

CHAPTER 20

RULES OF THE LOTTERY COMMISSION

Authority

N.J.S.A. 5:9-7.

Source and Effective Date

R.1998 d.237, effective April 21, 1998.
See: 30 N.J.R. 1030(a), 30 N.J.R. 1848(a).

Executive Order No. 66(1978) Expiration Date

Chapter 20, Rules of the Lottery Commission, expires April 21, 2003.

Chapter Historical Note

Chapter 20, Rules of the Lottery Commission, was adopted as R.1971 d.5, effective January 5, 1971. See: 2 N.J.R. 104(a), 3 N.J.R. 31(a).

Chapter 20, Rules of the Lottery Commission, was repealed and a new Chapter 20, Rules of the Lottery Commission, Subchapters 1 through 7, was adopted by R.1983 d.472, effective November 7, 1983. See: 15 N.J.R. 1361(a), 15 N.J.R. 1871(e). Subchapter 8, Lottery Vendors' Code of Ethics, was adopted as R.1984 d.30, effective February 21, 1984. See: 15 N.J.R. 2030(a), 16 N.J.R. 380(a). Subchapter 9, Civil Penalties and Sanctions, was adopted as R.1984 d.456, effective October 15, 1984. See: 16 N.J.R. 2074(a), 16 N.J.R. 2826(a).

Pursuant to Executive Order No. 66(1978), Chapter 20, Rules of the Lottery Commission, was readopted as R.1988 d.501, effective September 26, 1988. See: 20 N.J.R. 2048(a), 20 N.J.R. 2795(a).

Pursuant to Executive Order No. 66(1978), Chapter 20, Rules of the Lottery Commission, was readopted as R.1993 d.310, effective June 1, 1993. See: 25 N.J.R. 1347(b), 25 N.J.R. 2701(b).

Pursuant to Executive Order No. 66(1978), Chapter 20, Rules of the Lottery Commission, was readopted as R.1998 d.237, effective April 21, 1998. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

17:20-1.1 Scope

(a) Any decision as to the construction or interpretation of these regulations shall be made by the Director of the Division of the State Lottery, and such interpretation or construction is final and binding.

(b) In the event of a conflict between these rules and the rules of a specific lottery, the specific game rules shall govern.

(c) These rules have been drafted to avoid repetition of statutory material and rules governing specific games. These materials, along with contracts and directives from

See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).

In (b) excluded other lottery tickets, and added (g).

Amended by R.1998 d.237, effective May 18, 1998.

See: 30 N.J.R. 1030(a), 30 N.J.R. 1848(a).

Rewrote (c).

Case Notes

Second party agreement to share lottery prize in return for payment was unenforceable. *Della Croce v. Ports*, 228 N.J.Super. 581, 550 A.2d 533 (L.1988).

Participant who sells shares in possible recovery for sum greater than permitted violates law. *Della Croce v. Ports*, 228 N.J.Super. 581, 550 A.2d 533 (L.1988).

Participant in lottery bonus drawing who sells share in possible recovery does not qualify as player excepted from criminal liability. *Della Croce v. Ports*, 228 N.J.Super. 581, 550 A.2d 533 (L.1988).

17:20-6.3 Deposit of lottery monies

(a) Agents shall remit net lottery receipts to the bank on the dates specified by the lottery game in question. Notwithstanding the rules of any specific game to the contrary, the Director may, in the exercise of discretion, require the agent to account fully for any and all lottery tickets issued to that agent and to remit immediately all sums due the Lottery.

(b) Monies received by an agent from the sale of lottery tickets are the property of the Lottery and are held by the agent in trust for the Lottery. The agent shall immediately segregate all monies received from the sale of lottery tickets, and shall hold such monies in trust for the Lottery in a bank account specifically designated as a New Jersey Lottery account.

(c) Agents shall file with the Director or the Director's designee reports of their receipts and transactions concerning the sale and redemption of lottery tickets in a form as prescribed by the respective game instructions.

(d) The agent shall be absolutely liable for payment of such monies to the Lottery notwithstanding the degree of care exercised with respect to such monies by the agent.

(e) The agent shall keep current records of all operations in conformity with the Act and this chapter, and such other instructions as may be issued by the Director.

(f) All agent lottery operations, reports and records shall be subject, upon demand, to inspection and audit by representatives of the Lottery, but such reports and records shall remain confidential for all purposes except income tax reporting required by law.

(g) The bank shall provide the Lottery with a statement of all transactions as required.

