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**TITLE 65 STATE LOTTERY COMMISSION****Emergency Rule**  
LSA Document #10-492(E)

## DIGEST

Amends [65 IAC 3-3-1](#), [65 IAC 3-3-2.2](#), [65 IAC 3-3-2.5](#), [65 IAC 3-3-2.8](#), [65 IAC 3-3-5](#), [65 IAC 3-3-7](#), [65 IAC 3-4-4](#), [65 IAC 3-4-5](#), [65 IAC 3-4-7](#), [65 IAC 3-4-8](#), and [65 IAC 3-4-9](#) to correct grammatical edits and current procedures and practices of the Lottery regarding relations and duties of retailers and to prohibit retailers, their employees, and family members living in the same household from redeeming a lottery ticket that was purchased at the premises where the retailer or employee is authorized to sell lottery tickets. Partially effective July 29, 2010, and partially effective August 29, 2010.

[65 IAC 3-3-1](#); [65 IAC 3-3-2.2](#); [65 IAC 3-3-2.5](#); [65 IAC 3-3-2.8](#); [65 IAC 3-3-5](#); [65 IAC 3-3-7](#); [65 IAC 3-4-4](#); [65 IAC 3-4-5](#); [65 IAC 3-4-7](#); [65 IAC 3-4-8](#); [65 IAC 3-4-9](#)

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

**[65 IAC 3-3-1](#) Eligibility**

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

**Affected:** [IC 4-30-9-3](#)

Sec. 1. (a) The commission shall not issue a certificate of authority to any person:

- (1) prohibited from becoming a retailer under [IC 4-30-9-3](#), except that the requirement found in [IC 4-30-9-3\(1\)](#) applies only to a natural person or sole proprietor;
- (2) not registered or duly qualified to do business in Indiana;
- (3) who is a director, officer, or employee of a major procurement vendor;
- (4) related to any employee or member of the commission as husband, wife, or child; or
- (5) who is a corporation, partnership, or limited partnership that has an officer, member, director, or partner that is related to any employee or member of the commission in any capacity set forth in subdivision (4).

(b) The commission shall make all determinations regarding the matters set forth in ~~[IC 4-30-9-3\(4\)\(B\)](#) or [IC 4-30-9-3\(4\)\(C\)](#)~~. [IC 4-30-9-3\(4\)\(B\)](#) or [IC 4-30-9-3\(4\)\(C\)](#). The director or the director's designee may make a final determination on all other matters regarding eligibility or selection of an applicant to become a retailer and the issuance or renewal of a certificate of authority.

*(State Lottery Commission; [65 IAC 3-3-1](#); emergency rule filed Sep 5, 1989, 3:20 p.m.: 13 IR 97; emergency rule filed Jan 24, 1990, 4:00 p.m.: 13 IR 1068; emergency rule filed May 4, 1990, 4:35 p.m.: 13 IR 1725; 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 Dec 18, 2009, 10:05 a.m.: [20091230-IR-065090989ERA](#); emergency rule filed Jul 29, 2010, 3:51 p.m.: [20100804-IR-065100492ERA](#))*

SECTION 2. [65 IAC 3-3-2.2](#) IS AMENDED TO READ AS FOLLOWS:

**[65 IAC 3-3-2.2](#) Retailer fees**

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

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

Sec. 2.2. (a) An applicant for a certificate of authority ~~to enter into a contract to sell lottery products~~ must pay a nonrefundable application fee in one (1) of the following amounts, depending on the products to be sold:

- (1) If the retailer will sell all lottery products, the nonrefundable application fee is one hundred dollars (\$100) per each ticket selling location.
- (2) If the retailer will only sell scratch-off ~~and/or~~ or pull-tab, **or both**, lottery products, the nonrefundable application fee is fifty dollars (\$50) per each ticket selling location.

(b) A retailer applying for renewal of an existing certificate of authority must pay a nonrefundable renewal fee with its application in the amount of fifty dollars (\$50) for each selling location being renewed.

~~(c) All fees shall be submitted to the commission in the form of a certified check or cashier's check.~~

~~(d)~~ (c) If a certified retailer under contract with the commission requires a duplicate or amended certificate of authority for display under section 2.5(c) of this rule, the retailer must pay to the commission a fee in the amount of ten dollars (\$10) prior to a duplicate or amended certificate of authority being issued.

