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**TITLE 65 STATE LOTTERY COMMISSION**

**Emergency Rule**

LSA Document #09-483(E)

DIGEST

Amends [65 IAC 3-4-4](#), [65 IAC 4-2-3](#), [65 IAC 4-3-2](#), [65 IAC 4-3-4](#), and [65 IAC 6-3-2](#) to modify the time for when a prize may be claimed. Effective July 1, 2009.

[65 IAC 3-4-4](#); [65 IAC 4-2-3](#); [65 IAC 4-3-2](#); [65 IAC 4-3-4](#); [65 IAC 6-3-2](#)

SECTION 1. [65 IAC 3-4-4](#) IS AMENDED TO READ AS FOLLOWS:

**[65 IAC 3-4-4](#) Procedure for awarding prizes**

**Authority:** [IC 4-30-3-7](#); [IC 4-30-3-9](#)

**Affected:** [IC 4-30-9](#)

Sec. 4. (a) Upon the presentation of a lottery ticket for prize payment, the retailer shall verify that it is visually consistent with the features of a winning ticket and examine it for any alteration. A retailer shall not make any payment on a ticket which is not a valid instant ticket within the meaning of [65 IAC 4-1-14](#), a valid on-line ticket within the meaning of [65 IAC 5-1-12](#), or a valid pull-tab ticket within the meaning of [65 IAC 6-1-9](#).

(b) Each instant, on-line, and pull-tab ticket shall contain a unique bar code. A winning instant ticket, on-line, or pull-tab ticket shall be further validated and redeemed in the following manner:

- (1) If an instant ticket, on-line ticket, or pull-tab ticket is entitled to a prize of less than or equal to twenty-five dollars (\$25), a retailer shall validate the instant ticket, on-line ticket, or pull-tab ticket as a winning lottery ticket with the bar code reader and shall redeem a valid winning instant ticket, on-line ticket, or pull-tab ticket notwithstanding the location at which the ticket was purchased.
- (2) If an instant ticket, on-line ticket, or pull-tab ticket is entitled to a prize of less than or equal to six hundred dollars (\$600), a retailer may, within its discretion, validate the instant ticket, on-line ticket, or pull-tab ticket as a winning lottery ticket with the bar code reader and may redeem, within its discretion, a valid winning instant ticket, on-line ticket, or pull-tab ticket notwithstanding the location at which the ticket was purchased.

(c) A retailer who does not sell instant tickets but has a bar code reader issued by the commission shall redeem an instant ticket presented for prize payment. A retailer who does not sell pull-tab tickets shall redeem a pull-tab ticket presented for prize payment. A retailer who does not sell on-line tickets shall not redeem an on-line ticket presented for prize payment.

(d) The retailer shall pay any winning lottery ticket with a cash prize of twenty-five dollars (\$25) or less in cash or new lottery tickets with the consent of the lottery ticket holder. Any winning lottery ticket with a cash prize exceeding twenty-five dollars (\$25), but not exceeding six hundred dollars (\$600), shall be paid with cash, check, or money order, at the retailer's discretion. Any noncash prize which a retailer is authorized to deliver shall be delivered in the manner required by the rule applicable to a specific lottery game or as specified by the director.

(e) Any validated winning lottery ticket may be paid by check at the commission headquarters in Indianapolis, Indiana, or at a district claim center after the claimant has completed such winner claim forms as the commission may specify.

(f) Winning lottery tickets received by a person under the age of eighteen (18) as a gift shall be paid by the commission to an adult member of the minor's family or the legal guardian of the minor as custodian.

(g) Holders of winning ~~on-line~~ tickets shall have the right to claim prizes for one hundred eighty (180) days after the drawing or the end of the lottery game or play in which the prize was won. ~~Holders of winning instant game tickets and pull-tab game tickets shall have the right to claim instant prizes for sixty (60) days after the end of the instant game or pull-tab game in which the prize was won and shall have the right to claim telephone prizes~~

~~for sixty (60) days after the telephone play in which the telephone prize was won. Winners of prizes awarded pursuant to [65 IAC 4-3-10](#) shall have the right to claim those prizes for sixty (60) days after the prize is won, unless a longer or shorter period is determined and announced pursuant to that section. If a valid claim is not made for a prize within the applicable time period, the prize shall constitute an unclaimed prize and the prize money shall be added to the pool from which future prizes are to be awarded or used for special prize promotions.~~

(h) Until such time as a name is imprinted or placed upon the back portion of the lottery ticket in the designated area, a lottery ticket shall be owned by the physical possessor of such ticket. When a name is placed on the rear of the ticket in the designated place, the person whose name appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable thereto. A pull-tab ticket remains at all times a bearer instrument and shall be owned by the physical possessor of the ticket unless the prize is over six hundred dollars (\$600) and space has been designated on the ticket for including winner information.

(i) In the event it is determined that, for any reason, a prize was paid by a retailer on a ticket which was not a winner, the person whose name appears on the back of the ticket will be required to reimburse the retailer for said payment. If a retailer pays any claim which was not a winner, the retailer will be held responsible to the commission for the improper payment, even if the person whose name appears on the back of the ticket fails to reimburse the retailer or cannot be located.