(h) Net settlements due to the Lottery shall bear interest at the legal rate from the date payment is due until it is received by the Lottery; however, the Director may establish grace periods for payment without the accrual of such interest.

As amended, R.1984 d.445, effective October 15, 1984.

See: 16 N.J.R. 2074(a), 16 N.J.R. 2826(a).

(h) added.

Amended by R.1988 d.198, effective May 2, 1988.

See: 20 N.J.R. 48(a), 20 N.J.R. 998(b).

Added text to (f) "but such reports . . .".

Amended by R.1998 d.237, effective May 18, 1998.

See: 30 N.J.R. 1030(a), 30 N.J.R. 1848(a).

Case Notes

New Jersey Rules of the Lottery Commission created "express trust" relationship between Commission and lottery ticket agents with respect to tickets and sale proceeds, for purposes of discharge exception based on fraud or defalcation by fiduciary. *In re Kaczynski, Bkrtcy.D.N.J.* 1995, 188 B.R. 770.

Lottery Commission held to have absolute right to file complaint objecting to discharge of certain debt arising out of defalcation of trust funds; claim filed well beyond claim deadline permitted where Commission received no notice of bankruptcy and was unaware of same until indirectly informed, and then took prompt and diligent action (citing former N.J.A.C. 17:20-6.1 and 10.1). *Decker v. Roes*, 32 B.R. 385 (D.N.J.1983).

17:20-6.4 Lost, stolen or cancelled tickets

(a) Agents are responsible to the Lottery for lost, damaged, destroyed, stolen, improperly cancelled tickets or missing lottery receipts and tickets notwithstanding the degree of care which they may have exercised with regard to the tickets and receipts.

(b) Agents are responsible to the Lottery for the consequences of the loss of tickets, the improper cancellation of tickets, or for other breaches of these rules or game rules. Such responsibility includes reimbursement to the Lottery for prizes paid to ticket holders.

(c) Agents shall make prompt reports to the Lottery regarding any theft from, or unauthorized entry upon, licensed premises, whether or not any lottery monies or property appear to be missing at the time and shall supplement such report regarding any lottery monies and property (including full and partial pack numbers and ticket sequence numbers) that are missing.

(d) No prize shall be paid to any agent with respect to stolen tickets or regarding unclaimed winning tickets unless the Director so determines.

Amended by R.1987 d.77, effective February 2, 1987.

See: 18 N.J.R. 1927(a), 19 N.J.R. 304(d).

Substantially amended.

Amended by R.1993 d.310, effective June 21, 1993.

See: 25 N.J.R. 1347(b), 25 N.J.R. 2701(b).

Amended by R.1996 d.201, effective May 6, 1996.

See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).

In (a) and (b) added improperly cancelled tickets, and in (b) deleted reference to loss of claim forms.

Amended by R.1998 d.237, effective May 18, 1998.

See: 30 N.J.R. 1030(a), 30 N.J.R. 1848(a).

In (c), added "and shall supplement such report regarding any lottery monies and property (including full and partial pack numbers and ticket sequence numbers) that are missing" at the end.

17:20-6.5 Compliance

Failure to comply with any requirements of N.J.A.C. 17:20-6 shall result in an imposition of a civil penalty, suspension or revocation, in accordance with the disciplinary procedures outlined in N.J.A.C. 17:20-5.3.

New Rule, R.1996 d.201, effective May 6, 1996.

See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).

SUBCHAPTER 7. PAYMENT OF PRIZES

17:20-7.1 Information to be furnished by prize claimant

(a) Before receiving any prize, the claimant shall furnish the Director with a Social Security number if one exists, or with any identifying number or account number assigned by the Internal Revenue Service for Federal Income Tax purposes, in addition to such other identification data as may be requested by the Director.

(b) Prize claimants who are nonresident aliens for Federal Income Tax purposes shall also file with the Director proof of their nonresident alien status.

(c) The Director may require proof of age prior to the award of any prize.

(d) If more than one person claims ownership of a winning ticket, that fact must be shown on the ticket or claim form submitted to the Lottery, and each claimant must provide the required data.

(e) The Director may waive compliance with any of the requirements of this subchapter in appropriate cases if satisfied that such compliance is unnecessary.

Amended by R.1988 d.93, effective March 7, 1988.

See: 19 N.J.R. 1889(b), 20 N.J.R. 546(a).

Substantially amended.

Amended by R.1996 d.201, effective May 6, 1996.

See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).

