

**CHAPTER 811. PRIZES****NOTIFICATION OF PRIZE WINNERS**

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**PROMOTIONAL PRIZE DRAWINGS**

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**Cross References**

This chapter cited in 61 Pa. Code § 815.49 (relating to procedure for claiming and payment of prizes); 61 Pa. Code § 815.239 (relating to procedure for claiming and payment of prizes); 61 Pa. Code § 816.111 (relating to procedure for claiming and payment of prizes); 61 Pa. Code § 819.231 (relating to procedure for claiming and payment of prizes); 61 Pa. Code § 870.11 (relating to procedures for claiming and payment of prizes); 61 Pa. Code § 871.13 (relating to procedure for claiming and payment of Powerball prizes); 61 Pa. Code § 871.22 (relating to changes to Powerball); 61 Pa. Code § 872.11 (relating to procedures for claiming and payment of prizes); 61 Pa. Code § 873.12 (relating to procedures for claiming and payment of prizes); 61 Pa. Code § 874.11 (relating to procedures for claiming and payment of prizes); 61 Pa. Code § 875.11 (relating to procedures for claiming and payment of prizes); and 61 Pa. Code § 876.2 (relating to definitions).

**NOTIFICATION OF PRIZE WINNERS****§ 811.1. Notification.**

At the conclusion of each weekly lottery, every agent shall cause the winning number to be posted in a prominent place in full view at the business location of the agent. In addition, the number chosen for entry into the final aspect of the millionaire drawing shall be so posted by all agents.

**Source**

The provisions of this § 811.1 amended February 21, 1975, effective February 22, 1975, 5 Pa.B. 333.

**PROCEDURE FOR CLAIMING PRIZES****§ 811.11. Place of claiming.**

(a) Cash prizes shall be claimed at an authorized claim center except the \$15 Instant Pay prize which may be claimed from a licensed lottery agent. Winning tickets qualifying their holders as entrants into the millionaire drawing shall claim these tickets to enter these drawings.

(b) The Director, subject to approval of the Secretary, shall designate claim centers for the lottery program and advertise their locations.

**Source**

The provisions of this § 811.11 amended February 21, 1975, effective February 22, 1975, 5 Pa.B. 333.

**§ 811.12. Claim form.**

The claimant shall fill out the claim form which may be obtained from the claim center and present the completed form together with the winning ticket to a claim center. The Director may, in his discretion, require a verification on the claim form that the person claiming a prize is not an officer or employe of the Department or a person prohibited from claiming a prize.

**Cross References**

This section cited in 61 Pa. Code § 819.231 (relating to procedure for claiming and payment of prizes).

**§ 811.13. Winning number list.**

The Bureau will provide the claim centers and lottery agents with a list of winning numbers for the 52 previous weeks.

**Cross References**

This section cited in 61 Pa. Code § 819.231 (relating to procedure for claiming and payment of prizes).

**§ 811.14. Claim center verification.**

The claim center shall verify the claim, and if acceptable, deliver one copy of the claim form to the claimant. The claim center shall forward the winning ticket and a copy of the claim form to the Bureau for validation. Upon validation by the Bureau, a check shall be forwarded to the claimant in payment of the amount due. In the event that the claim is not validated, the claim shall be denied and the claimant shall be promptly notified.

**Cross References**

This section cited in 61 Pa. Code § 819.231 (relating to procedure for claiming and payment of prizes).

**§ 811.15. Ownership of lottery tickets.**

Until such time as a name is imprinted or placed upon the rear portion of the lottery ticket in the area designated for name, a lottery ticket shall be owned by the physical possessor of the 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 a prize attributable thereto. Notwithstanding a name submitted on a claim form, the Bureau shall make payment to the name appearing on the back of the ticket in the space designated therefor. However, if more than one name appears on the rear of the lottery ticket, one of those persons whose name appears thereon may be designated to receive payment. This may be done by indicating the name to which payment is to be made by an indication on the claim form and by the signature on the claim form of other persons whose names appear on the rear of the ticket. The person appearing for payment shall be the same as that which appears on the rear portion of the lottery ticket in the space designated.

**Cross References**

This section cited in 61 Pa. Code § 819.231 (relating to procedure for claiming and payment of prizes).

**§ 811.16. Prizes payable after death of prize winner.**

Prizes or portions thereof will remain payable at the time of death of a prize winner. Upon payment as provided in this section, the Commonwealth will be absolved of further liability. Under no circumstances will the payment of prizes be accelerated before their normal date of tender or payment because of the death of a prize winner.

(1) Prizes or portions thereof not payable by an annuity contract will be payable to a designated beneficiary which the deceased prize winner may appoint by will. If a deceased winner of a prize not payable by an annuity contract fails to designate a party specifically or by residuary clause or fails to exercise a power of appointment in his will, then payment will be made

directly to those parties who would succeed to the assets of the deceased prize winner under 20 Pa.C.S. Chapter 21 (relating to intestate succession).

