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## TITLE 65 STATE LOTTERY COMMISSION

LSA Document #05-36(E)

### DIGEST

Amends 65 IAC 4-2-6 to clarify scratch-off ticket dispute procedures. Amends 65 IAC 5-2-6 to clarify draw ticket dispute procedures. Amends 65 IAC 6-2-6 to clarify pull-tab ticket dispute procedures. Effective March 1, 2005.

**65 IAC 4-2-6**

**65 IAC 6-2-6**

**65 IAC 5-2-6**

SECTION 1. 65 IAC 4-2-6 IS AMENDED TO READ AS FOLLOWS:

#### **65 IAC 4-2-6 Disputes**

**Authority:** IC 4-30-3-7; IC 4-30-3-9

**Affected:** IC 4-30-11

Sec. 6. (a) If a person claiming a prize in an ~~instant~~ **scratch-off** game is unable to produce the alleged winning ~~instant scratch-off~~ ticket, ~~or the commission shall not pay the claimed prize unless the person presents terminal-generated evidence sufficient to establish the validity of the instant ticket claim. If a person claiming a prize in a scratch-off game presents a scratch-off ticket that~~ is mutilated or unreadable, the ~~commission shall not pay the claimed prize unless there is sufficient readable data remaining on the scratch-off ticket to establish the validity of the claim. Any person making a claim under this subsection~~ may submit an affidavit to the director setting forth all facts, **witnesses, and supporting information** surrounding the person's claim. ~~If the director finds from substantial evidence contained in the affidavit and any other information available to the director, including information from other persons having knowledge about the claim or results of investigation reports from the security division or any law enforcement authority, that the prize should be paid; The director, in the director's sole discretion, may authorize that the prize be paid to the claimant if satisfied that the director may require the claimant to produce a copy validity of the claim form applicable to the instant ticket as a condition of payment of the prize. has been established.~~ If any prize claimed under this subsection exceeds one thousand dollars (\$1,000), a determination by the director to pay the prize shall be reviewed and authorized by the commission.

(b) The director may, solely at the director's option, replace an ~~instant~~ **scratch-off** ticket which is not a valid ticket or which is otherwise determined not to be a valid ticket or which is otherwise determined not to be a winning ~~instant scratch-off~~ ticket, despite a claim to the contrary, with an unplayed ~~instant scratch-off~~ ticket or ~~instant scratch-off~~ tickets of equivalent sale price for any current ~~instant scratch-off~~ game. In the event a defective ~~instant scratch-off~~ ticket is purchased, the only responsibility or liability of the commission shall be the replacement of the defective ~~instant scratch-off~~ ticket with another unplayed ~~instant scratch-off~~ ticket or ~~instant scratch-off~~ tickets of equivalent sale price from a current ~~instant scratch-off~~ game. (*State Lottery Commission; 65 IAC 4-2-6; emergency rule filed Oct 2, 1989, 2:10 p.m.: 13 IR 304; emergency rule filed Jan 24, 1990, 4:00 p.m.: 13 IR 1072; emergency rule filed Sep 25, 1998, 11:21 a.m.: 22 IR 474; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Feb 25, 2005, 12:00 p.m.: 28 IR 2153, eff Mar 1, 2005*)

SECTION 2. 65 IAC 5-2-6 IS AMENDED TO READ AS FOLLOWS:

#### **65 IAC 5-2-6 Disputes**

**Authority:** IC 4-30-3-7; IC 4-30-3-9

**Affected:** IC 4-30-11

Sec. 6. (a) If a person claiming a prize in an ~~on-line~~ **draw** game is unable to produce the alleged winning ~~on-line~~ ticket, ~~or the commission shall not pay the claimed prize unless the person presents terminal-generated evidence sufficient to establish the~~

