet the quality standards, the attorney general may order all defective deals and all similarly constructed or printed deals in North Dakota to be immediately recalled by the manufacturer or banned or prohibit a manufacturer from transacting business in North Dakota. If the attorney general orders a ban or recall, the manufacturer of the deal must first be notified of the reason, effective date, and specific requirements. Upon notification, a manufacturer shall cease sale of that deal and initiate compliance with a ban or recall. A manufacturer shall notify, in writing, all distributors within seventy-two hours of the notice, the effective date, and arrange for the prompt return of all the defective deals.
2. A distributor, when notified by a manufacturer or attorney general, shall immediately stop sales or delivery of the deals. Within seventy-two hours, a distributor shall notify the organizations that have bought the deal during the

last ninety days, the effective date, and arrange for the prompt return of all the defective deals.

3. Before any reintroduction in North Dakota of a banned or recalled deal, a manufacturer shall submit the revised deal to the attorney general for approval. The attorney general shall notify the manufacturer of the approval or disapproval and the manufacturer shall send a copy of an approving letter to the distributor with the next shipment of the revised deal.
4. If a manufacturer initiates a recall of deals of pull tabs, electronic pull tabs, or punchboards in any state regarding products that were sold in North Dakota, it shall immediately notify the attorney general and comply with this section.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2010; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-16-08. Manufacturing specifications - Dispensing device.**

A pull tab dispensing device must meet these specifications:

1. If a device is designed to accommodate two or more different games of pull tabs, each compartment must independently meet the specifications of this section;
2. Electrical and mechanical components and design principles may not subject a person to any physical hazard or cause electrical interference. The power cord must be ten feet in length and have a three-prong ground. A surge protector or in-line power filter must be installed in-line on the main power line to a device. A device must safely and operatively withstand a static test of twenty thousand volts of electricity and maintain proper voltage during a low electrical current (brownout);
3. A pull tab device must have at least four columns for stacking pull tabs and have capacity for two thousand four hundred pull tabs. A dispensing device for prize board tickets may have less than four columns for stacking pull tabs;
4. A stacking column must be adjustable for varying lengths of pull tabs. However, as an option, a device may use replaceable stacking columns that accommodate varying lengths of pull tabs. The device must accommodate a minimum pull tab size of one and seven-eighths inches in width by two and five-eighths inches in length, a maximum pull tab size of one and seven-eighths inches in width by four and one-fourth inches in length, or both sizes;

5. A device must be adjustable for varying thicknesses of pull tabs;
6. Glass must be placed in the front of the device enabling an employee to see whether a device is low on pull tabs;
7. A device must have a dispensing outlet or tray to catch a dispensed pull tab;
8. A device must have one currency validator. A coin acceptor is not allowed;
9. A pull tab device must accommodate pricing of twenty-five cents, fifty cents, one dollar, and two dollars per pull tab and dispense the correct number of pull tabs based on the amount of credit played. The standard price per pull tab must apply to all columns;
10. An exterior door must have at least one keyed lock. The key must be different from all other keys used on other devices manufactured by the manufacturer;
11. A pull tab device may have an optional "all" player button that activates the device to dispense pull tabs equal to the value of the unplayed credits and randomly selected by a random number generator or player button sequencing concept. Devices that dispense pull tabs involving a prize board are not required to select tickets by use of a random number generator;
12. A device must have an interior mode switch, interior dipswitch, or an exterior mode switch activated by a key which enables a person to:
  - a. Set the price per pull tab; and
  - b. Unless a device prints reports prescribed by subsection 15, access the accounting information required by subsection 13 and, if the device has nonresettable electronic accounting meters, subsection 14;
13. Unless a device prints reports prescribed by subsection 15, there must be at least two independent resettable electronic or mechanical accounting meters. The meters must maintain accounting information of at least four digits in length and be capable of maintaining the accounting information for six months after electrical power to a device is disconnected or the electrical current used to operate a device is switched off. The meters must record the:
  - a. Total value of currency validated; and
  - b. Total number of pull tabs dispensed;



14. Unless a device prints reports prescribed by subsection 15, there must be at least two independent nonresettable electronic or mechanical accounting meters. The meters must maintain accounting information of at least six digits in length and be capable of maintaining the accounting information for six months after electrical power to a device is disconnected or the electrical current used to operate a device is switched off. The meters must record the:
  - a. Cumulative value of currency validated; and
  - b. Cumulative number of pull tabs dispensed;
15. Unless a device has resettable and nonresettable accounting meters prescribed by subsections 13 and 14, the device must print a cash pickup and a lifetime activity report.
  - a. A cash pickup and a lifetime activity report must:
    - (1) Be printed and accessible only from the interior of a device;
    - (2) State the time and date of the present report and of the preceding report. The time must be expressed in numeric hours and minutes. The hour must be expressed as a.m. or p.m.;
    - (3) State the unique device number; and
    - (4) State a sequential report number, which must be at least three digits in length, starting with number one.
  - b. A cash pickup report, based on resettable electronic accounting meters, must include this information for activity since the preceding report:
    - (1) For a pull tab device, number and value of pull tabs dispensed from all columns; and
    - (2) Value of currency validated.
  - c. A lifetime activity report, based on nonresettable electronic accounting meters, must include this information for activity since a device was manufactured:
    - (1) For a pull tab device, cumulative number and value of pull tabs dispensed from all columns; and
    - (2) Cumulative value of currency validated;

16. To ensure a commingling of pull tabs, a random number generator or player button sequencing concept must be used to select a particular column from which a pull tab will be dispensed. A selection process is random if it does not produce a significant statistic of recurring patterns. A player button sequencing concept must field each button at least one hundred times a second. This subsection does not apply to a dispensing device used in the conduct of a prize board;
17. Instructions for player operation must be permanently affixed or placed under glass or other transparent material on the front of a device;
18. A pull tab device must have one or more player buttons located on the front to activate the dispensing of a pull tab. However, excluding an "all" player button, the number of player buttons may not exceed the number of columns. Regardless of which player button is pressed, the selection of a particular column from which a pull tab is dispensed must be done by a random number generator or player button sequencing concept. This subsection does not apply to a dispensing device used in the conduct of a prize board;
19. A device must have an LED or LCD display screen of at least four digits in length. However, if a device uses two independent nonresettable electronic accounting meters, the device must have an LED or LCD display screen of at least six digits in length. The digits must be one-quarter of one inch in height. The value of currency validated must be displayed on the LED or LCD screen as a monetary credit which is reduced as a device vends a pull tab. Unless a device prints reports prescribed by subsection 15, the LED or LCD display screen must also display the accounting information required by subsection 13 and pricing information required by subdivision a of subsection 12;
20. A device must record every vend, including a test vend, of a pull tab when the door of the dispensing device is closed and every currency validation on the accounting meters required by subsections 13 and 14 or subsection 15;
21. If a device malfunction occurs or electrical power is interrupted, the value of credits previously displayed on an LED or LCD display screen must be correctly redisplayed immediately after the malfunction is cleared or electrical power is restored. However, this rule does not apply if a device is totally inoperable;
22. In a pull tab device a column of pull tabs must automatically discontinue operation, triggered by a micro, optical, or software controlled switch, when the column has fewer than fifty pull tabs remaining. However, this rule does not

apply when an organization is closing a game at which time a micro, optical, or software controlled switch may be circumvented;

23. A device must automatically stop operating when there is only one column of pull tabs functioning. However, if this occurs and there are unplayed credits on the device, the device may dispense pull tabs equal to the value of the unplayed credits from the remaining column before the device automatically stops operating. This subsection does not apply to a dispensing device used in the conduct of a prize board;
24. An identification plate must be affixed to an exterior side panel and contain the device's:
  - a. Manufacturer;
  - b. Name of device;
  - c. Serial and model numbers; and
  - d. Date of manufacture which may be part of the model or serial number;
25. No device may have an auxiliary remote control unit for posting credits;
26. A device must automatically stop operating when a nonresettable meter is disconnected; and
27. A device must have a maintenance and operations manual.

**History:** Effective May 1, 1998; amended effective July 1, 2002; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-16-09. Standards for a currency validator - Dispensing device.**

A currency validator must:

1. Validate only United States currency up to values of one hundred dollars;
2. Have an antipullback mechanism and other anticheat devices that prevent cheating of the bill acceptor by mechanical means;
3. Reject invalid and all known manipulations of United States currency;

4. Have a currency stacker box or drop box; and
5. If a malfunction occurs, automatically discontinue accepting or validating currency.

**History:** Effective May 1, 1998; amended effective July 1, 2002; April 1, 2016.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-16-09.1. Manufacturing specifications - Site system with bingo card-marking devices.**

A site system with bingo card marking devices which display a facsimile of a bingo card and allows a player to electronically mark the card in the conduct of bingo according to chapter 99-01.3-04, must meet these specifications:

1. A site system is computer hardware and software used at a site by an organization which establishes server-based player accounts containing electronic card images or credits accessed by a player with a bingo card-marking device or generates and downloads electronic bingo card images to bingo card-marking devices, accounts for gross proceeds, and provides accounting information on all activity for three years from the end of the quarter in which the activity occurred. Server-based accounts must be assigned a minimum five digit randomly selected account number, which cannot be reused during a business day. Transaction numbers for server-based accounts must be a minimum six digit nonresettable consecutive number, which do not reset at the end of each session. An account or bingo cardmarking device can only be used for the purchase and play of bingo cards. A site system must:
  - a. Record a nonresettable electronic consecutive six-digit receipt number for each transaction;
  - b. Issue a receipt for each transaction containing:
    - (1) Name of a site and organization;
    - (2) Date and time of the transaction;
    - (3) Receipt number;
    - (4) Selling price of each card or package, credits purchased, and rental fee of a device, if applicable;
    - (5) Unplayed credits cashed out;

- (6) Receipt total;
  - (7) For server-based accounts, account number; and
  - (8) For downloaded devices, serial number of the device issued to a player.
- c. Print a summary report for each session containing the date and time of the report, name of site, date of the session, consecutive session number, total number of accounts established, total number of transactions, total number and dollar value of voided transactions, number of devices used, the number of and total value for each type of card or package sold, discounts applied to each type of card or package sold, total dollar value of credits sold, total dollar value of unused credits cashed out, total gross proceeds, and, for each transaction, list:
- (1) For server-based accounts, transaction and account number;
  - (2) For downloaded devices, nonresettable consecutive transaction number starting with one for each device and device serial number;
  - (3) Type of transaction (sale or void);
  - (4) Time of transaction;
  - (5) Receipt number;
  - (6) For voided transactions, dollar value of the void; and
  - (7) Selling price of each card or package, discounts applied to each card or package sold, dollar value of credits sold, dollar value of unused credits cashed out, and gross proceeds.
- d. The site system must be capable of producing and exporting through electronic means (e.g. comma delimited, excel, etc.) all required reports.
- e. Must be remote-accessible by the manufacturer of the site system and devices and attorney general for monitoring the system operation and accounting information in real time; and
- f. Must be capable of printing an electronic card image of any card.