(2) Prizes or portions thereof payable by an annuity contract will be payable to the party designated as a beneficiary on the latest valid beneficiary statement on file with the Commonwealth. If a winner of a prize or portion thereof payable by an annuity contract dies before completing a valid beneficiary statement or does not have a valid beneficiary statement on file with the Commonwealth at the time of death, then the prize or portion thereof will be payable according to paragraph (1).

#### Source

The provisions of this § 811.16 amended through May 6, 1983, effective May 7, 1983, 13 Pa.B. 1581. Immediately preceding text appears at serial page (79720).

#### Cross References

This section cited in 61 Pa. Code § 815.49 (relating to procedure for claiming and payment of prizes); 61 Pa. Code § 815.239 (relating to procedure for claiming and payment of prizes); 61 Pa. Code § 816.111 (relating to procedures for claiming and payment of prizes); 61 Pa. Code § 819.231 (relating to procedure for claiming and payment of prizes); 61 Pa. Code § 870.11 (relating to procedures for claiming and payment of prizes); 61 Pa. Code § 871.13 (relating to procedures for claiming and payment of Powerball prizes); 61 Pa. Code § 871.22 (relating to changes to Powerball); 61 Pa. Code § 872.11 (relating to procedures for claiming and payment of prizes); 61 Pa. Code § 873.9 (relating to determination of prize winners); 61 Pa. Code § 873.12 (relating to procedures for claiming and payment of prizes); 61 Pa. Code § 874.11 (relating to procedures for claiming and payment of prizes); and 61 Pa. Code § 875.11 (relating to procedures for claiming and payment of prizes).

### § 811.17. Unclaimed prize money.

Unclaimed prize money on a winning lottery ticket or share will be retained by the Secretary for payment to the person entitled thereto for 1 year after the drawing in which the prize was won. If no claim is made within that period, the prize money shall be paid into the State Lottery Fund and used for purposes as otherwise provided in this part so that no less than 40% of the lottery revenues are used for the payment of lottery prizes.

#### Cross References

This section cited in 61 Pa. Code § 819.231 (relating to procedure for claiming and payment of prizes).

## PAYMENT OF PRIZE MONEY

### § 811.21. Information to be furnished by winning ticket holder.

Each claimant shall fill out a winner claim form and shall supply his name, address and social security number or other identifying number and his winning ticket.

**Cross References**

This section cited in 61 Pa. Code § 811.28 (relating to instant payment of prizes).

**§ 811.22. Requirement of additional information.**

The Director, at his discretion, may require additional information to be supplied by a claimant.

**Cross References**

This section cited in 61 Pa. Code § 811.28 (relating to instant payment of prizes).

**§ 811.23. Time of payment of prizes.**

Payment of prizes shall be awarded as soon as reasonably possible after the claim has been filed, verified and the claimant has been identified to the satisfaction of the Director.

**Cross References**

This section cited in 61 Pa. Code § 811.28 (relating to instant payment of prizes).

**§ 811.24. Place of payment.**

Payment of prizes shall be made to the claimant at one address that the claimant makes available to the Bureau in the claim form.

**Cross References**

This section cited in 61 Pa. Code § 811.28 (relating to instant payment of prizes).

**§ 811.25. Manner of payment.**

Payment of prizes shall be made by a check or draft.

**Cross References**

This section cited in 61 Pa. Code § 811.28 (relating to instant payment of prizes).

**§ 811.26. Discharge of State liability upon payment.**

The Commonwealth and its agents, officers and employees, the Department and its Secretary and Director, the Bureau and its agents, officers and employees shall be discharged of liability upon payment of a prize to the holder of a winning lottery ticket.

**Cross References**

This section cited in 61 Pa. Code § 811.28 (relating to instant payment of prizes); 61 Pa. Code § 815.49 (relating to procedure for claiming and payment of prizes); 61 Pa. Code § 815.239 (relating to procedure for claiming and payment of prizes); 61 Pa. Code § 816.111 (relating to procedures for claiming and payment of prizes); 61 Pa. Code § 819.231 (relating to procedure for claiming and payment of prizes); 61 Pa. Code § 870.11 (relating to procedures for claiming and payment of prizes); 61 Pa. Code § 871.13 (relating to procedures for claiming and payment of Powerball prizes); 61 Pa. Code § 872.11 (relating to procedures for claiming and payment of prizes); 61 Pa. Code § 873.12

(relating to procedures for claiming and payment of prizes); 61 Pa. Code § 874.11 (relating to procedures for claiming and payment of prizes); and 61 Pa. Code § 875.11 (relating to procedures for claiming and payment of prizes).

**§ 811.27. Payment of prizes to persons under 18 years of age.**

(a) If the person entitled to a prize on a winning ticket is under the age of 18 years, and the prize is \$10,000 or less, the Bureau will make payment of the prize as the court may direct, to the minor, guardian or other person under 20 Pa.C.S. Chapter 51 (relating to minors).

