

**CHAPTER 169. TELEPHONE ACCOUNT WAGERING**

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**Authority**

The provisions of this Chapter 169 issued under sections 202 and 218 of the Race Horse Industry Reform Act (4 P. S. §§ 325.202 and 325.218), unless otherwise noted.

**Source**

The provisions of this Chapter 169 adopted March 20, 1987, effective March 21, 1987, 17 Pa.B. 1217, unless otherwise noted.

**§ 169.1. Permission to conduct telephone account wagering.**

(a) *Request for permission.* A licensed corporation may request permission from the Commission to conduct a telephone wagering system under section 218 of the act (4 P. S. § 325.218). The licensed corporation shall submit to the Commission a full description of how its proposed telephone account wagering system would operate. No subsequent changes in the system's operation may occur until Commission approval is obtained. The Commission may conduct investigations or inspections or request additional information from the licensed corporation as necessary to ensure that the licensed corporation complies with statutes and this chapter.

(b) *Review and approval of contracts.* Contracts and amendments to contracts entered into by a licensed corporation regarding telephone account wagering and related matters shall have prior approval of the Commission.

(c) *Suspension, revocation and fines.* Permission to conduct a telephone wagering system may be suspended or revoked if the Commission determines that the licensed corporation or its employees or agents has violated section 218 of the act or this chapter. Fines may be imposed under section 214 of the act (4 P. S. § 325.214).

**Cross References**

This section cited in 58 Pa. Code § 169.3 (relating to wagering).

**§ 169.2. Telephone wagering account.**

(a) *Application.* A telephone wagering account is necessary to place telephone wagers. An applicant shall be at least 18 years of age. A telephone wagering account may be established by completing a written form approved by the Commission. The form shall include the address of the principal residence of the applicant and a statement that a false statement made in regard to an application

may subject the individual to prosecution under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). A completed form shall be signed by the applicant and shall be submitted or mailed by the applicant directly to the licensed corporation at the corporation's racetrack facility. The licensed corporation may accept or reject an application after receipt and review of the application for compliance with statutes and this chapter.

(b) *Limitation.* A licensed corporation may not establish a telephone wagering account for a person located in or residing in the primary market area of a racetrack, other than the racetrack at which the licensed corporation is conducting a racing meet. The licensed corporation may establish a telephone wagering account for a person located in or residing in the primary market area of the track at which the licensed corporation is conducting a meet. If two tracks share a primary market area as defined in section 218(e) of the act (4 P. S. § 325.218(e)), both tracks shall have equal rights to the market in the shared area.

(c) *Account credits.* Credits to a telephone wagering account may be made as follows:

(1) Deposits made to a telephone wagering account by the holder shall be submitted or mailed by the holder directly to the licensed corporation and shall be in the form of one of the following:

- (i) Cash given to an agent of the licensed corporation within the racetrack enclosure.
- (ii) Check, money order or negotiable order of withdrawal.
- (iii) Charges made to an account holder's debit or credit card upon the direct and personal instruction, which may be given by telephone to the licensed corporation by the account holder if the use of the card has been approved by the Commission.

(2) Credit for winnings from wagers placed with funds in a telephone wagering account and credit for telephone account wagers on horses that are scratched shall be posted to the account by the licensed corporation.

(d) *Account debits.* Debits to a telephone wagering account may be made as follows:

(1) Upon receipt by a licensed corporation of a telephone wager properly placed under statutes and this chapter, the corporation shall debit the wagerer's account in the amount of the wager.

(2) A licensed corporation may authorize a withdrawal from a telephone wagering account when one of the following exists:

- (i) The holder of a telephone wagering account presents himself at the licensed corporation's racetrack facility and provides the following:
  - (A) Proper identification.
  - (B) The correct personal identification number assigned under § 169.3(a)(3) (relating to wagering).
  - (C) A properly completed and executed withdrawal slip on a form approved by the Commission.

(ii) The holder sends to the licensed corporation at the corporation's racetrack facility a properly completed and executed withdrawal slip on a form approved by the Commission. Upon receipt of a properly completed and executed withdrawal form, and if there are sufficient funds in the account to cover the withdrawal, the licensed corporation shall, within 2 business days of receipt, send a check to the holder at the address specified in the application for the telephone wagering account. The check shall be payable to the holder of the telephone wagering account and in the amount of the requested withdrawal.

#### Cross References

This section cited in 58 Pa. Code § 169.3 (relating to wagering).

### § 169.3. Wagering.

(a) *Placing and accepting wagers.* A licensed corporation receiving permission to conduct telephone account wagering under § 169.1 (relating to permission to conduct telephone account wagering) may accept wagers subject to the following conditions:

(1) The wager shall be placed directly to the licensed corporation by the holder of a telephone wagering account.

(2) The person placing the wager shall provide the licensed corporation with the correct personal identification number previously assigned by the licensed corporation to the holder of the telephone wagering account.

(3) A licensed corporation may not accept a telephone wager from a person located in or residing in the primary market area of a racetrack, other than the racetrack at which the licensed corporation is conducting a race meeting. The licensed corporation is not prohibited from accepting a telephone wager from a person located in or residing in the primary market area of the track at which the licensed corporation is conducting a meet. If two tracks share a primary market area as defined in section 218(e) of the act (4 P. S. § 325.218(e)), both tracks shall have equal rights to the market in the shared area.

(4) A licensed corporation may not accept a telephone wager, or series of wagers, in an amount in excess of funds on deposit in the telephone wagering account of the holder placing the wager. Funds on deposit include amounts credited under § 169.2(c) (relating to telephone wagering account) and in the amount at the time the wager is placed.

(5) A licensed corporation may not accept a telephone wager at a site not within the area of the racetrack facility.

(6) Only licensed employees of a licensed corporation may operate a telephone account wagering system.

(b) *Third parties.* A person may not directly or indirectly act as an intermediary, transmitter or agent in the placing of wagers for a holder of a telephone wagering account. A person may not place a wager by telephone to a facility in

a racetrack enclosure on behalf of a holder of a telephone wagering account. Only the holder of a telephone wagering account shall place a telephone wager. Direct or indirect involvement as an intermediary, transmitter or agent in the placing of wagers includes a system, known as a transfer account or master account, whereby funds are deposited to a telephone wagering account from another telephone wagering account or other account. This section does not prohibit use of credit or debit cards specifically approved by the Commission or the use of checks, money orders or negotiable orders of withdrawal.

**Source**

The provisions of this § 169.3 amended December 22, 1995, effective December 23, 1995, 25 Pa.B. 5977. Immediately preceding text appears at serial pages (116215) to (116216).

**Cross References**

This section cited in 58 Pa. Code § 169.2 (relating to telephone wagering account).

**§ 169.4. Live telecasting of races.**

Races may not be telecast live to a public location outside of the racetrack facility if used in conjunction with the operation of a telephone account wagering system in a manner which creates an off-track betting center. This section prohibits a contract or other agreement of a licensed corporation that facilitates or encourages the activity as well as an arrangement involving dedicated or direct telephone lines between the racetrack facility and a public location outside the area of the racetrack facility at which live telecasts of races are presented. This section does not prohibit television display of races at public locations when telephone account wagering is incidental to the presentation of the races and the telecasting does not occur in conjunction with operation of an off-track betting center.

**§ 169.5. Transfer accounts prohibited.**

Transfer accounts may not operate in this Commonwealth after July 1, 1987.

**Source**

The provisions of this § 169.5 amended December 22, 1995, effective December 23, 1995, 25 Pa.B. 5977. Immediately preceding text appears at serial page (144567).

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