2. A bingo card-marking device can be a portable hand-held unit, table top, or counter device. A bingo card-marking device cannot be wired directly to a site system.
3. A bingo card-marking device must be programmed for use at only the site where the site system is located and only used to purchase and play bingo cards or play electronic quick shot bingo.
4. No bingo card-marking device can allow more than seventy-two single-faced cards per game. A player may not choose or reject cards.
5. A bingo card-marking device may require a player to manually enter each bingo number by using an input function key or may use a radio frequency or Wi-Fi transmission to automatically daub the bingo numbers called.
6. A bingo card-marking device can display a player's best card or a winning card and alert the player through an audio or video method, or both, that the player has a winning card.
7. All server-based accounts must be closed at the end of each bingo session. An account cannot be carried forward to another session.
8. All downloaded devices, must:
  - a. Have a unique serial number permanently encoded in the system;
  - b. Be downloaded with new cards at the time of the sales transaction;
  - c. Be deactivated and all stored cards erased when a device is exchanged or returned; and
  - d. Automatically erase all stored cards at the end of the last game of a bingo session or when the device is deactivated or turned off.

**History:** Effective July 1, 2000; amended effective July 1, 2002; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-16-09.2. Manufacturing specifications - Bar code credit device.**

A bar code credit device must:

1. Limit redemption of winning pull tabs for credit to only pull tabs that have a prize value equal to or less than ten dollars;
2. Reject a winning pull tab that is not coded with the same game serial number or other protective code related to the deal in the dispensing device, or a pull tab ticket not properly defaced that has been inserted into the device for credit;
3. Reject a photocopy and any other type of reproduction of an actual winning pull tab;
4. Reject a nonwinning pull tab and provide a message regarding "nonwinning pull tab", "invalid pull tab", or similar phrase visible to a player; and
5. Have resettable and nonresettable meters to separately account for:
  - a. Interim period and cumulative values of winning pull tabs validated for credit;
  - b. Interim period and cumulative values of currency validated for credit; and
  - c. Interim period and cumulative values of the total of winning pull tabs and currency validated for credit.

**History:** Effective July 1, 2004.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-16-09.3. Manufacturing specifications - Card shuffling devices.**

A card shuffling device must:

1. Provide a completely random shuffle of the cards; and
2. Have been tested by an independent testing laboratory indicating that a prototype was tested with satisfactory random shuffling results.

**History:** Effective October 1, 2006.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-16-09.4. Manufacturing specifications - Electronic quick shot bingo site operating systems with card-marking devices.**

An electronic quick shot bingo site operating system with card-marking devices and related equipment used in the conduct of electronic quick shot bingo according to chapter 99-01.3-04.1 must meet these specifications:

1. The card-marking device must not display any other graphic representations other than the game of bingo, except for advertising. The card-marking device must not accept cash, currency, or tokens for play. The card-marking device must be rendered unplayable if communications from the electronic quick shot bingo site operating system are lost.
2. The card-marking device must display:
  - a. The player's credit balance;
  - b. The player's wins balance;
  - c. The current bet amount;
  - d. The denomination being played;
  - e. All possible winning patterns, or be made available as a menu item;
  - f. The amount won for the last completed game until the next game starts;
  - g. The player options selected, including amount and number of cards purchased, for the last completed game until the next game starts or a new selection is made; and
  - h. The phrase "malfunction voids all pays and plays" on the game selection screen, game screen, or on a decal affixed to the front of the device.
3. A card-marking device must be a portable hand-held unit and cannot be wired directly to a site operating system.
4. A card-marking device can only be used at the site where the electronic quick shot bingo site operating system is located and only used to play electronic quick shot bingo or to purchase and play bingo cards.
5. No card-marking device can allow more than sixteen single-faced cards per game. The cost per play cannot exceed five dollars per card.
6. Each card must have a unique series (card) number which will have an unduplicated face.



7. Electronic cards must contain a five-by-five grid of space and must contain one square labeled "free" space. A bingo number cannot be repeated in more than one square on the same card. The same series (card) number may not appear more than once on each game.
8. A card-marking device can display a player's best card or a winning card and alert the player through an audio or video method, or both, that the player has a winning card.
9. When a number is covered, the covering must be indicated on the electronic card by a change in the color of the space or some other readily apparent visual means.
10. A card-marking device must use a radio frequency or Wi-Fi transmission to automatically daub the bingo numbers called.
11. "Electronic quick shot bingo site operating system" means computer hardware, software, and peripheral equipment, that is located at the bingo premise, is operated by the organization conducting bingo, and interfaces with, connects with, controls, or defines the operational parameters of the card-marking devices. Electronic quick shot bingo site operating systems must include the following: central database server, portable hand-held card-marking devices, point of sale, required printers, remote access capability, proprietary executable software, report generation software, and an accounting system and database. Player accounts are established on the site operating system's central database server and are accessed by a player with a hand-held card-marking device. Server-based accounts must be assigned a minimum five digit randomly selected account number, which cannot be reused during a business day. Transaction numbers must be assigned to all transactions, including sales, voids, redemptions, plays, and wins. Transaction numbers must be a minimum six digit nonresettable consecutive number, which do not reset at the end of each session. An account or card-marking device can only be used for the purchase and play of bingo cards.
12. An electronic quick shot bingo site operating system must account for and provide accounting information on all activity for three years from the end of the quarter in which the activity occurred. It must:
  - a. For each session, archive all electronic transactions of sales, voids, redemptions, plays, wins, balls called, winning bingo patterns, and the winning cards for prizes greater than five hundred dollars.
  - b. Include a printer with a paper-sensing device that upon sensing a "paper low" condition will allow the system to finish printing the receipt and

then prevent further receipt writing. Each system must recognize a printer power loss occurrence and cease transactions until power has been restored to the printer and the system is capable of producing a valid receipt.

- c. Be remote-accessible by the manufacturer of the system and attorney general for monitoring the system operation and accounting information in real time.
- d. Not allow date, time, credit balance, or other source information to be changed.
- e. Not allow automatic transfer, by a player or employee, of any winnings balance to the credit (deposit) balance on a card-marking device.
- f. Account for each session with a nonresettable electronic consecutive session number.
- g. Account for each transaction on the system with a nonresettable electronic consecutive receipt number at least six digits in length.
- h. Be capable of printing an electronic card image of any card.
- i. Issue a receipt for each cashier transaction containing:
  - (1) Name of a site and organization;
  - (2) Receipt number;
  - (3) Date and time of the transaction;
  - (4) Account number;
  - (5) Dollar value of credits purchased;
  - (6) Dollar value of credits cashed out;
  - (7) Dollar value of winnings cashed out; and
  - (8) Dollar value of credit balance.
- j. Print a summary report for each session containing:
  - (1) Name of site and organization;

- (2) Date of the session;
  - (3) Session number;
  - (4) Date and time of the report;
  - (5) Total number of accounts established;
  - (6) Total number of transactions;
  - (7) Range of transaction numbers;
  - (8) Total number and dollar value of voided transactions;
  - (9) Total dollar value of credits sold;
  - (10) Total dollar value of unplayed credits cashed out;
  - (11) Total gross proceeds;
  - (12) Total prizes won;
  - (13) Total unclaimed prizes;
  - (14) Total prizes paid; and
  - (15) Adjusted gross proceeds.
- k. Have the ability to print a transaction report for each session which includes for each transaction:
- (1) Transaction number;
  - (2) Time of transaction;
  - (3) Type of transaction (sale, redemption, void, plays, or wins);
  - (4) Account number;
  - (5) Receipt number(s);
  - (6) For voided transactions, dollar value of the void;

- (7) Dollar value of credit amount;
  - (8) Wagered amount;
  - (9) Wins amount;
  - (10) Redemption amount;
  - (11) Bonus accrual amount, if applicable; and
  - (12) User ID of employee conducting transaction.
- l. Print a report of single prizes exceeding five hundred dollars, including:
- (1) Date of the session;
  - (2) Session number;
  - (3) Account number;
  - (4) Winning series (card) number; and
  - (5) Prize amount.
- m. Print a report of the bingo balls entered or numbers generated for each session, including bonus balls or numbers, which includes:
- (1) Date of the session;
  - (2) Session number;
  - (3) Time entered or generated; and
  - (4) User ID of employee conducting transaction.
- n. The electronic quick shot bingo site operating system must be capable of producing and exporting through electronic means (e.g. comma delimited, excel, etc.) all required reports.
13. All server-based accounts must be closed at the end of each bingo session. An account cannot be carried forward to another session or reused after a player has turned in a cardmarking device.

14. All communications between the card-marking devices and the site operating system must be encrypted for security reasons. The wireless deployment must employ a secure gateway to isolate the wireless environment from any other environment. The secure gateway must be configured in a manner that prevents any wireless network component from gaining access to the internal network without first being scrutinized.
15. Electrical and mechanical components and design principles of the system may not subject a person to any physical hazard or cause electrical interference.
16. A surge protector that feeds all power to the equipment must be installed to ensure the equipment must not be adversely affected by surges or dips of plus or minus twenty percent of the supply voltage.
17. A battery backup must be installed on the electronic quick shot bingo site operating system and must be capable of maintaining the accuracy of all information required by this section for ninety days after power is discontinued from the system.
18. The operation of the electronic quick shot bingo site operating system must be impervious to influences from the outside of the system, including electromagnetic interference, electrostatic interference, and radio frequency interference.
19. The electronic quick shot bingo site operating system must not have any switches, jumpers, wire posts, or other means of manipulation that could affect the operation or outcome of a game.
20. Logical access to the electronic quick shot bingo site operating system must be restricted by user identifications and passwords.
21. A manufacturer of an electronic quick shot bingo site operating system shall employ sufficient security safeguards in designing and manufacturing the system such that it may be verified that all proprietary software components are authentic copies of the approved software components and all functioning components of the system are operating with identical copies of approved software programs. The card-marking devices must also have sufficient security safeguards so that any approved proprietary software are protected from alteration by unauthorized personnel. Security measures that may be employed to comply with these provisions are the use of dongles, digital signature comparison hardware and software, secure boot loaders, encryption, and password systems.

