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TITLE 65 STATE LOTTERY COMMISSION

LSA Document #05-136(E)

DIGEST

Amends 65 IAC 5-18-5 concerning prizes in the draw game Indy Racing Experience 2-Seater Raffle. Effective May 26, 2005.

65 IAC 5-18-5

SECTION 1. 65 IAC 5-18-5, AS ADDED AT 28 IR 2739, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-18-5 Prize

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

Affected: IC 4-30

Sec. 5. (a) In each 2-Seater Raffle selection event there shall be ten (10) 2-Seater Raffle prizes available with one (1) such prize awarded to each holder presenting a 2-Seater Raffle ticket containing one (1) of the 2-Seater Raffle winning numbers from a 2-Seater Raffle selection event. If a 2-Seater Raffle ticket contains more than one (1) 2-Seater Raffle winning number, the holder shall be entitled to one (1) 2-Seater Raffle prize for each 2-Seater Raffle winning number on the ticket.

(b) Each 2-Seater Raffle prize shall include the following:

(1) Participation in a July 23, 2005, event day by each winner and one (1) guest at the Indianapolis Motor Speedway, which shall include lunch, a museum tour, and other amenities.

(2) Participation in the Sinden Racing Services, Inc., "Riding Experience Program", which consists of one (1) three-lap ride around the Indianapolis Motor Speedway track in a two-seat, open wheel racecar by the winner or designee.

(3) Payment, on the winner's behalf, of federal income withholding taxes at the rate of twenty-five percent (25%) on the gross value of the prize; and

(4) Payment, on the winner's behalf, of state income withholding at the rate of three and four-tenths percent (3.4%) on the gross value of the prize in excess of one thousand two hundred dollars (\$1,200).

(c) Each winner may make a one (1) time designation of another person to participate in the events and activities associated with the 2-Seater Raffle prize. No other designations will be permitted, and said designation shall be for all aspects of the 2-Seater Raffle prize. Regardless of participation, an IRS Form W-2G will be sent to the winner at year-end.

(d) Winners must meet weight, height, physical condition, and other eligibility requirements established by Sinden Racing Services, Inc., before they may participate in the Riding Experience Program. Winners unable to meet the eligibility requirements may designate an eligible person to participate in the winner's place in the Riding Experience Program. In the event Sinden Racing Services, Inc., in its sole discretion, determines that a winner or designee is unable to safely ride in the 2-seater racecar, such winner or designee shall be provided with a certificate for the Riding Experience Program that may be used by an eligible person selected by the winner or designee.

(e) In order to participate in the July 23, 2005, event and related activities, the holder of a 2-Seater Raffle ticket containing one (1) or more 2-Seater Raffle winning numbers must present the ticket and claim the prize on or before June 30, 2005, or such other date determined by the commission.

(f) Participants in the Riding Experience Program agree to release Sinden Racing Services, Inc., the Indy Racing League, LLC, the commission, and their officers, employees, and representatives from any and all liability for property damage, bodily injury, or death arising out of said participation and the related activities. Winners agree to complete any and all forms and provide any and all information required by Sinden Racing Services, Inc., the Indy Racing League, and the commission. ~~All forms, including those~~

~~by designees, must be completed and returned to the commission by July 15, 2005, or the opportunity to participate in the July 23, 2005, event may be forfeited.~~

(g) In the event a winner or designee fails to meet any of the foregoing deadlines but claims the 2-Seater Raffle prize ticket and provides the completed forms within one hundred eighty (180) days after a particular 2-Seater Raffle selection event, the commission may, in its sole discretion, either schedule the winner's participation in the July 23, 2005, event or provide the winner or the designee with a Sinden Racing Services, Inc., certificate for participation in the Riding Experience Program at a later date. The commission may include other amenities with the each *[sic.]* certificate, the choice and value of which shall be within the sole discretion of the commission.

(h) The commission shall assign each winner or designee that has complied with the requirements stated above with a check-in time for participating in the Riding Experience Program on the date of the event. If a winner or designee fails to report at the designated time and the event ends before all participants who arrived on time have completed the Riding Experience Program, such persons shall be provided with a certificate for the Riding Experience Program that may be used at a future date. Similarly, if a winner or designee is unable for any reason to participate in the Riding Experience Program before the conclusion of the event, such person shall be provided with a certificate for the Riding Experience Program that may be used at a future date.

(i) All fulfillment associated with the Riding Experience Program certificates shall be handled through Sinden Riding *[sic., Racing]* Services, Inc.

(j) The commission may, in its sole discretion, select an alternate date for the 2-Seater prize activities in the event of inclement weather, equipment failure, or for any other reason. The alternate date is tentatively set for July 24, 2005. The Lottery shall not be responsible for transportation, overnight lodging, or any other expenses incurred by winners, guests, or designees in association with participation in the event. (*State Lottery Commission; 65 IAC 5-18-5; emergency rule filed Apr 29, 2005, 1:45 p.m.: 28 IR 2739, eff May 1, 2005; emergency rule filed May 26, 2005, 1:30 p.m.: 28 IR 2993*)

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