

Montana Tavern Times

The Display of Illegal Gambling Devices and Antique Slot Machines – March 1, 2014

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Well, the Super Bowl is over and while fans wonder what to do with their spare time on weekends, they don't have to wait long. NASCAR has just started back up and the NCAA men's and women's basketball tournaments are right around the corner. Soon, baseball will be back in action as well. The Gambling Investigation Bureau continues to be busy as we transition through all these various sporting events. While your good news may have revolved around the winners of various football games, ours revolved the fact that we spent most of our time fielding questions from licensed premises on how to run legal sports boards and sports tabs than we did issuing violations. That means the majority of premises want to do the right thing and we appreciate that.

As I mentioned, NASCAR has started up and for those of you looking to continue running boards, the multi-competitor sports boards are approved to be used. If you have questions on how to set it up, contact any of our offices across the state and we'll be glad to help you.

For the NCAA brackets, there are no approved bracket boards, so Calcutta's have been the popular method to play by, but remember that up to 50% of the proceeds have to be given to a charitable organization and that a permit needs to be submitted for approval to our division at least 10 days prior to the event. More information on Calcutta's, including the permit application, can be located on our web page at either <https://doj.mt.gov/gaming> or <https://doj.mt.gov/wp-content/uploads/26.pdf>

This month, I'm going to discuss a topic that hopefully will be useful to licensed establishments: **The display of illegal gambling devices and antique slot machines.**

Let's say that you are interested in displaying one or more antique slot machines in your licensed establishment and you want to know how to do it legally. In order to begin the discussion on how to properly display an illegal gambling device, we must first look to several statutory requirements and the subsequent Administrative Rules for our guidance.

Currently, under Montana law, examples of "illegal gambling devices" include the following: punchboards, push cards, tip boards, pickle tickets, break-open, or jar games, faro box, faro layout, roulette wheel, roulette table, craps table, or slot machine. (*Video gambling machines authorized and regulated under Montana law are excluded from the definition of "illegal gambling devices."*)

Now, in order to possess any of these listed illegal gambling devices, they must meet the following criteria:

1. Be more than 25 years old at the present time.
2. Be possessed, located and operated only in a private residential dwelling or,

3. May be placed in a retail business establishment, public or private museum, or in any other public place if the device has been made permanently inoperable for purposes of conducting a gambling activity.

Some additional rules allow a licensed manufacturer-distributor to possess antique illegal gambling devices for purposes of commercially selling or otherwise supplying the devices

The law also allows a person other than a licensed manufacturer-distributor to sell up to three antique illegal gambling devices in a 12-month period without first obtaining from the department a license for selling the antique illegal gambling devices. The fee for the license is \$50 and is good for 3 years. Licensed operators may not receive a license to sell antique illegal gambling devices.

Finally, an antique illegal gambling device may not be operated for any commercial or charitable purpose.

So let's simplify it even more. To display a slot machine in your location, you must:

1. Notify the Gambling Control Division in writing before displaying an illegal gambling device or an antique illegal gambling device on the licensed premises.
2. You must display it so the public cannot access it by having the entire device enclosed in a permanently sealed case.
3. If that's not possible, then you must render it permanently inoperable. That means if it is a punchboard, pull tab, or similar device, it must have all punches removed or be permanently sealed to prevent a person from selecting, punching, or breaking open a ticket, board, or card.

If the device is a roulette wheel, craps table, slot machine, or other similar illegal gambling device, all moveable parts must be welded or otherwise rendered permanently inoperable.

Just as a side note: To qualify as an antique gambling device, a slot machine must have been manufactured more than 25 years prior to the date of possession, may be restored but must possess mostly original cabinet parts and castings, the mechanical mechanism must be substantially original in parts and design, and the machine must display its original serial number or show evidence where the original serial number once existed but was removed.

Next month I'll discuss the rules for new managers and management agreements.