22. An electronic quick shot bingo site operating system may not have a mechanism whereby an error will cause the game data to automatically clear. Game data must be maintained at all times regardless of whether the system is being supplied with power. Game data must be stored in such a way as to prevent loss of the data when replacing parts or modules during normal maintenance.
23. The electronic quick shot bingo site operating system must have a backup and archive utility to allow the operator to save critical data should a system failure occur. This backup must automatically run after the end of each session or may be a manual process to be run at the operator's command after the end of each session.
24. The use of a random number generator may be used in the selection of bingo balls. The selection must be statistically independent, pass recognized statistical tests, and be unpredictable.
25. A card-marking device must automatically stop operating when a winning bingo pattern exceeding five hundred dollars is won by the player and must display a notification to the player to contact an employee. However, this rule does not apply when an electronic quick shot bingo site operating system displays the prize amounts greater than five hundred dollars when a player redeems the prize winnings from the player's account.

**History:** Effective July 1, 2012; amended effective April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-16-09.5. Manufacturing specifications - Fifty-fifty raffle system.**

A fifty-fifty raffle system and related equipment used in the conduct of raffles according to chapter 99-01.3-05.1 must meet the specifications of the most current version of gaming laboratories international, LLC's standard for electronic raffle systems, GLI-31. In addition, the following specifications must be met:

1. In the use of handheld raffle sales units outside of a wireless network area, the units must have the ability to transfer the sold draw numbers and corresponding validation numbers to the fifty-fifty raffle system should a raffle sales unit become inoperable.
2. For each single event raffle, a fifty-fifty raffle system must account for and provide accounting information on all activity for three years from the end of the quarter in which the activity occurred. It must:

- a. Record all raffle sales transactions electronically as they occur;
- b. Account for each single event raffle with a nonresettable electronic consecutive event number;
- c. Record and account for each draw number downloaded from the server in continuous consecutive order;
- d. Generate a summary report for each single event raffle which includes:
  - (1) Name of organization and license number;
  - (2) Name of site;
  - (3) Date;
  - (4) Event number;
  - (5) Range of draw numbers and total number of draw numbers available for sale;
  - (6) Selling prices of each differently priced bearer ticket, including the number of draw numbers on each differently priced ticket;
  - (7) Number of tickets sold for each differently priced bearer ticket and total receipts for each;
  - (8) Total number of sold draw numbers;
  - (9) Total number of voided bearer tickets and draw numbers;
  - (10) Total number of unsold draw numbers;
  - (11) Total gross proceeds;
- e. Generate a raffle sales unit report for each single event raffle which includes:
  - (1) Name of organization and license number;
  - (2) Name of site;
  - (3) Date;

- (4) Event number;
  - (5) For each raffle sales unit, unit ID, the number of sold bearer tickets for each differently priced ticket and total receipts for each;
  - (6) Total receipts for each sales unit;
  - (7) For each raffle sales unit, total number of sold draw numbers, total number of voided bearer tickets and draw numbers, and total number of unsold draw numbers;
  - (8) Total gross proceeds;
- f. Have the ability to generate general accounting and operating reports, containing the date and time reports are printed, for each raffle drawing to include:
- (1) System exception report, including changes to system parameters, corrections, overrides, and voids;
  - (2) Bearer ticket report that includes a list of all bearer tickets sold, including all associated draw numbers, selling price, and raffle sales unit ID;
  - (3) Voided draw number report that includes a list of all voided draw numbers;
  - (4) Unsold draw number report that includes a list of all unsold draw numbers;
  - (5) Raffle sales unit corruption report that lists all raffle sales units that were unable to be reconciled to the system, including the raffle sales unit ID, seller, and money collected.
- g. The fifty-fifty raffle system must be capable of producing and exporting through electronic means (e.g. comma delimited, excel, etc.) all required reports.
3. The fifty-fifty raffle system must be remote-accessible by the manufacturer of the system and attorney general for monitoring the system operation and accounting information in real time.
4. The wireless deployment of communications between the raffle sales units and the system must employ a secure gateway to isolate the wireless environment



from any other environment. The secure gateway must be configured in a manner that prevents any wireless network component from gaining access to the internal network without first being scrutinized.

5. A surge protector that feeds all power to the equipment must be installed to ensure the equipment must not be adversely affected by surges or dips of plus or minus twenty percent of the supply voltage.
6. A fifty-fifty raffle system must be capable of maintaining the accuracy of all information required by this section for ninety days after power is discontinued from the system.
7. The fifty-fifty raffle system must be impervious to influences from the outside of the system, including electromagnetic interference, electrostatic interference, and radio frequency interference.
8. The fifty-fifty raffle system must not have any switches, jumpers, wire posts, or other means of manipulation that could affect the operation or outcome of a game.
9. A manufacturer of a fifty-fifty raffle system and related equipment shall employ sufficient security safeguards in designing and manufacturing the system such that it may be verified that all proprietary software components are authentic copies of the approved software components and all functioning components of the system are operating with identical copies of approved software programs. The system must also have sufficient security safeguards so that any approved proprietary software is protected from alteration by unauthorized personnel. Security measures to comply with these provisions may consist of the use of dongles, digital signature comparison hardware and software, secure boot loaders, encryption, and password systems.
10. The backup and archive utility that allows the operator to save critical data if a system failure occurs should automatically run after the end of each raffle or may be a manual process to be run at the operator's command after the end of each raffle.

**History:** Effective April 1, 2016; amended effective July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-16-09.6. Manufacturing specifications - Electronic pull tab device with operating system.**

An electronic pull tab device is part of an electronic pull tab device operating system approved by the attorney general. An electronic pull tab device operating system must be dedicated primarily to electronic accounting, reporting, and the presentation, randomization, and transmission of electronic pull tabs to the electronic pull tab device. It also must be capable of generating the data necessary to provide the reports required within this section or otherwise specified by the attorney general. A manufacturer of an electronic pull tab device with operating system must have the device and system tested by an approved independent testing laboratory as required in section 99-01.3-16-10. All game themes, sounds, and music also must be approved by the attorney general prior to being available for play on an electronic pull tab device in North Dakota. An electronic pull tab device and operating system and related equipment used in the conduct of electronic pull tabs according to chapter 99-01.3-06.1 must meet these specifications:

1. All equipment used to facilitate the distribution, play, or redemption of electronic pull tabs must be physically located within the boundaries of the state of North Dakota. Electronic pull tab device operating systems and all secondary components must be located on the licensed premises.
2. At least seven calendar days prior to an electronic pull tab device and operating system entering into the state of North Dakota, a manufacturer shall report the following information to the attorney general in writing:
  - a. Serial number of the electronic pull tab device;
  - b. How the electronic pull tab device ~~was~~ will be transported into the state and name and address of the common carrier or person ~~that transported~~ that will be transporting the electronic pull tab device;
  - c. Gaming distributor and site where the pull tab device will be placed;
  - d. Identification number of software components;
  - e. Certification; and
  - f. Date of delivery.
3. At least seven calendar days before removal of an electronic pull tab device and operating system from the state of North Dakota, the manufacturer shall report the following information to the attorney general in writing:
  - a. Serial number of the electronic pull tab device;
  - b. Date on which it was removed;

- c. Destination of the electronic pull tab device; and
- d. Name of the person to whom the electronic pull tab device is to be transferred to, including the person's street address, business and home telephone numbers, how the electronic pull tab device is to be transported, and name and address of the common carrier or person transporting the electronic pull tab device.
- ~~24.~~ A manufacturer's central computer system must include a central server located in North Dakota which is accessible to the attorney general. The attorney general shall have the ability to remotely verify the operation, compliance, and internal accounting systems of the electronic pull tab operating system at any time. The attorney general shall have real time and complete ~~read-only~~ access to all data and reports for all systems and devices.
- ~~3.5.~~ Manufacturers shall provide technical assistance and training in the service and repair of its electronic pull tab devices and operating systems and associated equipment to distributors and organizations to ensure the continued, approved operation, and play of its ~~machines purchased for placement~~ devices and systems placed in the state; however, manufacturers shall not be involved in the direct ongoing service on behalf of a distributor or organization. Manufacturers shall assist distributors according to subsection 26 of section 99-01.3-15-02 and a manufacturer representative shall sign and attest to the training provided on the required training document.
6. An electronic pull tab device site operating system must have a dedicated system site server. All electronic pull tab games and game information must be stored on the site server. The site server must back up all game and accounting information automatically to the manufacturer's central server, at a minimum, immediately after the close of electronic pull tab activity at a site each business day. All electronic pull tab deals are considered in play when starting an electronic pull tab game or when an electronic pull tab deal is added to a game and all deals are considered in play until the game is closed.
- ~~47.~~ An electronic pull tab device is only used as a means to communicate with a system site server and play electronic pull tabs. A device may not communicate game information directly to a manufacturer's central server. No electronic pull tab game information can be stored on a device. All games and game information must be stored on the dedicated system site server. An electronic pull tab device must allow a player to purchase an opportunity to play an electronic pull tab by insertion of United States paper currency ~~only~~ or by insertion of the manufacturers credit ticket voucher. A player wins if the player's electronic pull tab contains a combination of numbers, letters, or

symbols that were designated in advance of the game as a winning combination. Each winning line or pattern on a winning pull tab constitutes an individual win. There may be multiple winning ~~combinations~~lines or patterns on each pull tab. Electronic pull tab devices must only allow players to purchase and play electronic pull tabs. No other game can be played or represented that is a currently authorized North Dakota gaming activity. Authorized games for electronic pull tab devices must conform to the following standards:

- a. The available games, master flare for each game, and rules of play must be displayed on the electronic pull tab device's video screen. Rules of play must include all winning combinations. The display clearly must indicate prizes in United States currency amounts.
- b. All prize structure information for a deal must be accessible by a player, prior to purchase of an electronic pull tab ticket.
- c. The electronic pull tab device must have one or more buttons, electromechanical or touchscreen, to facilitate the following functions:
  - (1) Viewing of the game "help" screens;
  - (2) Viewing of the game rules, including the flare and prize structure information for a deal of a game, which includes the number of winners for each prize denomination;
  - (3) Initiating game play;
  - (4) Cash out; and
  - (5) One or more buttons designated to reveal the pull tab windows.
- d. Each electronic pull tab initially must be displayed so that the numbers, letters, or symbols on the pull tab are concealed. Each electronic pull tab game must require the player to press a "play", "purchase", "open", or equivalent button to initiate the play of an electronic pull tab. A player may have the option of opening each individual line, row, or column of each electronic pull tab or may choose to "open all".
- e. An electronic pull tab game may not have any bonus features or have or be part of a progressive system. No level of player skill may be involved. An extended play feature may be used in which a player may play without additional consideration. The extended play feature must not

interfere with or in any way affect the outcome of any finite game being played.