(State Lottery Commission; [65 IAC 3-3-2.2](#); emergency rule filed Dec 18, 2009, 10:05 a.m.: [20091230-IR-065090989ERA](#); emergency rule filed Jul 29, 2010, 3:51 p.m.: [20100804-IR-065100492ERA](#))

SECTION 3. [65 IAC 3-3-2.5](#) IS AMENDED TO READ AS FOLLOWS:

**[65 IAC 3-3-2.5](#) Selection of retailers; posting of certificate of authority**

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

**Affected:** [IC 4-30-9-2](#)

Sec. 2.5. (a) The commission must base selection of retailers based on business considerations and public convenience. In the selection of retailers, the commission will consider the following factors:

- (1) The considerations provided in [IC 4-30-9-2](#).
- (2) The average number of customers who visit a the potential retailer.
- (3) The hours of operations of the potential retailer.
- (4) The capability and willingness to sell all lottery products provide by the commission.
- (5) The capability and willingness to pay prizes up to the maximum amount payable by retailers at various times during the day.
- (6) The capability and willingness to promote the sale of lottery products independently or in cooperation with the commission.
- (7) The capability and willingness to comply with the provision of [IC 4-30](#) and this title.

(b) The commission shall only issue a certificate of authority to selected retailers that applied for and are eligible to receive a certificate of authority under this article.

(c) A certificate of authority issued by the commission shall be posted by the retailer at the retail location in a conspicuous location accessible to the public.

(d) A certificate of authority shall bear the:

- (1) Name of the retailer.
- (2) Physical address of the premises.
- (3) Expiration date of the certificate of authority.

(State Lottery Commission; [65 IAC 3-3-2.5](#); emergency rule filed Dec 18, 2009, 10:05 a.m.: [20091230-IR-065090989ERA](#); emergency rule filed Jul 29, 2010, 3:51 p.m.: [20100804-IR-065100492ERA](#))

SECTION 4. [65 IAC 3-3-2.8](#) IS AMENDED TO READ AS FOLLOWS:

**[65 IAC 3-3-2.8](#) Expiration or renewal of certificate of authority**

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

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

Sec. 2.8. (a) Upon expiration of a retailer's certificate of authority at a selling location, any retailer contract entered into between the retailer and the commission for that selling location must terminate.

(b) Prior to expiration of a certificate of authority, a retailer may apply to renew the certificate of authority by

filing an application for renewal on such form or forms as may be approved by the director.

(c) A certificate of authority may be renewed at the discretion of the director upon a determination that the retailer remains in compliance with the eligibility and selection standards provided in [IC 4-30](#) and this title.

(d) A retailer may be required to pay of a nonrefundable renewal fee with its application for renewal, as specified in section 2.2 of this rule.

*(State Lottery Commission; [65 IAC 3-3-2.8](#); emergency rule filed Dec 18, 2009, 10:05 a.m.: [20091230-IR-065090989ERA](#); emergency rule filed Jul 29, 2010, 3:51 p.m.: [20100804-IR-065100492ERA](#))*

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

**[65 IAC 3-3-5](#) Notice of changes**

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

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

Sec. 5. (a) A retailer shall notify the commission in writing at least thirty (30) calendar days in advance of the occurrence of any of the following changes:

- (1) Voluntary cancellation or termination of the retailer contract by the retailer or otherwise cease **ceasing** business operations or the sale of lottery products, either permanently or temporarily.
- (2) A change in the designated bank account in which the retailer has deposited funds from the sale of lottery products or from which payments are made.
- (3) Any proposed change in a selling location for which a certificate of authority is issued.
- (4) Any proposed change in the controlling ownership interest of the retailer, whether through an asset purchase, stock purchase, merger, or acquisition.
- (5) Any change in the form of a retailer's business organization, such as, but not limited to, a sole proprietorship, partnership, corporation, or limited liability company.
- (6) Any change in the taxpayer identification number of the retailer.

(b) A retailer shall notify the commission immediately after the occurrence of the following:

- (1) The incapacitation or death of a sole proprietor, partner, or majority owner.
- (2) The dissolution of the retailer or filing of a voluntary or involuntary petition in bankruptcy.
- (3) A change in any of the information submitted to the commission in the retailer's most recent application or renewal form.
- (4) Any change causing the retailer to no longer satisfy fully all requirements in [IC 4-30](#) and this article.

