

RETAILER

APPLICATION

INSTRUCTIONS



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**Instructions for Completing
the Application for Texas Lottery
Ticket Sales License**

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I. GENERAL RETAILER INFORMATION

WHO CAN SELL LOTTERY TICKETS?

You must hold an active Texas Lottery Ticket Sales License to sell Texas Lottery tickets. Most Texas businesses providing a product or service to the public can apply to the Texas Lottery for a license. However, you **cannot** be in the sole business of selling Texas Lottery tickets. The sale of Texas Lottery tickets is prohibited in Bingo halls and establishments that sell alcoholic beverages for on-premise consumption or that hold a private club permit. In addition, Texas Lottery tickets may not be sold on state-owned land, on which is located a public primary or secondary school, an institution of higher education, or an agency of the state.

You may sell Texas Lottery tickets only from the permanent (not mobile), authorized location you list on your application form. If you have more than one location, each of them must have its own license. Your business must comply with the Federal Americans With Disabilities Act (ADA).

It is illegal to sell Texas Lottery tickets without a license or to sell tickets out-of-state, through the mail or over the telephone. It is also illegal to sell out-of-state Lottery tickets in Texas.

An applicant for a Texas Lottery license must be current in the filing and payment of all Texas state taxes. As part of the licensing process, the retailer is required to submit to a criminal background check. A credit report will also be requested.

The Texas State Lottery Act prohibits the following people from holding a Texas Lottery Ticket Sales License:

1. Persons convicted of a felony, criminal fraud, gambling or a gambling-related offense whose sentence, parole, mandatory supervision or probation ended less than ten years ago.
2. Persons convicted of a misdemeanor involving moral turpitude whose parole, mandatory supervision or probation ended less than ten years ago.
3. Professional gamblers.
4. Persons delinquent in the payment of any state tax.
5. The spouses of those people named above.
6. A person who is an officer or employee of the Commission or the Texas Lottery Operator.
7. A person who is the spouse, child, sibling, or parent residing as a member of the same household in the principal place of residence of a person who is an officer or employee of the Texas Lottery Commission or the Texas Lottery Operator.

The Texas State Lottery Act also prohibits a business from holding a Texas Lottery Ticket Sales License if that business includes a person identified in items 1-7 above who:

- Is an officer or director in that business;
 - Holds ten percent or more of the stock in that business;
 - Holds an equitable interest greater than ten percent in that business;
 - Is owed more than ten percent of the business's debt;
 - Owns or leases a business through which the applicant will conduct ticket sales;
 - Will share in the profits of that business (not including stock dividends); or
 - Participates in managing the affairs of the business.
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WHAT IS A RETAILER'S COMMISSION FOR SELLING LOTTERY TICKETS?

Retailers will receive a 5-percent sales commission, which is the standard rate paid in the lottery industry. In addition to your sales commission, the Texas Lottery may offer incentives and bonuses at the discretion of the Executive Director.

WHAT ARE THE BENEFITS OF BEING A RETAILER?

You must make a business judgment as to whether you want to sell Texas Lottery tickets. In addition to the commissions earned from selling Texas Lottery tickets, being a Texas Lottery retailer has many advantages including:

- Service to your regular customers;
- Increased sales of other store merchandise;
- Increased customer traffic;
- Happy winners in your store with cash from prizes;
- Statewide advertising by the Texas Lottery to increase your ticket sales; and
- Financial benefit to the State of Texas.

WHO ARE SUCCESSFUL LOTTERY RETAILERS?

Retailers who tend to be the most successful include those who have:

- A convenient location and easy access to the public;
- Heavy volume of sales transactions;
- Repeat customers;
- Texas Lottery promotional material prominently displayed;
- In-store promotions;
- A positive attitude toward the Texas Lottery; and
- A positive selling attitude.

HOW MUCH DOES IT COST TO BECOME A LOTTERY RETAILER?