- f. No more than ~~six~~twelve electronic pull tab games titles may be selectable for play on any given electronic pull tab device operating system. Only one of the games titles can be played on an electronic pull tab device at any given time.
  - g. Game themes may not contain offensive or obscene graphics, animations, or references. The attorney general shall determine what constitutes obscene or offensive graphics, animations, or references.
  - h. An electronic pull tab device may not be capable of displaying any enticing animation while in an idle state. A device not in play may not display flashing lights or illuminations, bells, whistles, or other sounds, solely intended to entice players to play. Only game information or licensed gaming organization promotion, or both, may be displayed while not in play. An electronic pull tab device may use simple display elements or screen savers that promote the licensed charitable organization to prevent monitor damage.
  - i. Following play on an electronic pull tab device, the result must be clearly shown on the video display along with any prizes that may have been awarded. Prizes must be dispensed in the form of a credit ticket voucher or added to the credit balance meter.
  - j. The results of the electronic pull tab must be shown to the player using a video display. No rolling, flashing, or spinning animations are permitted. No rotating reels marked into horizontal segments by varying symbols are permitted.
  - ~~k. The game serial number of the played pull tab must be displayed clearly on the video display.~~
  - lk. The default electronic pull tab device display, upon entering game play mode, may not be the top prize.
- 5.8. An available balance may be collected from the electronic pull tab device by the player by pressing the "cash out" button and receiving a credit ticket voucher at any time other than during:
- a. A game being played;
  - b. While in an audit mode;

- c. Any door open;
  - d. Test mode;
  - e. A credit meter or win meter incrementation, unless the entire amount is placed on the meters when the "cash out" button is pressed; or
  - f. An error condition.
- 6.9. An electronic pull tab device may not have hardware or software that determines the outcome of any electronic pull tab, produces its own outcome, or affects the order of electronic pull tabs as dispensed from the electronic pull tab operating system. The game outcome must be determined by the electronic pull tab operating system as outlined within these rules.
- 7.10. An electronic pull tab device may not be capable of displaying the number of electronic pull tabs that remain in the game or the number of winners or losers that have been awarded or still remain in the game while the game is still being played.
- 8.11. Each electronic pull tab deal must meet the following minimum requirements:
- a. Each deal must be made up of a fixed number of electronic pull tabs not to exceed a maximum of fifteen thousand and no less than two thousand electronic pull tabs;
  - b. All electronic pull tabs in a particular deal must be of the same purchase price and may not exceed the maximum two dollar sales price per pull tab set forth by North Dakota Century Code section 53-06.1-08;
  - c. The maximum prize amount awarded for a winning combination of numbers, letters, or symbols on each electronic pull tab may not exceed five hundred dollars as set forth for pull tabs by North Dakota Century Code section 53-06.1-08;
  - d. A deal must have at least two top tier winning pull tabs;
  - e. Each deal may not payout more than ninety percent of gross proceeds;
  - f. Each deal must be assigned a unique serial number; and
  - g. Each deal must be assigned a unique state gaming stamp number by the distributor prior to delivery to the organization site server.

9.12. The following electronic pull tab deal information must be available prior to the opening of a deal for distribution and must be maintained and be viewable both electronically and, if requested, by printed report:

- a. Game identification;
- b. Deal version;
- c. Manufacturer;
- d. Game name;
- e. Prize structure identification;
- f. The state gaming stamp number assigned by the distributor for each deal;
- g. A unique serial number identifying each deal;
- h. The total number of electronic pull tabs in the deal;
- i. The purchase price per electronic pull tab assigned to the deal;
- j. Prize structure, including each prize value included in the deal and the number of each, ~~and an associated index number;~~ and
- k. The payout percentage of the deal.

10.13. At the beginning of a quarter, at least two, and no more than two electronic pull tab deals must be downloaded and commingled on the site server for each game. The games deal must be identical, which includes game identification, deal version, manufacturer, game name, total number of electronic pull tabs, purchase price per electronic pull tab ticket, and prize structure.

11.14. For each game, when the unsold tickets of the original starting identical two deals reach two thousand pull tab tickets remaining, at least one full deal, but no more than one additional identical deal of the same game, must be automatically downloaded onto the site server and commingled with the remaining two thousand tickets of that game. Each time the two thousand ticket threshold is reached, an additional deal must automatically be downloaded and commingled with the remaining electronic pull tab tickets in the game continuously throughout the entire quarter.

- ~~12-15.~~ All games must be played by drawing from commingled finite deals. The site server must dispense, upon request from an electronic pull tab device, an electronic pull tab. All finite games must be played without replacement. Once dispensed, a pull tab cannot be reused.
- ~~13-16.~~ No game may be closed during a quarter unless approved by the attorney general and all games must be closed at the same time within fourteen calendar days from the end of a quarter. Once closed, a game and its deals for a manufacturer cannot be reopened. Quarter beginning and end dates are:
- a. January first through March thirty-first;
  - b. April first through June thirtieth;
  - c. July first through September thirtieth; and
  - d. October first through December thirty-first.
- ~~14-17.~~ Electronic pull tab games or deals must be closed and archived at the end of each quarter. No closed electronic pull tab game or ticket can be sold after the electronic pull tab game is closed.
- ~~15-18.~~ One or more electronic accounting systems must be required to perform reporting and other functions in support of the electronic pull tab operating system activities described in this section. These systems may communicate with the other computers described elsewhere in this document, utilizing the protocol standards agreed upon by the participating suppliers. The electronic accounting system must not interfere with the outcome of any gaming functions.
19. An organization must have the capability to access an electronic pull tab device operating system to generate and print all required system reports, close a set of electronic pull tab games, and download a set of electronic pull tab games without assistance from a manufacturer or distributor.
20. An organization must have the capability to access an electronic pull tab device operating system to select the individual games and cost per play they want to download and play each quarter without assistance from a manufacturer or distributor. A manufacturer or distributor may not require that a certain game and cost per play, or group of games and cost per play, or particular set of games and cost per play be required to be downloaded and played.
21. If an electronic pull tab device operating system is taken down and made non-operational during an active session, the system must send a notification to all



pull tab devices and display the notification on the display screen. In addition, if credits remain on any device when a system is taken down and made non-operational, the system must.

~~16-22.~~ An electronic pull tab device operating system site server along with the manufacturer's central computer system's central server must account for and provide accounting information on all electronic pull tab activity for three years from the end of the quarter in which the activity occurred. An electronic pull tab device operating system site server along with the manufacturer's central computer system's central server must have the capabilities that allow an organization to generate and print the following records and reports:

~~a. — Interim period electronic pull tab device activity report, generated and printed each interim period for each separate device. An interim period is the accounting period since the last time electronic pull tab activity was accounted for. This report accounts for activity conducted by a device since the last interim period electronic pull tab device report was generated. The report must include the following information:~~

~~(1) — Organization and site name;~~

~~(2) — Date and time the report was generated;~~

~~(3) — Device identification or serial number;~~

~~(4) — Total cash in since last interim period;~~

~~(5) — For each electronic pull tab game and in total for all games, total dollar value of plays since last interim period;~~

~~(6) — For each electronic pull tab game and in total for all games, total dollar value of prizes awarded since last interim period; and~~

~~(7) — Total dollar value of credit ticket vouchers issued since last interim period.~~

~~b. — Deals in play report that accounts for all electronic deals of pull tabs currently in play for each game at a site. The report must include the following information:~~

~~(1) — Organization and site name;~~

~~(2) — Date and time the report was generated;~~

- ~~(3) Game name and manufacturer;~~
- ~~(4) State gaming stamp number of each deal;~~
- ~~(5) Serial number of each deal;~~
- ~~(6) Cost per pull tab;~~
- ~~(7) Number of pull tabs per deal;~~
- ~~(8) Ideal gross proceeds per deal;~~
- ~~(9) Ideal prizes per deal;~~
- ~~(10) The payout percentage per deal;~~
- ~~(11) Date and time each deal was put into play; and~~
- ~~(12) Total number of deals put into play for the game.~~

a. Interim Period Electronic Pull Tab Device Activity Report – Accounts for electronic pull tab activity for an interim period by device and total. An interim period is the accounting period for electronic pull tab activity since the last time activity was accounted for.

(1) The following information is required on the report:

(a) Organization name;

(b) Site name;

(c) Name of manufacturer;

(d) Beginning and ending date and time of the interim period;

(e) Date and time the report is generated by the organization. This must be the same as the ending date and time of the interim period. If included on the report, the print date and time may be different;

(f) For each device, a separate section on the report that includes:

1) Device identification or serial number;

- 2) Total cash in;
- 3) Total dollar value of credit ticket vouchers in;
- 4) Total dollar value of cash in plus total dollar value of credit ticket vouchers in;
- 5) Total dollar value of credit ticket vouchers issued out;
- 6) For each game and cost per play:
  - a) Total dollar value of gross proceeds (plays);
  - b) Total dollar value of prizes awarded;
  - c) Total dollar value of adjusted gross proceeds (gross proceeds less prizes awarded);

(g) A summary section, which includes:

- 1) Total cash in for all devices for the interim period;
- 2) Total dollar value of credit ticket vouchers in for all devices for the interim period;
- 3) Total dollar value of cash in plus total dollar value of credit ticket vouchers in for all devices for the interim period;
- 4) Total dollar value of credit ticket vouchers issued out by all devices for the interim period;
- 5) For each game and cost per play:
  - a) Total dollar value of gross proceeds (plays) for all devices;
  - b) Total dollar value of prizes awarded for all devices;
  - c) Total dollar value of adjusted gross proceeds (gross proceeds less prizes awarded) for all devices;

- 6) Totals for all games and cost per play:
  - a) Total dollar value of gross proceeds (plays) for all games and cost per play;
  - b) Total dollar value of prizes awarded for all games and cost per play;
  - c) Total dollar value of adjusted gross proceeds (gross proceeds less prizes awarded) for all games and cost per play.
  
- (2) All devices must be accounted for on the interim period electronic pull tab device activity report even if there was no activity or play on a device.
  
- (3) A manufacturer's electronic pull tab device site operating system must be capable of identifying the beginning date and time of an interim period, which must be the ending date and time of the previous interim period electronic pull tab device activity report that was generated for the site electronic pull tab activity.
  