*(State Lottery Commission; [65 IAC 3-3-5](#); emergency rule filed Sep 5, 1989, 3:20 p.m.: 13 IR 98; emergency rule filed May 4, 1990, 4:35 p.m.: 13 IR 1727; emergency rule filed Apr 14, 1992, 5:00 p.m.: 15 IR 1971; emergency rule filed Apr 19, 1993, 5:00 p.m.: 16 IR 2193; 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 Dec 18, 2009, 10:05 a.m.: [20091230-IR-065090989ERA](#); emergency rule filed Jul 29, 2010, 3:51 p.m.: [20100804-IR-065100492ERA](#))*

SECTION 6. [65 IAC 3-3-7](#) IS AMENDED TO READ AS FOLLOWS:

**[65 IAC 3-3-7](#) Revocation or suspension of certificate of authority**

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

**Affected:** [IC 4-30](#); [IC 35-45-5](#)

Sec. 7. (a) The director may:

- (1) revoke a certificate of authority;
- (2) suspend a certificate of authority for a period of time, as specified by the director;
- (3) refuse to renew a certificate of authority; or
- (4) reject any later-filed application for a new or amended certificate of authority;

for any of, but not limited to, the reasons contained in subsection (b).

(b) The director may take any action under subsection (a) for any of the following reasons:

- (1) The retailer provided false or misleading information in obtaining a retailer contract or certificate of authority.
- (2) The retailer no longer meets the eligibility requirements found in [IC 4-30](#) or this article.
- (3) The retailer endangered the security, integrity, or efficient operation of the commission or any lottery game.
- (4) The retailer failed to accurately account for lottery tickets, revenues, or prizes as required by the commission.
- (5) The retailer failed to remit or is delinquent in remitting money owed to the commission ~~or a check~~ or the electronic funds transfer of a retailer is dishonored.
- (6) The retailer committed any fraud, deceit, or misrepresentation to the commission or to any individual purchasing a lottery ticket from the retailer.
- (7) The retailer sold a lottery ticket at any place other than the place authorized and specified in the retailer's contract, certificate of authority, or temporary certificate of authority.
- (8) The retailer violated any rule or regulation promulgated by the commission.
- (9) The retailer violated any written policy directive issued by the director.
- (10) The retailer failed to comply with or materially breached the terms of the retailer contract.
- (11) The retailer has violated any provision of [IC 4-30](#) or [IC 35-45-5](#).
- (12) The retailer is a person whose character is no longer consistent with the dignity and integrity of the state of Indiana.
- (13) The retailer materially changed any factor considered by the commission in selecting the retailer.
- (14) The retailer engaged in conduct prejudicial to public confidence in the lottery.
- (15) The retailer sold lottery tickets for a lottery game prior to the date announced for the commencement of sales for that lottery game or sold tickets after date announced as last sales date for that game.
- (16) The retailer knowingly and without reasonable cause refuses to provide a lottery product upon the request and payment of the ticket price by a ticket purchaser.
- (17) The retailer knowingly cancels a draw ticket without being requested to do so by the owner of the draw ticket.
- (18) The retailer knowingly retains an employee involved in the sale of lottery products who has been convicted of a criminal offense related to the security or integrity of the commission or a lottery in any other jurisdiction.
- (19) The retailer has had a certificate of authority or temporary certificate of authority suspended or revoked at another selling location.

(c) The revocation of a retailer's certificate of authority will terminate any and all retailer contracts between the retailer and the commission to sell lottery products at the selling location for which the certificate of authority was issued.

(d) A retailer may not receive or sell lottery products at any location where its certificate of authority for that location is either suspended or has been revoked.

*(State Lottery Commission; [65 IAC 3-3-7](#); emergency rule filed Sep 5, 1989, 3:20 p.m.: 13 IR 99; emergency rule filed Nov 20, 1989, 10:05 a.m.: 13 IR 680; emergency rule filed Jan 24, 1990, 4:00 p.m.: 13 IR 1070; emergency rule filed May 7, 1990, 2:10 p.m.: 13 IR 1736; emergency rule filed Jan 29, 1992, 12:00 p.m.: 15 IR 1036; errata filed Mar 10, 1992, 11:00 a.m.: 15 IR 1393; 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 Dec 18, 2009, 10:05 a.m.: [20091230-IR-065090989ERA](#); emergency rule filed Jul 29, 2010, 3:51 p.m.: [20100804-IR-065100492ERA](#))*

SECTION 7. [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 to a retailer with validation capabilities 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~~

- ~~(1) a valid scratch-off ticket within the meaning of [65 IAC 4-1-14](#);~~
- ~~(2) a valid draw ticket within the meaning of [65 IAC 5-1-12](#); or~~
- ~~(3) a valid pull-tab ticket within the meaning of [65 IAC 6-1-9](#); **that does not meet the validation requirements of this title.**~~

(b) Each scratch-off, draw, and pull-tab ticket shall contain a unique bar code. A winning scratch-off, draw, or pull-tab ticket shall be further validated and redeemed by a retailer with validation capabilities in the following manner:

- (1) If a scratch-off ticket, draw 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 scratch-off ticket, draw ticket, or pull-tab ticket as a winning lottery ticket with the bar code reader and shall redeem a valid winning scratch-off ticket, draw ticket, or pull-tab ticket notwithstanding the location at which the ticket was purchased.
- (2) If a scratch-off ticket, draw ticket, or pull-tab ticket is entitled to a prize of less than or equal to five hundred ninety-nine dollars (\$599) but greater than twenty-five dollars (\$25), a retailer may, only upon validating the scratch-off ticket, draw ticket, or pull-tab ticket as a winning lottery ticket with the bar code reader, redeem the valid winning scratch-off ticket, draw 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 may redeem a scratch-off ticket or pull-tab ticket presented for prize payment. A retailer who does not sell draw tickets shall not redeem ~~an on-line~~ **a draw** 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)~~; **five hundred ninety-nine dollars (\$599)**, 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~~ **(e) A retailer shall not pay any claim to a person who is** 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.~~ **and shall refer any claims made by minors to the commission.**

~~(g) Holders of winning 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. 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.~~ **(f) If a retailer pays any claim on a ticket which was not a winner for any reason, the retailer will be held responsible to the commission for the improper payment. even if The retailer may seek reimbursement from the person whose name appears on the back of the ticket fails to and that person shall reasonably reimburse the retailer. or cannot be located.**

~~(j) (g) If a lottery ticket will be considered void if **appears** 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. Reimbursement of the purchase price may, at the discretion of the commission, be in the form of: **a retailer is not required to validate the ticket and shall refer the player to the commission.**~~

- ~~(1) cash or a cash equivalent;  
(2) replacement tickets from the same or a different game with the same price; or  
(3) coupons good toward the purchase of replacement tickets that are equivalent to the purchase price.~~

~~(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; emergency rule filed Dec 18, 2009, 10:05 a.m.: [20091230-IR-065090989ERA](#); emergency rule filed Jul 29, 2010, 3:51 p.m.: [20100804-IR-065100492ERA](#))~~

SECTION 8. [65 IAC 3-4-5](#) IS AMENDED TO READ AS FOLLOWS:

### **[65 IAC 3-4-5](#) Compensation**

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

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

Sec. 5. (a) A retailer shall be entitled to compensation of five and one-half percent (5.5%) of the valid lottery ticket price of each scratch-off ticket or pull-tab ticket sold by such retailer, subject to deduction for returns as may be allowed under this article. A retailer shall be entitled to compensation of six percent (6%) of the valid draw ticket price of each draw ticket sold by such retailer, **subject to deduction for cancellations as may be allowed under this article.**

(b) In addition to the compensation under subsection (a), the commission may, from time to time, establish retailer incentive programs whereby retailers are entitled to bonus payments by satisfying designated criteria which may include, but not **be** limited to, volume of lottery product sales, number of lottery tickets redeemed, or the sale of winning lottery tickets.

(c) Any compensation or incentive payment made under this section may be supplemented or reduced in exchange for the provision of other supplemental services provided by the commission or the retailer as provided in a retailer's contract with the commission.

(d) No retailer or employee of a retailer shall request, demand, or accept gratuities or similar compensation in exchange for the performance of duties authorized pursuant to the retailer's contract.

~~(State Lottery Commission; [65 IAC 3-4-5](#); emergency rule filed Sep 5, 1989, 3:20 p.m.: 13 IR 103; emergency rule filed Jan 29, 1992, 12:00 p.m.: 15 IR 1040; emergency rule filed Jul 29, 1992, 10:00 a.m.: 15 IR 2599; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Aug 23, 2002, 1:27 p.m.: 26 IR 42, eff Aug 29, 2002; readopted filed Nov 14, 2007, 3:02 p.m.: [20071212-IR-065070656RFA](#); emergency rule filed Dec 18, 2009,~~

SECTION 9. [65 IAC 3-4-7](#) IS AMENDED TO READ AS FOLLOWS:

**[65 IAC 3-4-7](#) Prohibited acts**

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

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

Sec. 7. (a) A retailer, or any relative living in the same household with a retailer, shall not purchase a lottery ticket at the premises where the retailer is authorized to sell lottery products **nor redeem such a ticket**. An employee of a retailer, or any relative living in the same household with an employee of a retailer, shall not purchase a lottery ticket at the premises at which the employee is employed **nor redeem such a ticket**.

(b) A person shall not use point-of-sale materials issued by the commission or otherwise hold himself or herself out as a retailer without being authorized by the commission to act as a retailer.