(j) A lottery ticket will be considered void if altered, torn, misprinted, illegible, or damaged in such a manner that verification is impossible. If it is determined that a lottery ticket contains a manufacturing defect which makes the lottery ticket appear to be a winner when in fact it is not, the bearer shall be entitled to reimbursement for the full purchase price of the lottery ticket but shall not be awarded any prize.

(k) The commission's decision and judgment in respect to the determination of a winning lottery ticket or of any other dispute arising from payment or awarding of prizes shall be final and binding upon all participants in the lottery unless otherwise provided by law or this article. In the event a question arises relative to a winning lottery ticket, or the payment or awarding of any prize, the commission may deposit the prize winnings into an escrow fund until it resolves the controversy and reaches a decision, or it may petition a court of competent jurisdiction for instructions and a resolution of the controversy.

(l) The commission reserves the right to request of the claimant of any winning lottery ticket disclosure of the source of the ticket.

*(State Lottery Commission; [65 IAC 3-4-4](#); emergency rule filed Sep 5, 1989, 3:20 p.m.: 13 IR 102; emergency rule filed May 7, 1990, 2:10 p.m.: 13 IR 1737; emergency rule filed Oct 7, 1991, 2:00 p.m.: 15 IR 112; emergency rule filed Jan 29, 1992, 12:00 p.m.: 15 IR 1039; errata filed Feb 25, 1992, 11:00 a.m.: 15 IR 1222; emergency rule filed Sep 3, 1992, 9:00 a.m.: 16 IR 77; errata, 16 IR 751; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Aug 23, 2002, 1:27 p.m.: 26 IR 41, eff Aug 29, 2002; readopted filed Nov 14, 2007, 3:02 p.m.: [20071212-IR-065070656RFA](#); emergency rule filed Jun 30, 2009, 10:10 a.m.: [20090701-IR-065090483ERA](#), eff Jul 1, 2009)*

SECTION 2. [65 IAC 4-2-3](#) IS AMENDED TO READ AS FOLLOWS:

### **[65 IAC 4-2-3](#) Termination of an instant game**

**Authority:** [IC 4-30-3-7](#); [IC 4-30-3-9](#)

**Affected:** [IC 4-30](#)

Sec. 3. ~~(a)~~ An instant game will end when all instant tickets for that instant game have been sold or on a date determined by the director in the director's sole discretion. The director may suspend an instant game if the director finds that such suspension is in the best interests of the commission. No instant tickets shall be sold with respect to an instant game which has ended or which has been suspended or otherwise ended.

~~(b) Telephone plays with respect to an instant game which provides for telephone plays may be made for sixty (60) days after the end of the instant game unless earlier terminated on a date determined by the director in the director's sole discretion. The director may suspend telephone plays with respect to an instant game if the director~~

~~finds that such suspension is in the best interests of the commission.~~

*(State Lottery Commission; [65 IAC 4-2-3](#); emergency rule filed Oct 2, 1989, 2:10 p.m.: 13 IR 303; emergency rule filed Oct 7, 1991, 2:00 p.m.: 15 IR 114; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 18, 2003, 4:30 p.m.: 27 IR 1596; readopted filed Nov 14, 2007, 3:02 p.m.: [20071212-IR-065070656RFA](#); emergency rule filed Jun 30, 2009, 10:10 a.m.: [20090701-IR-065090483ERA](#), eff Jul 1, 2009)*

SECTION 3. [65 IAC 4-3-2](#) IS AMENDED TO READ AS FOLLOWS:

**[65 IAC 4-3-2](#) Claiming prizes from the commission**

**Authority:** [IC 4-30-3-7](#); [IC 4-30-3-9](#)

**Affected:** [IC 4-30-11-11](#)

Sec. 2. (a) A telephone prize awarded pursuant to section 10 of this rule may only be claimed from the commission's central office in Indianapolis. Any other prize may be claimed from any of the commission's regional offices or from the commission's central office in Indianapolis.

(b) The commission will pay instant prizes by check or in cash at the option of the commission or with lottery tickets if both the commission and the winner agree, in each case after instant tickets are validated and after any other applicable requirements contained in this article are met. The commission will pay telephone prizes after instant tickets are validated to the extent required by the commission and after any other applicable requirements contained in this article are met.

(c) A prize claim shall be made on such form or forms as are prescribed by the director. To the extent required by federal tax law, the claimant shall furnish a tax identification number to the commission in the following manner:

(1) An individual shall provide his or her Social Security number.

(2) A legal entity shall furnish a federal employer's identification number issued by the Internal Revenue Service. The Hoosier Lottery will request the Social Security numbers of the owners of such legal entity in order to meet the requirements of [IC 4-30-11-11](#).

(3) A group, family unit, club, or other organization which is not a legal entity or which does not possess a federal employer's identification number shall file Internal Revenue Service Form 5754, "Statement by Person(s) Receiving Gambling Winnings", or a successor form, with the commission designating to whom the prize is to be paid and the person or persons to whom the prize is taxable.