- (4) The site operating system must not allow for the overlap of reporting between two or more interim periods nor may the site operating system allow for unaccounted activity between interim periods. An interim period electronic pull tab device activity report may not include electronic pull tab activity from electronic pull tab games that have been closed.
  
- (5) The site operating system must ensure that the game information, total gross proceeds (total dollar value of plays), total dollar value of prizes awarded, and total adjusted gross proceeds, for each game and cost per play, from all interim period electronic pull tab device activity reports generated for a quarter of electronic pull tab activity at a site, equals the game information for each game and cost per play accounted for on the electronic pull tab closed game summary report, generated when all electronic pull tab games are closed at a site at the end of each quarter.
  
- b. Deals In Play Report – Accounts for all electronic deals of pull tabs currently in play for each game and cost per play at a site.

- (1) The following information is required on the report:
  - (a) Organization name;
  - (b) Site name;
  - (c) Name of manufacturer;
  - (d) Date and time the report is generated by the organization;  
and
  - (e) For each game and cost per play, a separate section on the report that includes:
    - 1) Game name;
    - 2) Cost per pull tab;
    - 3) Number of pull tabs per deal;
    - 4) Ideal gross proceeds per deal;
    - 5) Payout percentage per deal;
    - 6) Total number of deals put into play for the game;
    - 7) For each deal put into play for the game:
      - a) State gaming stamp number of each deal;
      - b) Serial number of each deal;
      - c) Date and time each deal was put into play.
- (2) A manufacturer's electronic pull tab device site operating system must allow an organization to generate and print this report whenever the organization deems necessary during a quarter.
- (3) This report when generated must account for all electronic deals of pull tabs for a game and cost per play at a site from the time the game was first put into play through the date and time the report is generated by the organization. This includes deals that may have had all of its tickets sold prior to the report generation date and time. All electronic deals that have been downloaded

onto the system for play for each game and cost per play must be accounted for on this report.

(4) This report may not include any information as it relates to the number of pull tabs sold, number of unsold pull tabs, or prizes awarded for each deal or game.

~~e. Monthly interim audit report for each electronic pull tab game at a site. The report must include the following information:~~

~~(1) Organization and site name;~~

~~(2) Date and time the report was generated;~~

~~(3) Game name and manufacturer;~~

~~(4) Total dollar value of plays (gross proceeds); and~~

~~(5) Total prizes awarded.~~

c. Monthly Interim Audit Report – Accounts for electronic pull tab game information for each game and cost per play conducted at a site from the date and time the electronic pull tab games were first put into play through the date and time that the report is generated.

(1) The following information is required on the report:

(a) Organization name;

(b) Site name;

(c) Name of manufacturer;

(d) Beginning and ending date and time of the interim audit period;

(e) Date and time the report is generated by the organization;

(f) Game name and cost per play;

(g) For each game and cost per play:

1) Total dollar value of gross proceeds (plays);

- 2) Total dollar value of prizes awarded;
  - 3) Total dollar value of adjusted gross proceeds (gross proceeds less prizes awarded);
  - (h) Totals for all games and cost per play for gross proceeds, prizes, and adjusted gross proceeds.
- 
- (2) A manufacturer must ensure that each time a monthly interim audit report is generated that its electronic pull tab device site operating system is accounting for gross proceeds (the total dollar value of plays), prizes awarded, and adjusted gross proceeds for each electronic pull tab game and cost per play on a site system from the time the games were first put in to play at a site through the date and time the organization generates the report.
  - (3) An organization is required to generate and print this report at the end of the first and second months of a quarter and retain the reports with all other accounting records and reports for the electronic pull tab activity conducted at a site each quarter. An independent audit person of the organization is required to reconcile the totals for all games and cost per play information from the monthly interim audit report to the game summary report for all games conducted at the site at the end of the first and second months of a quarter. However, a manufacturer's electronic pull tab device site operating system must allow an organization to generate and print this report whenever the organization deems necessary during a quarter.
  - (4) The manufacturer's electronic pull tab device site operating system must ensure that a monthly interim audit report can only be generated after an organization has completed an interim period visit to a site and has generated the interim period electronic pull tab device activity report.
  - (5) This report may not include any information as it relates to the number of unsold pull tabs remaining in the game or a breakdown of prizes awarded, including prize values and quantity of each.

d. Electronic Pull Tab Closed Game Summary Report – Accounts for the activity of each electronic pull tab game and cost per play conducted on an electronic pull tab device site operating system at the end of each quarter.

(1) The following information is required on the report:

(a) Organization name;

(b) Site name;

(c) Name of manufacturer;

(d) Date and time the report is generated by the organization;

(e) For each game and cost per play, a separate section on the report that includes:

1) Game name;

2) Cost per pull tab;

3) Number of pull tabs per deal;

4) Ideal gross proceeds per deal;

5) Ideal prizes per deal;

6) Ideal payout percentage per deal;

7) Total number of deals played in the game;

8) For each deal played in the game:

a) State gaming stamp number of each deal;

b) Serial number of each deal;

c) Date and time each deal was put into play.

9) Ideal gross proceeds for game;

10) Total number of unsold pull tabs;



- 11) Dollar value of unsold pull tabs;
  - 12) Total dollar value of gross proceeds (plays) for the game;
  - 13) Total dollar value of prizes awarded for the game, including a breakdown of prizes by individual prize value and quantity of each awarded. For electronic pull tabs with multiple winners, each winning line or pattern must be accounted for separately by individual prize denomination;
  - 14) Total dollar value of adjusted gross proceeds (gross proceeds less prizes awarded) for the game;
  - 15) Final payout percentage for the game;
  - 16) Date and time the game was closed;
- (f) Summary section, totals for all games and cost per play, that includes:
- 1) Total dollar value of gross proceeds (plays) for all games and cost per play;
  - 2) Total dollar value of prizes awarded for all games and cost per play;
  - 3) Total dollar value of adjusted gross proceeds (gross proceeds less prizes awarded) for all games and cost per play.
- (2) A manufacturer's electronic pull tab device site operating system must ensure that the final interim period electronic pull tab device activity report is generated for the site immediately before the site operating system allows the organization to close all electronic pull tab games at the site and generate the electronic pull tab closed game summary report.
- (3) The site operating system must ensure that the game information, total gross proceeds (total dollar value of plays), total dollar value of prizes awarded, and total adjusted gross proceeds, for each game and cost per play, from all interim period electronic pull tab device activity reports generated for a

quarter of electronic pull tab activity at a site, equals the game information for each game and cost per play accounted for on the electronic pull tab closed game summary report, generated when all electronic pull tab games are closed at a site at the end of each quarter.

(4) The electronic pull tab device site operating system must not allow this report to be generated before all electronic pull tab games have been closed at a site. Only upon the close of the games at the end of the quarter can the finite details of the games be made available. Generating this report prior to the games being closed must cause immediate and automatic termination of all games.

~~17. All accounting information from an electronic pull tab device operating system site server must be automatically downloaded to the manufacturer's central computer system's central server immediately after the close of electronic pull tab activity each business day.~~

~~a. An organization shall have the capabilities of printing all required records and reports from the site server and the manufacturer's central computer system's central server.~~

~~b. An organization's electronic pull tab device operating system may be programmed for hours of operation based on when alcoholic beverages may be dispensed according to applicable regulations of the state, county, or city.~~

23. All four electronic pull tab system reports required by subdivisions a through d of subsection 22 of section 99-01.3-16-09.6 must be formatted as prescribed by the attorney general and approved by the office.

24. A manufacturer must ensure that exact copies of all electronic pull tab system reports required by North Dakota Administrative Code, which are generated by the organization, are readily and easily accessible for viewing and printing by the attorney general. The game information terminology (e.g. gross proceeds, prizes, adjusted gross proceeds) used on the required system generated reports for electronic pull tab games must be identical to the terminology used by North Dakota Administrative Code for the game type. The reports must be retained by report type and include the date and time the report was generated and listed by the organization's name and then by site name. The reports must be retained for three years from the end of the quarter in which the electronic pull tab activity occurred. In addition, the attorney general shall have the ability to generate and print, at any time, the Deals In

Play Report and Monthly Interim Audit Report for electronic pull tab activity conducted at any site in the state of North Dakota.

25. The only reports that an organization shall have access to and generate as it relates to the actual accounting and specific details of electronic pull tab activity conducted at a site using an electronic pull tab device operating system are the four reports prescribed by subdivision a through d of subsection 22 of section 99-01.3-16-09.6. No other additional reports that a manufacturer may have developed, which detail the actual accounting information and specific details relating to electronic pull tab activity conducted at a site using an electronic pull tab device operating system can be accessible to an organization while the electronic pull tab games are actively in play.
26. An organization is responsible for generating all required electronic pull tab system reports and the closing of all electronic pull tab games at a site. The manufacturer may not complete these functions for the organization.
27. A manufacturer, at the request of an organization, distributor, or for any reason, may not change data on an electronic pull tab device site operating system that affects the reporting and accounting of electronic pull tab activity. A manufacturer must immediately notify the attorney general if the manufacturer identifies a problem with an electronic pull tab device site operating system that relates to the collection, storing, or reporting of electronic pull tab activity at a site.
28. A manufacturer must ensure that the attorney general has access to an electronic pull tab activity report that includes game and accounting information for all sites that conduct electronic pull tab activity in the state of North Dakota. The attorney general must have the capabilities to generate and print the report for any date range, for any organization and site, and for all sites in total. The following information is required to be included on the report: total cash in, total gross proceeds (plays), total prizes awarded, total adjusted gross proceeds, payout percentage, and total dollar value of credit ticket vouchers issued.
29. An organization's electronic pull tab device operating system must be programmed for hours of operation based on when alcoholic beverages may be dispensed according to applicable regulations of the state, county, or city.
- ~~18.~~30. Electronic pull tab devices must be a stand-alone cabinet style device. No device may be a hand-held portable device or affixed to a bar, counter, or table top. Electronic pull tab devices must conform to the following minimum standards:

- a. An electronic pull tab device must be labeled clearly so as to inform the public that no one under twenty-one years of age is allowed to play;
- b. No more than ten devices may be installed at a site;
- c. An electronic pull tab device must only be used to play electronic pull tabs. No other game type may be played or be simulated on the device and no level of skill must be involved;
- d. An electronic pull tab device may not be part of a progressive system or employ any other features, such as bonus plays, promotions, or other gaming management or marketing functions. An extended play feature may be used in which a player may play without additional consideration. An extended play feature must not interfere with or in any way affect the outcome of any finite game being played. If an extended play feature is used, a notification must be provided to the player explaining that an extended play feature is used on the game and that "Extended play features prolong the play of an electronic pull tab ticket but do not award a prize in addition to the predetermined prize for that ticket";
- e. In addition to a video or touchscreen, each electronic pull tab device must include a currency acceptor and validator, printer, and buttons for activating the game and providing player input, including a means for the player making selections and choices in games;
- f. Each electronic pull tab device must have a nonvolatile backup memory or its equivalent, which must be maintained in a secure compartment on each electronic pull tab device for the purpose of storing and preserving a redundant set of critical data which has been error-checked in accordance with the critical memory requirements of this regulation and which data must include, at a minimum, the following information:
  - (1) Electronic meters as required by subsection ~~3345~~ of section 99-01.3-16-09.6;
  - (2) Recall of all ticket purchases and electronic ticket numbers and serial numbers associated with the last ten plays; and
  - (3) Error conditions that may have occurred on the electronic pull tab device which include:
    - (a) Nonvolatile memory error control program error;

- (b) Low nonvolatile memory battery, for batteries external to the nonvolatile memory itself, or low power source;
  - (c) Program error or authentication mismatch; and
  - (d) Power reset.
- g. An on/off switch that controls the electrical current that supplies power to the electronic pull tab device, which must be located in a secure place;
- h. An electronic pull tab operating system must support a mechanism to manually disable play on electronic pull tab devices. Additionally, a mechanism to disable or enable each electronic pull tab device must be made available to appropriate individuals to disable play during nonbusiness hours or as otherwise required;
- i. An electronic pull tab device may not have any spinning or mechanical reels, pull handle, sounds or music solely intended to enticing a player to play, flashing lights, tower light, ~~top box~~, coin tray, ~~ticket acceptance~~, hopper, coin acceptor, enhanced animation, cabinet or pay glass artwork, or any other attribute identified by the attorney general; and
- j. All hardware switches and jumpers must be fully documented for evaluation by the test laboratory. Hardware switches, jumpers, and system configurations that may alter the jurisdictional-specific configuration settings, prize structure, game denomination, or payout percentages must meet configuration settings specified in subdivision e of subsection §12 of section 99-01.3-16-09.6 and must be housed within a logic compartment of the electronic pull tab device. This includes top prize changes, selectable settings, or any other option that would affect payout percentage.

~~19.31.~~ An electronic pull tab device must be robust enough to withstand forced entry that would leave behind physical evidence of the attempted entry, or such entry causes an error code that is displayed and transmitted to the central computer system, and which inhibits game play until cleared, and which does not affect the subsequent play or any other play, prize, or aspect of the game.

~~20.32.~~ An electronic pull tab device must be designed so that power and data cables into and out of the electronic pull tab device can be routed so that they are not accessible to the general public. Security related wires and cables that are routed into a logic compartment must be securely fastened within the interior of the device.

~~21.33.~~ Proof of UL or equivalent certification must be required for all submitted electronic pull tab devices.

~~22.34.~~ An electronic pull tab device must have an identification tag affixed to the exterior of the device by the manufacturer, which is not removable without leaving evidence of tampering, and this tag must include the following information:

- a. The manufacturer;
- b. A unique serial number;
- c. The electronic pull tab device model number; and
- d. The date manufactured.

~~23.35.~~ An electronic pull tab device may not be adversely affected, other than resets, by surges or dips of greater than twenty percent of the supply voltage.

~~24.36.~~ An electronic pull tab device must have a locked external front door in which the interior of the terminal must not be readily accessible when such door is in the closed, locked position. The following rules apply:

- a. Doors must be manufactured of materials that are suitable for allowing only legitimate access to the inside of the cabinet and must leave evidence of tampering if such an entry is made;
- b. All external doors must be locked and monitored by door access sensors, which must detect and report all external door openings to the electronic pull tab device and trigger an audible alarm and on-screen display;
- c. The electronic pull tab device must cease play when any external door is opened;
- d. It must not be possible to insert a device into the electronic pull tab device which will disable a door open sensor when the electronic pull tab device's door is closed, without leaving evidence of tampering;
- e. The sensor system must register a door as being open when the door is moved from its fully closed and locked position, provided power is supplied to the terminal; and

- f. Door open conditions must be recorded in an electronic log that includes a date and time stamp.

~~25.37.~~ Electronic pull tab devices that contain control programs located within an accessible area must have a separate internal locked logic compartment which must be keyed differently than the front door access lock. The logic compartment must be a locked cabinet area with its own locked door, which houses critical electronic components that have the potential to significantly influence the operation of the electronic pull tab device. There may be more than one such logic area in an electronic pull tab device. The logic door must be monitored. Electronic components that are required to be housed in one or more logic areas are:

- a. Central processing units and any program storage device that contains software that may affect the integrity of gaming, including the game accounting, system communication, and peripheral firmware devices involved in, or which significantly influence, the operation and calculation of game play, game display, game result determination, or game accounting, revenue, or security;
- ~~b. Communication controller electronics and components housing the communication program storage media or the communication board for the online system may reside outside the electronic pull tab device;~~
- ~~e.b~~ The nonvolatile memory backup device, if applicable, must be kept within a locked logic area; and
- ~~d.c.~~ Logic compartment door open conditions must be recorded in a log that includes a date and time stamp.

~~26.38.~~ All electronic pull tab devices must accept United States paper currency or a credit ticket voucher only through a currency validator. All currency validators must be able to detect the entry of valid currency or credit ticket vouchers and provide a method to enable the electronic pull tab device software to interpret and act appropriately upon a valid or invalid input. The currency validator must be electronically based and be configured to ensure that they only accept valid currencies of legal tender or valid credit ticket vouchers and must reject all other items. Rejected currencies or valid credit ticket vouchers should be returned to the player. The currency validator must be constructed in a manner that protects against vandalism, abuse, or fraudulent activity. In addition a currency validator must meet the following rules:

- a. Each valid currency or valid credit ticket vouchers must register the actual monetary value received for the denomination or credit ticket voucher being used on the player's credit meter;
- b. Credits must only be registered when:
  - (1) The currency or valid credit ticket voucher has passed the point where it is accepted and stacked; and
  - (2) The validator has sent the "irrevocably stacked" message to the electronic pull tab device.
- c. Each currency validator must be designed to prevent the use of cheating methods, such as stringing, the insertion of foreign objects, and any other manipulation that may be deemed as a cheating technique. A method for detection of counterfeit currencies must be implemented;
- d. Acceptance of any currencies or valid credit ticket voucher for crediting to the credit meter must only be possible when the electronic pull tab device is enabled for play. Other states, such as error conditions, including door opens, audit mode, and game play, must cause the disabling of the currency validator system;
- e. Each electronic pull tab device and currency validator must have the capability of detecting and displaying the following error conditions, and must cause the electronic pull tab device and currency validator to lock up and require authorized intervention to clear:
  - (1) Stacker full;
  - (2) Currency or credit ticket voucher jams;
  - (3) Stacker door open;
  - (4) Stacker removed; and
  - (5) Any currency validator malfunction not specified above.
- f. All currency validators must communicate to the electronic pull tab device using a bidirectional protocol;
- g. If a currency validator for an electronic pull tab device is designed to be factory set only, it must not be possible to access or conduct maintenance or adjustments to those currency validators in the field, other than:



- (1) The selection of currencies;
  - (2) Changing of certified control program media or downloading of certified software;
  - (3) Adjustment of the currency validator for the tolerance level for accepting currencies of varying quality should not be allowed externally to the electronic pull tab device;
  - (4) Maintenance, adjustment, and repair per approved factory procedures; or
  - (5) Options that set the direction or orientation of currency acceptance.
- h. The electronic pull tab device must maintain sufficient electronic metering to be able to display the following:
- (1) Total monetary value of all currencies accepted;
  - (2) Total number of all currencies accepted; and
  - (3) A breakdown of the currencies accepted and the number of currencies accepted for each currency denomination.
- i. The information in subdivision h must be retained in the electronic pull tab device memory and display the above required information of the last five currencies accepted by the currency validator. The currency validator recall log may be combined or maintained separately by currency type. If combined, the type of currency accepted must be recorded with the respective time and date stamp.
- j. Each currency validator must have a secure stacker and all accepted currencies must be deposited into the secure stacker. The secure stacker and its receptacle are to be attached to the electronic pull tab device in such a manner so that they cannot be easily removed by physical force and must meet the following rules:
- (1) The currency validator device must have the ability to detect a stacker full condition; and
  - (2) There must be a separate keyed lock to access the stacker area. This keyed lock must be separate from the main door.

- k. A currency validator must be located in a locked area of the terminal but not in the logic area. Only the currency insertion area will be accessible by the player.

~~27-39.~~ All electronic pull tab devices must have a printer to issue the player a printed credit ticket voucher for any unused game plays and winnings or both. The printer must print on a voucher or other ticket stock meeting the criteria outlined in this section. The electronic pull tab device must support the transmission of voucher out data to the electronic pull tab system that records the following information regarding each credit ticket voucher printed:

- a. Value of cash out which may include remaining credits, unused game plays, or winnings, or any combination, in United States currency amounts in numerical form;
- b. Time of day the voucher was printed in twenty-four hour format showing hours and minutes;
- c. Date the voucher was printed, including the day, month, and year;
- d. The name of the organization and site name;
- e. Serial number of the electronic pull tab device which printed the voucher;
- f. Validation number which can be used to uniquely identify each voucher issued;
- g. The phrase that the credit ticket voucher must be redeemed on the same business day;
- h. If the electronic pull tab device is capable of printing a duplicate voucher, the duplicate voucher must clearly state the word "DUPLICATE" or similar approved language, on its face.

~~28-40.~~ To further meet the requirements of subdivisions a through h of subsection 27, the electronic pull tab device must have the ability to retain a log of the last twenty-five voucher-out events. The voucher-out log must contain sufficient information to reconstruct the voucher-out event in order to resolve potential player disputes.

~~29-41.~~ A printer must be located in a locked area of the electronic pull tab device but may not be housed within the logic area. The printer may be locked in the

currency validator area provided the validator has a secure, separately keyed lock securing the access to its stacker.

~~30.42.~~ A printer must have mechanisms to allow control program software to interpret and place the electronic pull tab device inoperable upon the following conditions:

- a. Out of paper;
- b. Printer jam, failure; and
- c. Printer disconnected.

~~31.43.~~ The printer must use printer paper containing security features, such as a watermark as approved by the attorney general.

