

RULES AND REGULATIONS

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 874]

Raffle Lottery Games

The Secretary of Revenue (Secretary), under the authority in section 303 of the State Lottery Law (72 P. S. § 3761-303), adds Chapter 874 (relating to raffle lottery games) to read as set forth in Annex A.

Because of time constraints associated with the establishment, operation and administration of lottery games, the Department of Revenue (Department), under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), and the regulation thereunder, 1 Pa. Code § 7.4 (relating to omission of notice of proposed rulemaking), finds that notice of proposed rulemaking is under the circumstances impracticable and, therefore, may be omitted.

The Department's justification for utilizing the final-omitted rulemaking process is based upon the time constraints associated with the establishment, operation and administration of lottery games. The efficient and successful operation of the Lottery requires that the Lottery implement the latest innovations and trends in the lottery industry. The inability to adapt marketing strategies quickly may lead to a reduction in Lottery revenues. The necessity of the Lottery to react quickly to market forces has been recognized in the past as an appropriate justification for utilizing the final-omitted rulemaking process as evidenced by the approval of these types of regulations in the past.

Purpose of Regulation

The final-omitted rulemaking establishes and details the procedures that will be followed in operating and administering raffle lottery games.

Explanation of Regulatory Requirements

The addition of Chapter 874 establishes procedures for the creation of on-line raffle lottery games, sales of tickets, validation of winners and payment of prizes for on-line raffle lottery games conducted by the Pennsylvania State Lottery.

A "raffle lottery game" is a Lottery game that is of limited duration, having preestablished and announced beginning, end sale and drawing date. A limited number of tickets, each unique from all others, will be offered for the opportunity to win one of a number of predetermined and announced prizes. Prior to the beginning of sales of a raffle lottery game, the Department will publish a notice in the *Pennsylvania Bulletin* with information as outlined in this chapter.

Fiscal Impact

The Department has determined that the final-omitted rulemaking will have no adverse fiscal impact on the Commonwealth and that the game described by the regulations could increase revenues available to older Pennsylvanians.

Paperwork

The final-omitted rulemaking will not generate substantial paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The final-omitted rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. The final-omitted rulemaking is scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

The contact person for an explanation of the final-omitted rulemaking is Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on May 19, 2005, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. A copy of this material is available to the public upon request. On the same date, the final-omitted rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.1) of the Regulatory Review Act, on July 13, 2005, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 14, 2005, and approved the final-omitted rulemaking.

Findings

The Department finds that the regulations are necessary and appropriate for the administration and enforcement of the authorizing statute. Under section 204 of the CDL, the Department also finds that the proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are unnecessary because of the time constraints associated with the establishment, operation and administration of lottery games.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code, are amended by adding §§ 874.1—874.17 to read as set forth in Annex A.

(b) The Secretary shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

GREGORY C. FAJT,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 4270 (July 30, 2005).)

Fiscal Note: Fiscal Note 15-428 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 61. REVENUE

PART V. STATE LOTTERIES

CHAPTER 874. RAFFLE LOTTERY GAMES

Sec.	
874.1.	Creation.
874.2.	Purpose.
874.3.	Definitions.
874.4.	Notice of raffle lottery game rules.
874.5.	Price.
874.6.	Ticket sales retailers.
874.7.	Determination of prize winning tickets.
874.8.	Lottery raffle game purchase and ticket characteristics.
874.9.	Raffle ticket responsibility.
874.10.	Ticket validation and requirements.
874.11.	Procedures for claiming and payment of prizes.
874.12.	Prizes.
874.13.	Unclaimed prize money.
874.14.	Withholding.
874.15.	Purchase and prize restrictions.
874.16.	Governing law.
874.17.	Retailer promotion programs.

§ 874.1. Creation.

Under the act and this part, there is created a raffle game, called raffle lottery games, which will commence at the discretion of the Secretary, and will continue until the Secretary publicly announces a suspension or termination date.

§ 874.2. Purpose.

(a) A raffle lottery game is a lottery game that is of limited duration, having preestablished and announced beginning, end sale, and drawing dates. A limited number of tickets or chances, each unique from all others, will be offered for the opportunity to win one of a number of predetermined and announced prizes.

(b) This chapter establishes procedures for the creation of on-line raffle lottery games, sales of tickets, validation of winners, and payment of prizes for on-line raffle lottery games conducted by the Pennsylvania State Lottery.

§ 874.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Apparent winning ticket—A raffle lottery game ticket bearing a winning number, which has not yet been validated by the Lottery.

Chance—A unique multiple-digit number, computer-selected from the range of numbers designated for a raffle Lottery drawing, also known as a play.

Drawing—The process of selecting the winning numbers that determine the winners for each designated prize for a particular raffle game.

On-line retailer or retailer—A person who is properly licensed by the Lottery to sell tickets.