(c) A retailer shall not extend credit or lend money for the purchase of a lottery ticket. This provision shall not be construed to prohibit the purchase of a lottery ticket through the use of a credit or charge card or other instrument issued by a bank, savings association, credit union, or charge card company.

(d) A retailer shall not sell a lottery ticket for delivery at a location other than that specified on the retailer's certificate of authority unless all of the following are true:

- (1) Delivery of goods or services other than lottery tickets at locations other than that specified on the retailer's certificate of authority occurs in the ordinary course of the retailer's business.
- (2) The retailer has sold and is delivering to the purchaser of the lottery ticket a good or service other than the lottery ticket.
- (3) The delivery is within the state of Indiana.
- (4) Payment is made at or before the time of delivery.

(e) A retailer shall not enter into any agreement or arrangement to give preference in the sale of lottery products to a purchaser based on the number of lottery tickets sold or to be sold to that purchaser.

(f) All lottery product sales by a retailer shall be final. A retailer shall not accept returns except as provided in the rules, regulations, policies, or procedures of the commission or with the approval of the director.

(g) Scratch-off tickets shall not be sold after the announced termination date of the scratch-off game or after the date of the final drawing held in any instant game. ~~unless otherwise provided herein or publicly announced by the commission.~~

(h) Draw game tickets shall not be sold after the date of the drawing for which they were designated.

*(State Lottery Commission; [65 IAC 3-4-7](#); emergency rule filed Sep 5, 1989, 3:20 p.m.: 13 IR 103; emergency rule filed Oct 24, 1989, 2:15 p.m.: 13 IR 408; emergency rule filed Mar 19, 1992, 8:30 a.m.: 15 IR 1401; 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 Dec 18, 2009, 10:05 a.m.: [20091230-IR-065090989ERA](#); emergency rule filed Jul 29, 2010, 3:51 p.m.: [20100804-IR-065100492ERA](#))*

SECTION 10. [65 IAC 3-4-8](#) IS AMENDED TO READ AS FOLLOWS:

**[65 IAC 3-4-8](#) Service charges for on-line retailers**

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

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

Sec. 8. (a) Each retailer licensed to sell draw tickets shall pay a minimum weekly service charge to the commission in ~~an the~~ amount of ~~twelve ten~~ dollars ~~(\$12)~~. **(\$10)**.

(b) The commission may impose an additional weekly fee in ~~an the~~ amount of twenty-five dollars (\$25) on retailers licensed to sell draw tickets whose average weekly gross sales of draw tickets are less than one thousand dollars (\$1,000).

(c) The commission may impose an additional weekly fee in the amount of ten dollars (\$10) on retailers licensed to sell draw tickets whose average weekly gross sales of draw tickets are greater than or equal to one thousand dollars (\$1,000) but less than two thousand dollars (\$2,000).

*(State Lottery Commission; [65 IAC 3-4-8](#); emergency rule filed May 7, 1990, 2:10 p.m.: 13 IR 1738; 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 Dec 18, 2009, 10:05 a.m.: [20091230-IR-065090989ERA](#); emergency rule filed Jul 29, 2010, 3:51 p.m.: [20100804-IR-065100492ERA](#), eff Aug 29, 2010)*

SECTION 11. [65 IAC 3-4-9](#) IS AMENDED TO READ AS FOLLOWS:

**[65 IAC 3-4-9](#) Settlement delinquencies**

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

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

Sec. 9. ~~(a)~~ If a check or electronic funds transfer of a retailer is dishonored ~~the commission~~ or the retailer fails to make timely payment of any amount owed to the commission for any reason, **the commission** may:

- (1) impose a delinquency charge for late payment of amounts due the commission in an amount up to fifty dollars (\$50); ~~and~~
- (2) charge simple interest on the amount due from the designated day of collection to the day of payment at the rate of twelve percent (12%) per annum; ~~All~~ **and**
- (3) require all** payments shall be **made** by money order or certified check.

~~(b) If a retailer's check or electronic funds transfer is dishonored, the commission may require that future deliveries of instant tickets be delivered to the retailer on a C.O.D. basis.~~

*(State Lottery Commission; [65 IAC 3-4-9](#); emergency rule filed May 4, 1990, 4:35 p.m.: 13 IR 1729; emergency rule filed Jan 19, 1996, 2:00 p.m.: 19 IR 1375; 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 Dec 18, 2009, 10:05 a.m.: [20091230-IR-065090989ERA](#); emergency rule filed Jul 29, 2010, 3:51 p.m.: [20100804-IR-065100492ERA](#))*

SECTION 12. SECTION 10 of this document takes effect on August 29, 2010.

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