~~32.44.~~ Video monitors and or touchscreens must meet the following rules:

- a. Touchscreens must be accurate once calibrated and must maintain that accuracy for at least the manufacturer's recommended maintenance period;
- b. A touchscreen should be able to be recalibrated without access to the electronic pull tab device cabinet other than opening the main door; and
- c. There may not be any hidden or undocumented buttons or touch points anywhere on the touchscreen which affect game play or which impact the outcome of the game.

~~33.45.~~ The credit meter must be maintained in cash value and must at all times indicate all cash available for the player to purchase tickets or cash out with the exception of when the player is viewing an informational screen, such as a menu or help screen item. This should be displayed to the player unless a tilt condition or malfunction exists.

- a. The dollar value of every prize at the end of a play must be added to the player's credit meter, unless a winning prize amount is immediately dispensed in the form of a credit ticket voucher to the player.
- b. There must be a collect meter, which shows the amount of cash collected by the player upon a cash out. This should be displayed to the player unless a tilt condition or malfunction exists. The amount of cash collected must be subtracted from the player's credit meter and added to the collect meter.

- c. The software meter information must only be accessible by an authorized person and must have the ability to be displayed on demand using a secure means.
- d. Electronic accounting meters must be at least ten digits in length. These meters must be maintained in credit units equal to the dollars and cents. Eight digits must be used for the dollar amount and two digits used for the cents amount. The meter must roll over to zero upon the next occurrence, and any time the meter exceeds ten digits and after 9,999,999,999 has been reached or any other value that is logical. Occurrence meters must be at least eight digits in length; however, are not required to automatically roll over. Meters must be labeled so they can be clearly understood in accordance with their function. All electronic pull tab devices must be equipped with a device, mechanism, or method for retaining the value of all meter information specified in these rules which must be preserved in the event of power loss to the device. The required electronic meters are as follows:
  - (1) Total cash in;
  - (2) Total cash played;
  - (3) Total credit ticket vouchers in;
  - (~~34~~) Total cash, prizes won;
  - (~~45~~) Total cash removed from the electronic pull tab device;
  - (~~56~~) Total count of electronic pull tabs played; and
  - (~~67~~) Total count of electronic pull tabs won.
- e. In addition to the one set of master electronic accounting meters required above, each individual game available for play must have the prize structure meters "credits played" and "prizes won" in dollars and cents.

~~34.46.~~ An electronic pull tab device may not have software that determines the outcome of any electronic pull tab game. All application software must be owned or licensed by the manufacturer. All game outcomes are determined at the time of deal creation by the electronic pull tab operating system software as outlined within this section of the administrative rules.

- a. Electronic pull tab game software must be developed by the manufacturer if the manufacturer designs the electronic pull tab system, database, user interface, the program architecture, and associated software.
- b. Any application software to be used by the manufacturer must be owned wholly or properly licensed from an application software provider and evidence of the license must be provided to the attorney general.
- c. The electronic pull tab system manufacturer must provide documentation establishing ownership of the intellectual property rights to the entire game application software and system to the attorney general.

~~35-47.~~ The electronic pull tab operating system must be dedicated primarily to functions related to the creation of electronic pull tabs and their creation, randomization, storage, and transmittal to the electronic pull tab devices. It also must be capable of generating the data necessary to provide the reports required within this section. The operating system must be operationally independent from the electronic pull tab device. The electronic pull tab operating system, logic components, and site server must be in a locked, secure enclosure with key controls in place.

~~36-48.~~ The electronic pull tab operating system must provide a secure physical and electronic means, for securing the electronic deals against alteration, tampering, or unauthorized access. The electronic pull tab operating system must provide a means for terminating the electronic pull tab game if unopened pull tab information has been accessed or at the discretion of the attorney general.

~~37-49.~~ Progressives, cashless gaming, bonus plays, promotions, or other gaming management or marketing functions are not allowed. An extended play feature may be used if there is no additional consideration required from the player and the features do not alter the predetermined prize to be awarded for the pull tab ticket. No player skill may be required with the extended play feature.

~~38-50.~~ As used in this section, unless the context requires a different meaning:

- a. "Card position" means the first electronic pull tab dealt, second electronic pull tab dealt in sequential order.
- b. "Number position" means the first number drawn in sequential order.

~~39-51~~. Any random number generation used in connection with the central computer system must be by use of a microprocessor and random number generation program that meets the following random selection tests:

- a. Chi-square analysis. Each card, symbol, number, or position which is wholly or partially determinative of the outcome of the game satisfies the ninety-nine percent confidence limit using the standard chi-square analysis.
- b. Runs test. Each card, symbol, number, or position does not, as a significant statistic, produce predictable patterns of game elements or occurrences. Each card symbol, number, or position will be considered random if it meets the ninety-nine percent confidence level with regard to the "runs test" or any generally accepted pattern testing statistic.
- c. Correlation analysis. Each card, symbol, number, or position is independently chosen without regard to any other card, symbol, number, or position drawn within that game play. Each card, symbol, number, or position is considered random if it meets the ninety-nine percent confidence level using standard correlation analysis.
- d. Serial correlation analysis. Each card, symbol, number, or position is independently chosen without reference to the same card, number, or position in the previous game. Each card, number, or position is considered random if it meets the ninety-nine percent confidence level using standard serial correlation analysis.

~~40-52~~. The central computer system may not permit the alteration of any accounting or significant event log information that was properly communicated from the electronic pull tab device operating system site server without supervised access controls. If financial data is changed, an automated audit log must be capable of being produced to document:

- a. Data element altered;
- b. Data element value prior to alteration;
- c. Data element value after alteration;
- d. Time and date of alteration; and
- e. Personnel that performed alteration (user login).

- ~~41.53.~~ The electronic pull tab operating system must have a medium for securely storing electronic pull tab deals on the site server which must be mirrored in real time by a backup medium. The manufacturer's central computer system server also must provide a means for storing duplicates of the electronic deals, already transmitted to the electronic pull tab ~~device~~operating system site server, so as to reflect, on an ongoing basis, changes in the transmitted electronic deals as they occur.
- ~~42.54.~~ All storage must be through an error checking, nonvolatile physical medium, or an equivalent architectural implementation, so if the primary storage medium fails, the functions of the central computer system and the process of auditing those functions can continue with no critical data loss.
- ~~43.55.~~ The database must be stored on redundant media so that no single failure of any portion of the system would cause the loss or corruption of data.
- ~~44.56.~~ In the event of a catastrophic failure when the central computer system cannot be restarted in any other way, it must be possible to reload the central computer system from the last viable backup point and fully recover the contents of that backup, recommended to consist of at least the following information:
- a. Significant events;
  - b. Accounting information;
  - c. Auditing information; and
  - d. Specific site information, such as employee files with access levels.
- ~~45.57.~~ Connections between all components of the central computer system only must be through the use of secure communication protocols that are designed to prevent unauthorized access or tampering, employing advanced encryption standards or equivalent encryption with changeable seeds or algorithms. More specifically, secure connections and encryption must be utilized between the interface component and the system. ~~This same level of security is not required between the electronic pull tab device and the interface component when they are housed within the same physical cabinet or enclosure.~~
- ~~46.58.~~ All data communication must incorporate an error detection and correction scheme to ensure the data is transmitted and received accurately.
- ~~47.59.~~ The system must be capable of detection and displaying certain conditions. These conditions must be recorded on an error log that may be displayed or

printed on demand and must archive the conditions for a minimum of ninety days. The conditions include:

- a. Power reset or failure of an electronic pull tab device or any component of the online data system; and
- b. Communication loss between an electronic pull tab device and any component of the online data system.

~~48-60.~~ A firewall or equivalent hardware device configured to block all inbound and outbound traffic that has not been expressly permitted and is not required for continued use of the electronic pull tab operating system must exist between the electronic pull tab operating system and any external point of access.

~~49-61.~~ The minimum width for encryption keys is one hundred twelve bits for symmetric algorithms and one thousand twenty-four bits for public keys.

- a. There must be a secure method implemented for changing the current encryption key set. It is not acceptable to only use the current key set to "encrypt" the next set.
- b. There must be a secure method in place for the storage of any encryption keys. Encryption keys must not be stored without being encrypted themselves.

~~50-62.~~ The following significant events, if applicable, must be collected from the electronic pull tab device and communicated to the central computer system for storage and a report of the occurrence of the significant event must be made available upon request:

- a. Power resets or power failure;
- b. Communication loss between an electronic pull tab device and any component of the electronic pull tab site operating system;
- c. Door openings;
- d. Currency validator errors;
  - (1) Stacker full; and
  - (2) Currency jam.
- e. Printer errors;



- (1) Printer empty or paper low; and
  - (2) Printer disconnect or failure.
- f. Corruption of the electronic pull tab device RAM or program storage device; and
  - g. Any other significant events as defined by the protocol employed by the electronic pull tab site operating system.

~~51-~~63. The electronic pull tab device operating system must not permit the alteration of any accounting or event log information that was properly communicated from the electronic pull tab device to the dedicated site server unless documented, secure access controls are provided.

~~52-~~64. The operating system of the electronic pull tab system must provide comprehensive password security or other secure means of ensuring data integrity and enforcing user permissions for all system components through the following means:

- a. All programs and data files must be accessible only via the entry of a password that will be known only to authorized personnel;
- b. The electronic pull tab operating system must have multiple security access levels to control and restrict different classes;
- c. The electronic pull tab operating system access accounts must be unique when assigned to the authorized personnel and shared accounts amongst authorized personnel must not be allowed;
- d. The storage of passwords and personal identification numbers must be in an encrypted, nonreversible form; and
- e. A program or report must be available which lists all registered users on the electronic pull tab operating system, including their privilege level. This report must include all user accounts that have access to system configurations, data, or other sensitive areas.

~~53-~~65. All components of an electronic pull tab operating system that allows access to users, other than end-users for game play, must have a password signon with two-level codes comprising the personal identification code and a personal password:

- a. The personal identification code must have a length of at least six ASCII characters; and
- b. The personal password must have a minimum length of six alphanumeric characters, which should include at least one nonalphabetic character.

~~54-66.~~ An electronic pull tab operating system must have the capability to control potential data corruption that can be created by multiple simultaneous log on by system management personnel.

- a. An electronic pull tab operating system must specify which of the access levels allow for multiple simultaneous sign on by different users and which of the access levels do not allow for multiple sign on, and if multiple sign on are possible, what restrictions, if any, exist; or
- b. If an electronic pull tab operating system does not provide adequate control, a comprehensive procedural control document must be drafted for the attorney general's review and approval.