Added (e), formerly section 17:20-7.2.

Case Notes

Claim for lottery prize denied without production of winning ticket; held that a winning lottery ticket, by virtue of legislative fiat limiting payment to holders, is itself the obligation and debt (citing former N.J.A.C. 17:21-4 and 7.1). *Karafa v. New Jersey State Lottery Commission*, 129 N.J.Super. 499, 324 A.2d 97 (Ch.Div.1974).

17:20-7.2 Requirement of additional information

In any case where additional information is required to show that a person claiming a prize is the owner of the ticket and is entitled to receive payment of said prize, the

Director may require the claimant to supply such further evidence as may be appropriate under the circumstances of the case.

Recodified from 17:20-7.3 by R.1996 d.201, effective May 6, 1996.

See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).

Former section, "Waiver of conditions", recodified to 17:20-7.1(e).

17:20-7.3 Time of award of prizes

(a) Except as herein provided, prizes shall be awarded as soon as reasonably possible after the claimant has been identified to the satisfaction of the Director and the claim validated pursuant to the applicable game rules.

(b) Unless the individual game rules provide otherwise, the payment of prizes to winners who are to be paid in installments shall be made annually on or about the anniversary date of the claim except that the first payment shall be made as soon as reasonably possible.

(c) Upon the death of a prize winner, all monies or any portion thereof that remain payable to the winner's estate shall be paid either to an executor (executrix) or administratrix (administratrix) of the decedent's estate, in accordance with the provisions of N.J.S.A. 54:35-19 and individual game rules.

1. Said moneys may be transferred either by intestate succession or by testamentary disposition.

2. Upon payment to the estate, the Lottery shall be absolved of any further liability for award of prizes.

(d) Under no circumstances will prize awards be accelerated.

(e) Claims may be amended prior to the delivery of the initial check(s), with the approval of the Director. Thereafter, no change shall be made except in conformity with N.J.S.A. 5:9-13.

Amended by R.1988 d.93, effective March 7, 1988.

See: 19 N.J.R. 1889(b), 20 N.J.R. 546(a).

Substantially amended.

Recodified from 17:20-7.4 and amended by R.1996 d.201, effective May 6, 1996.

See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).

In (e) substituted delivery of the initial check for issuance of checks. Amended by R.1998 d.237, effective May 18, 1998.

See: 30 N.J.R. 1030(a), 30 N.J.R. 1848(a).

Case Notes

"Pick-6" game rule regarding payment option, which permits ticket purchaser to play for cash prize instead of annuity prize, does not accelerate payment of any prize already won, and thus is not inconsistent with the rule prohibiting acceleration of prize awards. *Singer Asset Finance Co., L.L.C. v. State, Department of Treasury*, 314 N.J.Super. 106, 714 A.2d 317 (N.J.Super.A.D. 1998).

Administrative rules governing state lotteries must be strictly construed. *Driscoll v. State, Dept. of Treasury, Div. of Lottery*, 265 N.J.Super. 503, 627 A.2d 1167 (L.1993).

Rules printed on back of lottery ticket precluded player whose winning ticket was bought minutes after drawing. *Driscoll v. State*,

Dept. of Treasury, Div. of Lottery, 265 N.J.Super. 503, 627 A.2d 1167 (L.1993).

17:20-7.4 Manner of payment of prizes

(a) Payment of monetary prizes shall be made by check payable to the bearer of the ticket; however, the Director may, in the exercise of discretion, withhold payment pending clarification of ownership of the ticket. The Director may authorize cash redemption of certain prizes payable to the bearer of the "winning" ticket. With respect to machine issued tickets, the Director may refuse payment if the computer file and other validation records show that payment has been made.

(b) In cases of multiple ownership, the following shall apply:

1. Single payment (non-installment) prize winners shall be issued one check to the group representative designated on the claim form. The individual designated to represent the group shall be responsible for filing the appropriate Internal Revenue Service forms with the Lottery and distributing the monies to the co-winners.

2. Installment prize winners may request the issuance of separate checks. The gross (pre-tax) value of each separate check, however, must be \$5,000 or greater.

(c) Non-cash prizes such as tickets to theatres or other places of amusement, meals or tangible property shall be awarded by the Director in such manner as is consistent with the dignity and integrity of the Lottery, the convenience of the winner and of the provider of the prize. The Director may establish time limits for the filing of claims for prizes where the event is one of limited duration.

Amended by R.1988 d.93, effective March 7, 1988.

