

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE INSTALLATION OR PLACEMENT OF A
5 SATELLITE TERMINAL OR AN AUTOMATED TELLER MACHINE ON A GAMBLING PREMISES; REQUIRING
6 THAT A SATELLITE TERMINAL OR AUTOMATED TELLER MACHINE BE LOCATED AT LEAST 50 FEET
7 FROM THE NEAREST GAMBLING DEVICE IN COMMERCIAL ESTABLISHMENTS WHERE GAMBLING AND
8 OTHER ACTIVITIES ARE CONJOINED ON THE SAME PREMISES; AND AMENDING SECTION 23-5-157,
9 MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 **Section 1.** Section 23-5-157, MCA, is amended to read:

14 **"23-5-157. Gambling on cash basis -- automated teller machines prohibited -- distance**
15 **requirement -- penalties.** (1) (a) In every gambling activity, except raffles as authorized in 23-5-413 and card
16 games authorized in part 3 of this chapter and normally scored using points, the consideration paid for the chance
17 to play must be made in cash. A check or credit card may be used to obtain cash to participate in a gambling
18 activity. A participant shall present the cash needed to play the game as the game is being played. If a check or
19 credit card is used to obtain cash on the premises of a licensee, then it must be delivered and accepted
20 unconditionally. A licensee or employee of a licensee may not hold a check or other evidence of indebtedness
21 for redemption pending the outcome of a gambling activity.

22 (b) Credit gambling is prohibited. Credit gambling is offering or accepting as part of the price of
23 participation in a gambling activity or as payment of a debt incurred in a gambling activity:

- 24 (i) a check or credit card held pending the outcome of a gambling activity;
- 25 (ii) a loan of any kind at any time from or on behalf of a licensee;
- 26 (iii) any form of deferred payment, including a note, IOU, ~~post-dated~~ postdated check, hold check, or other
27 evidence of indebtedness; or
- 28 (iv) a check issued or delivered that is accepted by the licensee with the knowledge that it will not be paid
29 by the depository.

30 (c) (i) Except as provided in subsection (1)(c)(ii), a satellite terminal or an automated teller machine, as

1 defined in 32-6-103, may not be located on a premises.

2 (ii) In an instance in which a gambling premises is located in a building with another business
3 establishment or commercial activity and there is no physical barrier or clear demarcation between the area in
4 which gambling takes place and the area in which other activity takes place, a satellite terminal or an automated
5 teller machine may not be installed or situated within 50 feet of a gambling device. For the purposes of this
6 section, "clear demarcation" means any combination of a doorway and signs indicating to a customer entering
7 the doorway from either direction that the area in which the customer is about to enter is an area where gambling
8 takes place or where other, nongambling activity or transactions take place.

9 (2) A person who violates this section is guilty of a criminal offense under 23-5-156 and ~~must~~ shall be
10 punished in accordance with 23-5-161 or 23-5-162."

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