

## **MONTANA TAVERN TIMES**

**Card Dealers - October 1, 2012**

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The Gambling Control Division has permitted 237 live card tables so far in fiscal year 2013. With the exception of "poker runs", a person may not deal cards in a live card game of panguingue or poker or card tournament without being licensed annually by the department. It is the gambling operator or the card room contractor's responsibility for ensuring they only employ licensed card dealers. Card dealers typically must be treated as employees of the establishment (for payroll and tax withholding purposes, etc.). Anyone claiming to be an independent contractor as defined and regulated by the Department of Labor and Industry must meet the qualifications and be registered with the state as an independent contractor.

In order to apply for a standard card dealer license, the applicant must go to a local Motor Vehicle Driver Exam station to have their photo taken and pick up an application packet. The applicant must then send the completed application packet (which includes the card dealer application form, two sets of fingerprints, and personal history statement) and license fee to the Gambling Control Division at:

Department of Justice  
2550 Prospect Avenue  
PO Box 201424  
Helena, MT 59620-1424

The fee for the first year in which the license is effective is \$75 plus \$27.25 for processing the fingerprint background check for a total of \$102.25. Within 90 days of the receipt of the application, the department will either issue the dealer license or deny a dealer license to the applicant.

If the applicant for a dealer license has verifiable evidence that they have an offer of employment as a card dealer (or a reasonable prospect for employment as a card dealer and that employment is expected to commence within 14 days of submitting the application), they can apply for a temporary dealer license which if approved, is issued typically within 24 hours to allow the dealer to be legally employed while the full investigation takes place. A temporary dealer license is valid for no more than 90 days.

The process to apply for a temporary dealer license is similar to the new application process described above with one main difference. The applicant must call a Gambling Control Division office to make an appointment for an interview with an investigator and bring all required application materials and fees with them to the interview.

Every dealer license expires annually on the licensee's birthday and in no case less than 12 months from the date of issuance. An application to renew a dealer license must be received by

the department prior to the expiration date of the license. While the license expires on the licensee's birthday, if the holder submits an application to renew the license within 30 days after the expiration date, he/she may still renew the license at the renewal license rate rather than paying the full new license fee. The renewal license fee is \$25 plus \$27.25 for processing the fingerprint background check for a total of \$52.25. If the renewal application is not received within 30 days, the holder shall follow the process to apply for a new license and pay the full license fee.

If a licensed card dealer does not renew their license by the expiration date, they will not be allowed to apply for a temporary dealer license during the first 30 days following the expiration of the license. It is very important for the dealer to submit their renewal application in a timely manner. The division recommends this be completed two to three weeks before the expiration date.

The dealer license issued is a laminated identification card with the following information:

- Photograph of the licensee
- The first name, middle initial, and last name of the licensee
- The assigned license number and expiration date of the license.

If the dealer license is misplaced, a replacement card can be requested by following the new license procedure and including a \$10 fee.

A dealer must carry the license on them while on duty in a gambling premise and produce it upon the request of any player or peace officer. A dealer license is specific to the person named on the face of the license and must not be displayed by anyone other than the licensee.

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.

As a final reminder, only a licensed dealer may deal cards in a live game. If a dealer needs a break or needs to step away from the table, only another licensed card dealer may fill in or be substituted.

For any questions or more information, please call the Gambling Control Division at (406) 444-1971 or email [gcd@mt.gov](mailto:gcd@mt.gov). (References: 23-5-308 through 23-5-309, MCA; 23.16.401 through 23.16.411 and 23.16.1202, ARM)