

MONTANA TAVERN TIMES

Card Games - September 1, 2011

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While the division has seen a decrease in the live card game activity since last fiscal year, it is still very prominent in various locations throughout the state. This article will provide an overview of the Card Games Act (Title 23, Chapter 5, Part 3, MCA).

Only card games that are specifically authorized in statute are allowed to be played or made available for public play. The following card games are authorized:

- Bridge
- Cribbage
- Hearts
- Panguingue
- Pinochle
- Pitch
- Poker
- Rummy
- Solo
- Whist

This article will focus on Poker and Panguingue because of the regulation associated with them. These two games must be played in an establishment with a gambling operator license on licensed card tables and with licensed card dealers. An establishment with an appropriate liquor license, licensed to offer gambling may apply for a permit for a licensed card table. No additional investigation is required to get card table permits; operators just fill out the application and pay the fee. The application is available on our website (www.doj.mt.gov/gaming/forms/29.pdf). The permit for the first table is \$250/year and each additional table is \$500/year.

Once the table is permitted, the operator must hire a card dealer (licensed by the department) as an employee of the establishment or set up an agreement (approved by department) with a card room contractor. Dealers must have their license in their possession while dealing and if asked, must be able to present it. There are a variety of poker games, so the division uses the Official Montana Poker Rulebook and Scarne's Encyclopedia of Card Games as the reference on how to play authorized games. Card dealers need to be familiar with these resources as well as the statute and administrative rules governing the play of these games because the card dealer has the final say in the case of a dispute.

The rules of the game need to be posted near the tables where they can be clearly seen by the players. The rules must include at least:

- Games to be played
- Betting limits of the games
- Ante or blind bets (if any)
- Number of raises
- Minimum buy-in
- \$300 pot limit
- Rake percentage or set fee
- Check and raise (yes or no)
- Designated wild card(s)
- No side pots (except in cases of all-in bets)
- No credit
- No passing chips
- No checks
- Maximum number of players in each type of game
- Players must be 18 years old
- Players may request that house players be identified

To highlight a few very important rules, all wagers must be made with poker chips or cash (no credit). Checks may not be written at the table to buy chips. A player may cash a check at the register, and then use the cash to buy chips at the poker table.

There are no betting limits in statute or rule, but the pot limit may not exceed \$300. The house may establish bet limits for their games as long as they are included in their clearly posted rules. Once a pot reaches \$300, the game must be called and a winner declared.

The rake is also established by the house and tends to be regulated by the market. Dealers may not receive a share of the rake. They are employees of the establishment or card room contractor and should receive an hourly wage. They can receive tips if offered.

House players may be used by the operator or card room contractor only for the purpose of starting and/or maintaining sufficient number of players in the card game.

Poker tournaments have a variety of additional rules and regulations associated with them, so they will be discussed in a future article.

The other authorized card games (bridge, cribbage, hearts, pinochle, pitch, rummy, solo, and whist) are considered “social games played for prizes of minimal value”. These games:

- Do not need to be played in a licensed establishment,
- Do not need to be played on licensed card tables, and
- Do not need licensed card dealers.

For more information, please call our office at (406) 444-1971 or email gcd@mt.gov. (References: Title 23, Chapter 5, Part 3, MCA; Title 23, Chapter 16, Subchapter 12, ARM)