~~55-67.~~ Where the site operating system or components are linked with one another in a local network for function sharing or other purposes, communication protocols must be used which ensure erroneous data or signals will not adversely affect the operations of any such system or components.

~~56-68.~~ Dedicated and protected network connections prohibiting unauthorized access, may allow two or more central computer systems to share information. Deal details and other information prohibited from being viewed, as outlined in other sections of these rules, must not be available or transmitted between the connected systems or facilities.

~~57-69.~~ The central computer system may be used to record the data used to verify game play and to configure and perform security checks on electronic pull tab devices provided such functions do not affect the security, integrity, or outcome of such games.

~~58-70.~~ Central computer system software components and modules must be verifiable by a secure means at the system level denoting program identification and version. The central computer system must have the ability to allow for an independent integrity check of the components and modules from an outside source and is required for all control programs that may affect the integrity of the central computer system. This must be accomplished by being authenticated by a third-party device, which may be embedded within the central computer system software or having an interface port for a third-party device to authenticate the media. This integrity check will provide a means for

field verification of the central computer system components/modules to identify and validate the programs and files. The test laboratory, prior to system approval, must approve the integrity check method.

~~59~~-71. Following the initiation of an nonvolatile memory reset procedure, the game program must execute a routine, which initializes all bits in critical nonvolatile memory to the default state. All memory locations intended to be cleared as per the nonvolatile memory clear process must be fully reset in all cases. For electronic pull tab devices that allow for partial nonvolatile memory clears, the methodology in doing so must be accurate.

~~60~~-72. The default game display immediately after a nonvolatile memory reset must not be the advertised top prize on any selectable line. The default game display, upon entering game play mode, must also not be the advertised top prize.

~~61~~-73. It must not be possible to change a configuration setting that causes an obstruction to the electronic accounting meters without a nonvolatile memory clear. Notwithstanding, a change to the denomination must be performed by a secure means, which includes access to the locked logic compartment or other secure method provided that the method can be controlled by the attorney general.

~~62~~-74. Critical memory is used to store all data that is considered vital to the continued operation of the electronic pull tab device. This includes:

- a. All electronic meters required in subsection—~~3345~~ of section 99-01.3-16-09.6, including last currency data and power up and door open metering;
- b. Current credits;
- c. Electronic pull tab device game configuration data;
- d. Information pertaining to the last ten plays with the play outcome;
- e. Software state;
- f. Any prize structure configuration information residing in memory; and
- g. A log of the last one hundred significant events.

~~63~~-75. Critical memory storage must be maintained by a methodology that enables errors to be identified. This methodology may involve signatures, checksums,

partial checksums, multiple copies, timestamps, or effective use of validity codes, or any combination.

~~64.76.~~ Comprehensive checks of critical memory must be made following game initiation but prior to display of game outcome to the player. Critical memory must be continuously monitored for corruption. The methodology must detect failures with an extremely high level of accuracy.

~~65.77.~~ An unrecoverable corruption of critical memory must result in an error. The memory error should not be cleared automatically and should result in a tilt condition, which facilitates the identification of the error and causes the electronic pull tab device to cease further function. The critical memory error should also cause any communication external to the electronic pull tab device to immediately cease. An unrecoverable critical memory error must require a full nonvolatile memory clear performed by a licensed distributor.

~~66.78.~~ Nonvolatile memory space that is not critical to the security of the electronic pull tab device is not required to be validated.

~~67.79.~~ Program storage device means the media or an electronic device that contains the critical control program components. Device types include EPROMs, compact flash cards, optical disks, hard drives, solid state drives, USB drives, etc. All program storage devices must:

- a. Be housed within a fully enclosed and locked logic compartment;
- b. Be clearly marked with sufficient information to identify the software and revision level of the information stored in the device. In the case of media types on which multiple programs may reside it is acceptable to display this information via the attendant menu;
- c. Validate themselves during each processor reset;
- d. Validate themselves the first time they are used; and
- e. CD-ROM, DVD, and other optical disk-based program storage must:
  - (1) Not be a rewritable disk; and
  - (2) The "session" must be closed to prevent any further writing.

~~68.80.~~ Electronic pull tab devices that have control programs residing in one or more PROMs must employ a mechanism to verify control programs and data. The mechanism must use a cyclic redundancy check of at least sixteen bits.

~~69-81.~~ Non-EPROM program storage must meet the following rules:

- a. The software must provide a mechanism for the detection of unauthorized and corrupt software elements, upon any access, and subsequently prevent the execution or usage of those elements by the electronic pull tab device. The mechanism must employ a hashing algorithm which produces a message digest output of at least one hundred twenty-eight bits;
- b. In the event of a failed authentication, after the electronic pull tab device has been powered up, the terminal immediately should enter an error condition and display an appropriate error. This error must require operator intervention to clear and must not clear until the data authenticates properly, following the operator intervention or the media is replaced or corrected, and the electronic pull tab device's memory is cleared.

~~70-82.~~ Alterable media must meet the following and additional rules:

- a. Employ a mechanism that tests unused or unallocated areas of the alterable media or unintended programs or data and tests the structure of the media for integrity. The mechanism must prevent further play of the electronic pull tab device if unexpected data or structural inconsistencies are found;
- b. Employ a mechanism for keeping a record any time a control program component is added, removed, or altered on any alterable media. The record must contain a minimum of the last ten modifications to the media and each record must contain that date and time of the action, identification of the component that affected the reason for the modification, and any pertinent validation information.

~~71-83.~~ Program storage devices that do not have the ability to be modified while installed in the electronic pull tab device during normal operation must be marked clearly with sufficient information to identify the software and revision level of the information stored in the devices.

**History:** Effective July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-16-10. Testing, approval, and recall.**

1. A manufacturer of a pull tab dispensing device, fifty-fifty raffle system, site system with bingo card-marking devices, electronic quick shot bingo site operating system with card-marking devices, or electronic pull tab device with operating system, and related equipment shall not sell or provide a device or system to a distributor unless a model of the device or system has been approved by the attorney general.
2. A manufacturer of a dispensing device shall provide a device model, a copy of its construction blueprint, wiring schematics, circuit analysis, technical and operation manuals, random number generator or player button sequencing concept source and object code computer programs, proprietary operating software source and object code computer programs, and other information requested by the attorney general. A manufacturer of a fifty-fifty raffle system, site system with bingo card-marking devices, electronic quick shot bingo site operating system with card-marking devices, electronic pull tab device with operating system, and related equipment shall provide a fifty-fifty raffle system and sales unit, site system with bingo card-marking devices, electronic quick shot bingo site operating system with cardmarking devices, electronic pull tab device with operating system, technical and operations manual, proprietary operating software source and object code computer programs, random number generator, and other information requested by the attorney general. A manufacturer of a currency validator for pull tab dispensing devices and electronic pull tab devices or credit redemption device for pull tab dispensing devices shall provide a copy of the source and object code computer programs and other information requested by the attorney general. A manufacturer shall provide a copy of letters of approval and test reports of the dispensing device, fifty-fifty raffle system, site system with bingo card-marking devices, electronic quick shot bingo site operating system with card-marking devices, electronic pull tab device with operating system, and related equipment, or currency validator from other states, federal jurisdictions, or independent testing laboratories.
3. The attorney general may require a manufacturer of a dispensing device, fifty-fifty raffle system, site system with bingo card-marking devices, electronic quick shot bingo site operating system with card-marking devices, electronic pull tab device with operating system, and related equipment, or currency validator to transport a working model, and the information required by subsection 2 to the attorney general or designee for analysis, testing, and evaluation. A manufacturer shall pay all the costs and provide special equipment for the testing. The attorney general may require a manufacturer to pay the estimated costs, in advance. After the analysis, testing, and evaluation is done, the designee shall provide the results to the attorney general. An overpayment of costs must be refunded to a manufacturer or the manufacturer shall pay any underpayment of costs. The attorney general shall

provide the manufacturer with the results. Before approving a device's model, site system with bingo card-marking devices, electronic quick shot bingo site operating system with card-marking devices, electronic pull tab device with operating system, and related equipment, the attorney general may require a trial period.

4. If a manufacturer of a dispensing device, fifty-fifty raffle system, site system with bingo cardmarking devices, electronic quick shot bingo site operating system with card-marking devices, electronic pull tab device with operating system, and related equipment, knows or determines that a model of a device or system is defective or can be manipulated, the manufacturer shall immediately notify the attorney general and cease selling the device or system. The attorney general may require the manufacturer to recall or modify the device or system. Upon notification, a manufacturer shall initiate compliance with a recall or modification at the manufacturer's expense.
5. A fifty-fifty raffle system, electronic quick shot bingo site operating system with card-marking devices, electronic pull tab device with operating system, and related equipment must have the ability to allow for an independent integrity check of the device's software from an outside source and is required for all control programs that may affect the integrity of the game.

**History:** Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-16-11. Sales invoice.**

1. A manufacturer may not sell or provide to or accept from a distributor deals of pull tabs, paper bingo cards, fifty-fifty raffle system, site system with bingo card-marking devices, electronic quick shot bingo site operating system with card-marking devices and related equipment, electronic pull tab device with operating system, and related equipment, or pull tab dispensing devices without recording the transaction on a sales or credit invoice. The invoice must include:
  - a. License number, business name, and address of the distributor;
  - b. Business name and address to which the gaming equipment is shipped;
  - c. Invoice number and date;
  - d. Date shipped;

- e. Indication for a credit invoice;
  - f. Quantity of deals of pull tabs and paper bingo cards;
  - g. Description of each deal of pull tabs and paper bingo cards sold, including the name of the game and game serial number which may be listed on an addendum to a sales invoice. For a deal of pull tabs involving two-ply or three-ply cards with perforated break-open tabs, the description must include the manufacturer's form number;
  - h. For paper bingo cards, quantity, primary color, type of collated booklet, serial number, size of series, and number of faces on a card;
  - i. Name, model, and serial number of a pull tab dispensing device;
  - j. Name, model, and serial number of an electronic pull tab dispensing device;
  - k. Name, model, and serial number of a site system for bingo card-marking devices and number of bingo card-marking devices provided;
  - l. Name, model, serial number, and control program code of an electronic quick shot bingo site operating system and number of card-marking devices provided;
  - m. For electronic bingo cards, quantity of bingo cards played; and
  - n. Name, model, serial number, and control program code of a fifty-fifty raffle system.
2. A manufacturer shall file a copy of each sales invoice issued to an organization on behalf of a distributor for rent of a bingo card-marking device, by the fifth business day following the month of the transaction.

**History:** Effective May 1, 1998; amended effective July 1, 2000; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1