**validity of the ~~on-line~~ ticket claim. If a person claiming a prize in a draw game presents a draw ticket that is mutilated or unreadable, the commission shall not pay the claimed prize unless there is sufficient readable data remaining on the draw ticket to establish the validity of the claim. Any person making a claim under this subsection may submit an affidavit to the director setting forth all facts, witnesses, and supporting information surrounding the person's claim. If the director finds from substantial evidence contained in the affidavit and any other information available to the director, including information from other persons having knowledge about the claim or results of investigation reports from the security division or any law enforcement authority, that the prize should be paid; The director, in the director's sole discretion, may authorize that the prize be paid to the claimant if satisfied that the director may require the claimant to produce a copy validity of the claim form applicable to the ~~on-line~~ ticket as a condition of payment of the prize. has been established.** The director shall not authorize payment of any prize under this subsection until the period for claiming prizes for the selection event applicable to the ~~on-line~~ draw ticket involved has elapsed, and the director shall consider the amount of prizes paid with respect to the selection event involved in determining whether to pay the prize. If any prize claimed under this subsection exceeds one thousand dollars (\$1,000), a determination by the director to pay the prize shall be reviewed and authorized by the commission.

(b) The director may, solely at the director's option, replace ~~an on-line~~ a draw ticket which is not a valid ~~on-line~~ draw ticket or which is otherwise determined not to be a winning ~~on-line~~ draw ticket, despite a claim to the contrary, with a new ~~on-line~~ draw ticket or ~~on-line~~ draw tickets of equivalent sales price for the same ~~on-line~~ draw game or another ~~on-line~~ draw game. In the event a defective ~~on-line~~ draw ticket is purchased, the only responsibility or liability of the commission shall be the replacement of the defective ~~on-line~~ draw ticket with another ~~on-line~~ draw ticket or ~~on-line~~ draw tickets of equivalent sales price from the same ~~on-line~~ draw game or another ~~on-line~~ draw game. *(State Lottery Commission; 65 IAC 5-2-6; emergency rule filed May 7, 1990, 2:10 p.m.: 13 IR 1742; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Feb 25, 2005, 12:00 p.m.: 28 IR 2153, eff Mar 1, 2005)*

SECTION 3. 65 IAC 6-2-6 IS AMENDED TO READ AS FOLLOWS:

#### **65 IAC 6-2-6 Disputes**

**Authority: IC 4-30-3-7; IC 4-30-3-9**

**Affected: IC 4-30**

Sec. 6. (a) If a person claiming a prize in a pull-tab game is unable to produce the alleged winning pull-tab ticket, ~~or the commission shall not pay the claimed prize. If a person claiming a prize in a pull-tab game presents a pull-tab ticket that is mutilated or unreadable, the commission shall not pay the claimed prize unless there is sufficient readable data remaining on the pull-tab ticket to establish the validity of the claim. Any person making a claim under this subsection may submit an affidavit to the director setting forth all facts, witnesses, and supporting information surrounding the person's claim. If the director finds from substantial evidence contained in the affidavit and any other information available to the director, including information from other persons having knowledge about the claim or results of investigation reports from the security division or any law enforcement authority, that the prize should be paid.~~ The director may, **in the director's sole discretion,** authorize that the prize be paid to the claimant **if satisfied that the validity of the claim has been established.**

(b) The director may, solely at the director's option, replace a pull-tab ticket which is not a valid ticket or which is otherwise determined not to be a winning pull-tab ticket, despite a claim to the contrary, with an unplayed pull-tab ticket or pull-tab tickets of equivalent sales price for any current pull-tab game. In the event a defective pull-tab ticket is purchased, the only responsibility or liability of the commission shall be the replacement of the defective pull-tab ticket with another unplayed pull-tab ticket or pull-tab tickets of equivalent sales price from a current pull-tab game. *(State Lottery Commission; 65 IAC 6-2-6; emergency rule filed Jan 29, 1992, 12:00 p.m.: 15 IR 1042; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Feb 25, 2005, 12:00 p.m.: 28 IR 2154, eff Mar 1, 2005)*

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