(b) If the person entitled to a prize on a winning ticket is under the age of 18 years, and the prize exceeds \$10,000, the Bureau will make payment of the prize to the person as shall have been validly appointed a guardian of the estate of the minor child as provided by appropriate court order under 20 Pa.C.S. Chapter 51.

**Source**

The provisions of this § 811.27 amended December 14, 1984, effective December 15, 1984, 14 Pa.B. 4526. Immediately preceding text appears at serial page (91067).

**Cross References**

This section cited in 61 Pa. Code § 811.28 (relating to instant payment of prizes); 61 Pa. Code § 815.49 (relating to procedure for claiming and payment of prizes); 61 Pa. Code § 815.239 (relating to procedure for claiming and payment of prizes); 61 Pa. Code § 816.111 (relating to procedures for claiming and payment of prizes); 61 Pa. Code § 819.231 (relating to procedure for claiming and payment of prizes); 61 Pa. Code § 870.11 (relating to procedures for claiming and payment of prizes); 61 Pa. Code § 871.13 (relating to procedures for claiming and payment of Powerball prizes); 61 Pa. Code § 871.22 (relating to changes to Powerball); 61 Pa. Code § 872.11 (relating to procedures for claiming and payment of prizes); 61 Pa. Code § 873.12 (relating to procedures for claiming and payment of prizes); 61 Pa. Code § 874.11 (relating to procedures for claiming and payment of prizes); and 61 Pa. Code § 875.11 (relating to procedures for claiming and payment of prizes).

**§ 811.28. Instant payment of prizes.**

The provisions of §§ 811.21—811.27 (relating to payment of prize money) notwithstanding, prizes may be instantly paid in cash in the discretion of the Secretary, by a licensed agent directly to the prize winner upon presentation of identification and of a valid winning lottery ticket properly completed on the reverse side.

**Source**

The provisions of this § 811.28 adopted February 21, 1975, effective February 22, 1975, 5 Pa.B. 333.

**PROMOTIONAL PRIZE DRAWINGS**

**§ 811.41. Promotional prizes.**

(a) Independently of, or concurrently with, the operation of the weekly lottery, the Secretary may, in his discretion, establish special drawings in order to

award promotional prizes or their pecuniary value, such as vacation trips, automobiles, or other tangible items in addition to, or in lieu of, cash prizes. Cash prizes shall be determined by the Secretary; the value of the tangible items offered shall be considered only as a guide to the amount of the cash prize and not the determining factor, so as not to detract from the marketing and promotional value of the tangible items awarded to the winners. The nature and number of prizes will be determined as the case may be. Separate numbers may be imprinted on current lottery tickets or regularly imprinted tickets may be utilized to determine promotional prize winners. The drawing for the promotional prizes may be held independently of the regular prize drawings or may be incorporated therein. A winner of a regular weekly lottery drawing may also be entitled to a promotional prize if the appropriate number applicable thereto is also selected. The drawing for the promotional prize shall be held at times to be determined by the Secretary and shall be conducted in the same manner as that now provided for the selection of winning numbers in existing weekly lottery drawings. In view of the temporary nature and indeterminate frequency of promotional prize lotteries, a press announcement and normal advertising media will be utilized to inform the public. The Secretary may also establish incentive awards for lottery agents and persons selling winning tickets for promotional prizes, and may also, in his discretion, discontinue such awards without prior notice.

(b) Notwithstanding the provisions of subsection (a), the Secretary may, in his discretion, award in lieu equivalent cash prizes to the prize winners of tangible items, in those instances where deemed appropriate.

#### Source

The provisions of this § 811.41 adopted August 31, 1973, effective September 1, 1973, 3 Pa.B. 1841; amended through October 21, 1977, effective October 22, 1977, 7 Pa.B. 3130.

#### Notes of Decisions

##### *Jurisdiction*

Where the Commonwealth or one of its agencies are only incidentally involved with no interest in the outcome, the Commonwealth Court does not have exclusive jurisdiction. In this case, the lottery merely holds the proceeds to which the litigants seek, and upon resolution of the matter, will disburse the proceeds to the entitled party. Therefore, because the lottery is a mere disinterested party, jurisdiction is proper in this district court. *Livingston v. Unis*, 22 D & C 4th 32 (1994).

##### *Nature of Lottery*

Only where the lottery uses its profits for public projects does the lottery act as a government. Therefore, the doctrine of *custodia legis* is inapplicable and the lottery is not immune from attachment. *Livingston v. Unis*, 22 D & C 4th 32 (1994).

#### Cross References

This section cited in 61 Pa. Code § 876.9 (relating to iLottery terms and conditions); 61 Pa. Code § 876.14a (relating to withdrawals from a lottery account); and 61 Pa. Code § 876.17 (relating to iLottery promotional prizes).

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