See: 19 N.J.R. 1889(b), 20 N.J.R. 546(a).

Substantially amended.

Recodified from 17:20-7.5 and amended by R.1996 d.201, effective May 6, 1996.

See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).

Rewrote (b).

Amended by R.1998 d.237, effective May 18, 1998.

See: 30 N.J.R. 1030(a), 30 N.J.R. 1848(a).

Rewrote (b).

17:20-7.5 Discharge of State liability upon award

(a) The State of New Jersey, its subdivisions, agents, officers, and employees, the State Lottery Commission, the Director, the Division of the State Lottery, its agents, officers, and employees shall be discharged of all liability upon award of a prize.

(b) The Director's decision regarding the determination of a winning ticket shall be final.

(c) In the event of a dispute between two or more persons claiming to be the owners of a winning ticket, the Director may with or without holding a hearing, deposit the prize money in the Superior Court of the State of New Jersey and interplead all known claims. The Lottery shall thereafter be relieved of any further responsibility or liability with respect to such moneys.

Amended by R.1988 d.93, effective March 7, 1988.

See: 19 N.J.R. 1889(b), 20 N.J.R. 546(a).

Substantially amended.

Recodified from 17:20-7.6 by R.1996 d.201, effective May 6, 1996.

See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).

17:20-7.6 Unallocated prize money; breakage

(a) Upon the conclusion of any specific game, when the prize allocation is in excess of the allocation necessary to sustain the payment of prizes within the prize pool, such excess shall be allocated as unclaimed prize money pursuant to N.J.S.A. 5:9-17.

(b) During the term of any specific game, when the prize allocation is in excess of the allocation necessary to sustain the payment of prizes within the prize pool as a result of rounding-off to even dollar amounts ("breakage"), such excess shall be added to the pool of moneys available for the award of future prizes pursuant to specific game rules.

Amended by R.1988 d.93, effective March 7, 1988.

See: 19 N.J.R. 1889(b), 20 N.J.R. 546(a).

Substantially amended.

Recodified from 17:20-7.7 by R.1996 d.201, effective May 6, 1996.

See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).

17:20-7.7 Disclosure

The Lottery may use the names, addresses, prize amounts and photographs of winners. The address used shall not contain the street or house number of the winner.

Amended by R.1988 d.93, effective March 7, 1988.

See: 19 N.J.R. 1889(b), 20 N.J.R. 546(a).

Substantially amended.

Recodified from 17:20-7.8 by R.1996 d.201, effective May 6, 1996.

See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).

17:20-7.8 (Reserved)

Recodified as 17:20-7.7 by R.1996 d.201, effective May 6, 1996.

See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).

SUBCHAPTER 8. LOTTERY VENDORS' CODE OF ETHICS

17:20-8.1 Lottery vendors' code of ethics

(a) No Lottery vendor shall employ any person or maintain any business relationship with any person who is a Lottery Commissioner, officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to the Lottery or with his or her immediate family or with any person, firm or entity with which he or she is employed or associated or in which he or she has an interest within the meaning of N.J.S.A. 52:13D-13g. As used in this section, Lottery vendor means any person, firm or corporation engaging or seeking to engage in business with the Division of the State Lottery.

(b) The maintenance of a business relationship shall be deemed to include, but not be limited to, any interest, financial or otherwise, direct or indirect, any business transaction or professional activity involving a Commissioner, officer or employee, including the sale of any interest in the vendor. However, it shall not be a violation of this paragraph for a Lottery Commissioner, officer or employee to seek future outside employment or to correspond with a Lottery vendor with respect thereto, provided that:

1. The Director is promptly informed of such activities; and
2. They are not violative of State law or such other ethical standards as may apply. (Lottery Commissioners and Division officers and employees are covered by a separate Code of Ethics. See (i) below.)

(c) Any relationships subject to (b) above shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.

(d) No Lottery vendor shall cause or influence, or attempt to cause or influence, any Lottery Commissioner, officer or employee to act in his or her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said Lottery Commissioner, officer or employee.

(e) No Lottery vendor shall cause or influence, or attempt to cause or influence, any Lottery Commissioner, officer or employee to use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for the Lottery vendor or for any other person.

(f) No Lottery vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, to any Lottery Commissioner, officer or employee or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i, of any such person, or any partnership, firm, or corporation with which such person is employed or associated, or in which such person has an interest within the meaning of N.J.S.A. 52:13D-13g, any fee, commission, compensation, gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service, or other thing of value was given or offered for the purpose of influencing the recipient in the discharge of his or her official duties. The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any Commissioner, officer or employee from any State vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.