Prize—The item or money that can be won as specified by the notice for each raffle lottery game as published under § 874.4 (relating to notice of raffle lottery game rules).

Raffle lottery game—A lottery game for which a chance or play will be sold for a limited announced period of time, and in which a maximum designated number of chances or plays will be offered, and the winning chances or plays will be selected from only those chances or plays actually sold.

Ticket—A raffle lottery ticket produced by the Lottery and sold by a licensed retailer in an authorized manner containing at a minimum a unique multiple-digit number constituting a single play or chance, the drawing date and validation data.

Winning number—The unique multiple-digit number selected in a particular raffle lottery game drawing, which has been subsequently validated by the Lottery, and which shall be used to determine the winning plays in that particular raffle lottery game.

§ 874.4. Notice of raffle lottery game rules.

Prior to the commencement of sales of a raffle lottery game, the Department will publish a notice in the *Pennsylvania Bulletin* containing, at a minimum, the following information about the particular raffle game:

- (1) The name of the raffle lottery game.
- (2) The purchase price of a raffle lottery game chance or play.
- (3) The date after which sales of chances or plays can be made.
- (4) The date after which sales of chances or plays cannot be made.
- (5) The manner in which the selection of winning chances or plays will be made.
- (6) The date and time for the selection of the winning chances or plays.
- (7) The maximum odds of the game and prizes that can be won.
- (8) The maximum number of chances or plays that can be sold in that raffle lottery game.
- (9) The number and description of prizes available to be awarded in that raffle.
- (10) The existence of a finalist, grand prize, second chance or other offering, if applicable, and the procedure for conducting the same, if applicable.
- (11) The existence of retailer bonus programs, if any, and the rules for determining awards under the program.
- (12) Other information necessary for the conduct of that lottery raffle game.

§ 874.5. Price.

The Secretary in conformance with the law will prescribe the purchase price of a raffle lottery game chance or play. The purchase price for each raffle chance or play shall be published in the notice provided by § 874.4 (relating to notice of raffle lottery game rules).

§ 874.6. Ticket sales retailers.

(a) Raffle lottery game ticket sales may only be made through licensed retailers the Director will appoint and contract with as provided in § 815.42 (relating to ticket sales agents).

(b) The Lottery may terminate sales by a retailer without prior notice to the retailer if the retailer becomes delinquent in payment of proceeds due the Lottery, or fails to handle Lottery funds in the prescribed manner, or if the retailer fails to follow the contract or any addendum thereof, this part or procedures established governing the sale of tickets or if the Lottery deems it to be in the best interest of the Commonwealth.

§ 874.7. Determination of prize winning tickets.

(a) Raffle lottery game prize winning chances or plays will be determined under this part and specific raffle

lottery game notifications published in the *Pennsylvania Bulletin* under § 874.4 (relating to notice of raffle lottery game rules).

(b) A prize shall be paid only if the ticket meets the criteria established in § 874.10 (relating to ticket validation and requirements).

§ 874.8. Lottery raffle game purchase and ticket characteristics.

(a) To purchase a ticket, a player shall request an on-line retailer to issue a ticket. The ticket, at a minimum, will contain one chance or play which shall consist of one unique, computer-generated, multiple-digit number from the range of numbers published in the *Pennsylvania Bulletin* for that particular raffle, the drawing date, amount bet and validation data. The ticket shall be the only valid proof of the bet placed, and the only valid receipt for claiming a prize. The ticket shall only be valid for the drawing date printed on the ticket.

(b) A raffle lottery game ticket may not be canceled or voided once printed by the Lottery terminal, even if the ticket is printed in error.

(c) It is the sole responsibility of the ticket holder to verify the accuracy and condition of data printed on the ticket. The placing of plays through the on-line retailer, who is acting on behalf of the player in entering the chance or plays, is done at the player's own risk.

§ 874.9. Raffle ticket responsibility.

(a) A raffle lottery game ticket is a bearer document deemed to be owned by the person holding the ticket, except that if a name is contained on the back of the ticket, the person so named will, for all purposes, be considered the owner of the ticket.

(b) The purchaser of a ticket has the sole responsibility for checking the accuracy and condition of the data printed on the ticket.

(c) The Commonwealth will not be responsible for a lost or stolen raffle lottery game ticket.

(d) The Commonwealth will not be responsible for a ticket redeemed by a player in error.

(e) A prize shall be claimed within 1 year of the date of the raffle for which the ticket was entered.

§ 874.10. Ticket validation and requirements.

(a) *Valid tickets.* To be a valid raffle lottery game ticket, the presented ticket must meet the following conditions:

(1) The ticket validation numbers must be present in their entirety and correspond, using the computer validation file, to the selected numbers printed on the ticket for the date printed on the ticket.

(2) The ticket must be intact.

(3) The ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The ticket may not be counterfeit or an exact duplicate of a winning ticket.