(d) Prize payment shall be made to the person, entity, or group identified on the claim form and associated documents, and the claim shall be final and binding on the claimant and those for whom the prize is claimed.

(e) An instant prize must be claimed within ~~sixty (60)~~ **one hundred eighty (180)** days of the end of the instant game in which the prize was won. ~~or it will be forfeited. A telephone~~ **If an instant prize must be claimed within sixty (60) days of the telephone play in which the telephone prize was won or it will be forfeited. A prize awarded pursuant to section 10 of this rule must be claimed within sixty (60) days of the day it was won or it will be forfeited, unless a longer or shorter period for claiming prizes is determined and announced pursuant to that section. at a Hoosier Lottery office and the one hundred eighty (180) day claim period ends on a day that the offices of the Hoosier Lottery are closed, the instant prize may be claimed on the next business day that Hoosier Lottery offices are open.** All unclaimed prize money or other prizes required to be paid or delivered by the commission shall be added to the pool from which future prizes are to be awarded or used for special prize promotions.

*(State Lottery Commission; [65 IAC 4-3-2](#); emergency rule filed Oct 2, 1989, 2:10 p.m.: 13 IR 305; emergency rule filed May 4, 1990, 4:35 p.m.: 13 IR 1731; emergency rule filed Oct 7, 1991, 2:00 p.m.: 15 IR 114; emergency rule filed Sep 3, 1992, 9:00 a.m.: 16 IR 79; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Dec 18, 2003, 4:30 p.m.: 27 IR 1597; emergency rule filed Mar 7, 2006, 11:50 a.m.: 29 IR 2207; readopted filed Nov 14, 2007, 3:02 p.m.: [20071212-IR-065070656RFA](#); emergency rule filed Jun 30, 2009, 10:10 a.m.: [20090701-IR-065090483ERA](#), eff Jul 1, 2009)*

SECTION 4. [65 IAC 4-3-4](#) IS AMENDED TO READ AS FOLLOWS:

**[65 IAC 4-3-4](#) Termination of liability**

**Authority:** [IC 4-30-3-7](#); [IC 4-30-3-9](#)

**Affected:** [IC 4-30-11](#)

Sec. 4. All liability of the state, its officials, officers, and employees, and of the commission, the director, and employees of the commission for any instant prize terminates upon payment of an instant prize or upon the expiration of ~~sixty (60)~~ **one hundred eighty (180)** days after the end of the instant game in which the instant prize was won. All liability of the state, its officials, officers, and employees, and of the commission, the director, and employees of the commission for any telephone prize terminates upon delivery by the commission of a telephone prize or upon the expiration of ~~sixty (60)~~ days after the telephone play in which the telephone prize was won.

*(State Lottery Commission; [65 IAC 4-3-4](#); emergency rule filed Oct 2, 1989, 2:10 p.m.: 13 IR 305; emergency rule filed Oct 7, 1991, 2:00 p.m.: 15 IR 115; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: [20071212-IR-065070656RFA](#); emergency rule filed Jun 30, 2009, 10:10 a.m.: [20090701-IR-065090483ERA](#), eff Jul 1, 2009)*

SECTION 5. [65 IAC 6-3-2](#) IS AMENDED TO READ AS FOLLOWS:

**[65 IAC 6-3-2](#) Claiming prizes**

**Authority:** [IC 4-30-3-7](#); [IC 4-30-3-9](#)

**Affected:** [IC 4-30](#)

Sec. 2. (a) To the extent required by federal tax law, the claimant of a prize shall furnish a tax identification number to the commission in the manner specified by the commission.

(b) A prize in a pull-tab game that is six hundred dollars (\$600) or lower may be claimed at any participating retailer of lottery tickets or at any of the commission's offices. A prize in a pull-tab game that is higher than six hundred dollars (\$600) may be claimed only at the commission's offices.

(c) A pull-tab prize must be claimed within ~~sixty (60)~~ **one hundred eighty (180)** days after the end of the specific pull-tab game. End of game dates are available at any retailer location, on the commission's website at [www.hoosierlottery.com](http://www.hoosierlottery.com), and via the commission's customer service center, which can be contacted toll free at 1-800-955-6886.

(d) The commission, the director, employees of the commission, the state, and officials, officers, and employees of the state shall have no liability for payment of any prize in a pull-tab game.

*(State Lottery Commission; [65 IAC 6-3-2](#); emergency rule filed Jan 29, 1992, 12:00 p.m.: 15 IR 1043; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Aug 23, 2002, 1:30 p.m.: 26 IR 53, eff Aug 29, 2002; readopted filed Nov 14, 2007, 3:02 p.m.: [20071212-IR-065070656RFA](#); emergency rule filed Jun 30, 2009, 10:10 a.m.: [20090701-IR-065090483ERA](#), eff Jul 1, 2009)*

SECTION 6. This document is effective July 1, 2009.

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