(g) This Code of Ethics shall also apply to any licensed agent of the New Jersey State Lottery.

(h) No Lottery vendor shall, without the written approval of the Director, disclose, directly or indirectly, any information not generally or legally available to the public concerning the affairs of the Division.

(i) This code is intended to augment and not replace existing administrative orders and pertinent codes of ethics. It shall not be construed to prohibit a State officer or employee or special State officer or employee from receiving gifts from or contracting with vendors under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the Executive Commission on Ethical Standards may promulgate. If any part of this Code shall be found ineffective or inoperative, such finding shall not affect the other parts of the Code.

Correction: Added "not" in (b)2; substituted "officer" for "office" in (e).

See: 21 N.J.R. 347(a).

Amended by R.1989 d.381, effective July 17, 1989.

See: 21 N.J.R. 631(a), 21 N.J.R. 2055(c).

Definitions amended to conform to State vendor's Code of Ethics and Executive Order No. 189 (1988).

Amended by R.1998 d.237, effective May 18, 1998.

See: 30 N.J.R. 1030(a), 30 N.J.R. 1848(a).

SUBCHAPTER 9. CIVIL PENALTIES AND SANCTIONS

17:20-9.1 Penalties not exceeding \$10,000

(a) The Director may, after notice and hearing, impose civil penalties on licensed agents in an amount up to \$10,000 per incident for violations of the Act or this chapter.

(b) The Director shall make findings of fact in each instance where penalties are imposed and shall report periodically to the Commission regarding the imposition of such penalties.

(c) In assessing civil penalties under this section, the Director shall give due consideration to:

1. The nature of the conduct or offense;
2. The impact of the offense upon the operations of the Division;
3. The prior history of the agent and any mitigating factors which may be proven;
4. The need to preserve the dignity of the State and the integrity of the Lottery;
5. The need for deterrence of future violations by the party charged or by others; and
6. The amount of the penalty in relation to the severity of the offense and the financial means of the agent.

Amended by R.1996 d.201, effective May 6, 1996.
 See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).
 Increased maximum penalty.
 Amended by R.1998 d.237, effective May 18, 1998.
 See: 30 N.J.R. 1030(a), 30 N.J.R. 1848(a).

17:20-9.2 Restitution; cease and desist orders

(a) The Director shall exercise the power to order restitution and/or enter cease and desist orders pursuant to P.L. 1983, c.429.

(b) In the absence of a petition for review the Director shall be empowered to seek judicial relief for the enforcement of orders entered under this section.

Recodified from 17:20-9.4 and amended by R.1996 d.201, effective May 6, 1996.
 See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).
 Rewrote section. Former 17:20-9.2, "Civil penalties between \$2,500 and \$5,000", repealed.

17:20-9.3 Hearings; procedures

All determinations under this subchapter shall be made in conformity with N.J.A.C. 17:20-5.3.

Recodified from 17:20-9.5 and amended by R.1996 d.201, effective May 6, 1996.
 See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).
 Deleted provision on costs of review. Former section, "Civil penalties in excess of \$5,000", repealed.

17:20-9.4 (Reserved)

Recodified as 17:20-9.2 by R.1996 d.201, effective May 6, 1996.
 See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).

17:20-9.5 (Reserved)

Recodified as 17:20-9.3 by R.1996 d.201, effective May 6, 1996.
 See: 28 N.J.R. 801(a), 28 N.J.R. 1375(a), 28 N.J.R. 2399(a).

SUBCHAPTER 10. (RESERVED)

Historical Note

This subchapter was originally filed and became effective January 5, 1971 as R.1971 d.5. See: 2 N.J.R. 104(a), 3 N.J.R. 31(a). The subchapter was entitled "Distribution of Tickets to Agents". It was deleted as part of a recodification and amendment by R.1983 d.472, eff. November 7, 1983. See: 15 N.J.R. 1361(a), 15 N.J.R. 1871(e).

SUBCHAPTER 11. (RESERVED)

Historical Note

This subchapter was originally filed and became effective January 5, 1971 as R.1971 d.5. See: 2 N.J.R. 104(a), 3 N.J.R. 31(a). The subchapter was entitled "Limitations and Prohibitions". It was deleted as part of a recodification and amendment by R.1983 d.472, eff. November 7, 1983. See: 15 N.J.R. 1361(a), 15 N.J.R. 1871(e).