(5) The ticket shall have been issued by the Lottery through a licensed retailer.

(6) The ticket may not have been stolen.

(7) The ticket shall be validated in accordance with § 874.11 (relating to procedures for claiming and payment of prizes).

(8) The ticket data shall have been recorded on the Lottery's central computer system prior to the drawing and the ticket data must match this computer record in every respect.

(9) The computer-assigned numbers, the validation data and the drawing date of an apparent winning ticket must appear on the official file of winning tickets. A ticket with that exact data may not have been previously paid.

(10) The ticket may not be misregistered, defectively printed, or printed or produced in error to an extent that it cannot be processed by the Lottery.

(11) The ticket shall pass other confidential security checks of the Lottery.

(12) By submitting a ticket for validation, the player agrees to abide by this chapter as determined by the Secretary.

(13) There may not be another breach of this part in relation to the ticket which, in the opinion of the Secretary, justifies disqualification.

(b) *Invalid or defective tickets/disputes.* A ticket not passing the validation checks in subsection (a) will be considered invalid and will not be paid.

(1) In cases of doubt, the determination of the Secretary is final and binding. The Secretary may replace an invalid ticket with a ticket of equivalent sale price from a current Lottery game.

(2) If a defective ticket is purchased or if the Secretary determines to adjust an error, the sole and exclusive remedy will be the replacement of the defective or erroneous ticket with a ticket of equivalent sale price from a current Lottery game.

(3) If a ticket is not paid by the Lottery and a dispute occurs as to whether the ticket is a winning ticket, the Lottery may replace the ticket as provided in paragraph (2). This is the sole and exclusive remedy of the holder of the ticket.

§ 874.11. Procedures for claiming and payment of prizes.

(a) A prize shall be claimed only through a licensed on-line retailer as soon as that drawing is placed in pay status by the Lottery.

(b) An on-line retailer is authorized and required to make payment of a prize of \$2,500 or less, if the ticket is presented within a designated time period as announced by the Secretary, on an individual winning ticket, if the retailer has sufficient funds available for payment.

(c) The holder of an apparent winning ticket representing a prize of \$2,500 or less will be paid by participating on-line retailers as provided in subsection (b), if the ticket validation requirements in § 874.10. (relating to ticket validation and requirements) have been met, a proper validation pay ticket has been issued by the retailer's computer terminal and other retailer procedures have been met.

(d) The holder of an apparent winning ticket representing a prize in excess of \$2,500, with the exception of the first prize, shall present the winning ticket to an on-line retailer or authorized claim center under Chapter 811 (relating to prizes).

(e) The holder of an apparent winning ticket representing a first tier prize shall present, in person, the apparent winning ticket to Lottery Headquarters or a Lottery area office under Chapter 811.

(f) The payment of a prize to a person who dies before receiving a particular prize or to a person under 18 years of age will be paid under §§ 811.16 and 811.27 (relating to prizes payable after death of prize winner; and payment of prizes to persons under 18 years of age).

(g) The Commonwealth will be discharged of liability after payment of prizes as provided in § 811.26 (relating to discharge of State liability upon payment).

§ 874.12. Prizes.

(a) Moneys shall be drawn from the Lottery Fund, to the extent necessary, to fund the payment of prizes under this subsection.

(b) If the raffle lottery game is terminated for any cause, prize moneys remaining undistributed will be paid out of the State Lottery Fund and used for purposes otherwise provided for by law.

(c) A winning raffle lottery game ticket is entitled only to the highest prize won by the number on each play or chance.

§ 874.13. Unclaimed prize money.

Unclaimed prize money on winning raffle lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the announced close of the raffle lottery game. If no claim is made within 1 year of the announced close of the raffle lottery game conducted by the State Lottery under this chapter, the right of a ticket holder to claim the prize represented by that ticket, if any, expires and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

§ 874.14. Withholding.

Federal withholding taxes will be withheld by the Lottery for prize payments in amounts required in accordance with applicable provisions of law.

§ 874.15. Purchase and prize restrictions.

A ticket may not be purchased by, and a prize will not be paid to, an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, who are involved in the operation of the on-line lottery games system or its associated drawings, or to a spouse, child, brother, sister or parent residing in the same household of the officer, employee, contractor or subcontractor.

§ 874.16. Governing law.

(a) In purchasing a ticket, the purchaser agrees to comply with and abide by applicable laws, this part, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the raffle lottery game.

(b) Decisions made by the Secretary including the declaration of prizes and the payment thereof in interpretation of this part are final and binding on players and persons making a claim in respect thereof.

§ 874.17. Retailer promotion programs.

Retailer incentive and marketing promotion programs, including the use of unfunded free tickets, may be implemented at the discretion of the Secretary. Funds for the programs, if needed, will be drawn from the Lottery Fund.

[Pa.B. Doc. No. 05-1434. Filed for public inspection July 29, 2005, 9:00 a.m.]