The application payment of \$125 for one retailer location must be included with your application. Of this amount, \$25 will be deposited in a fund to protect against financial loss by the Texas Lottery. The remaining \$100 will be used to cover application processing costs that include reviewing state tax status, security background checks and a credit investigation. Seventy-five dollars will be refunded if you are denied a license for any of the following reasons:

- Inadequate financial condition or refusal to post a Certificate of Deposit;
- Inadequate security measures;
- Inaccessible place of business;
- Too many retailers in one sales area;
- Persons under 18 years of age constituting a majority of customers;
- Low sales volume; or
- Any other factor that the Executive Director considers appropriate.

If you have more than one business location applying for a license, there is an application fee of \$50 for each additional location. Of this amount, \$25 will be deposited in a fund to protect against financial loss by the Texas Lottery. The remaining \$25 will be used for processing the application.

The Texas State Lottery Act requires that the application fee be enough to pay for processing the application. For some applications, it is possible that the cost of security background and financial checks will be more than the \$100 allocated for this purpose.

There will also be a bi-annual renewal fee for those retailers who decide to extend their license. The first renewal fee will be due not earlier than two years following the issuance of your permanent Texas Lottery license.

You will be required to provide a bank account through which Texas Lottery transactions will be conducted. The cost of setting up and maintaining that account and any subsequent transaction charges will be your responsibility. Instructions for completing an Electronic Fund Transfer Authorization form can be found on page 10 of this publication.

WHEN WILL I RECEIVE A LICENSE?

Texas Lottery applications take approximately 4 to 6 weeks to process completely. Should your application be approved, the Texas Lottery Operator will contact you for training. Training must be completed before a provisional license can be issued. After a provisional license is issued, the Texas Lottery Operator will contact you to schedule equipment installation and delivery of tickets.

WHAT IS INVOLVED IN THE BACKGROUND CHECKS?

The Texas State Lottery Act requires the Texas Lottery to obtain criminal history background checks for all retailers from the Texas Department of Public Safety. These checks must be completed within 90 days after a retailer receives a provisional license or a license renewal.

Every person listed under Item 8 of the Application For Texas Lottery Ticket Sales License must submit a fingerprint card along with the application. These cards must be completed by a peace officer. Your local sheriff or police department may be able to assist you with the actual fingerprinting. The Texas Lottery will ask you to submit a second set of fingerprints if the Department of Public Safety rejects the first set as “unclassifiable.” If you need additional cards, call the Texas Lottery’s toll-free number—1-800-37-LOTTO—or stop by your local law enforcement agency.

Before issuing a provisional license, the Texas Lottery will verify that your state tax payments are current. A credit report will also be requested.

DOES THE LOTTERY TRAIN RETAILERS?

All retailers are required to be trained by the Texas Lottery Operator prior to having tickets delivered. A Texas Lottery Operator representative will schedule training sessions in regional locations throughout the State. At the training session, you will be instructed in the responsibilities of a retailer and will receive a manual that explains Texas Lottery policies and procedures. Please ask questions at your training session to make sure that you are comfortable with selling Texas Lottery tickets. You may wish to have a number of people from your business take part in the training session. After you complete the session, you may want to appoint someone on your staff as the “in house” trainer for the rest of your employees and for any new employees you hire.

WHAT ABOUT RETAIL CHAIN ACCOUNTS?

The Texas Lottery offers a separate program for retail chains selling tickets from multiple outlets. If you are eligible, the Texas Lottery will work with you and your affiliate stores to handle your special needs concerning licensing, accounting procedures, advertising, equipment and ticket distribution. You may wish to contact the Texas Lottery for additional information.

- You will need to complete only one application for your chain account. However, be sure to complete the “Business Location and Marketing Information” form on page four of the application for each of your business locations. You may photocopy as many of these forms as you need. You must submit an application fee of \$125 for the initial application with one location, plus a fee of \$50 for each additional business location. You may send one check covering the entire amount if you have multiple locations.
- A chain status allows single central billing for all the stores in the group. While tickets are delivered to each store, our billing procedures allow us to collect for all stores from one bank account by electronic funds transfer (EFT). Each chain may want to establish its own internal accounting procedures. Our chain account representatives will work with you on setting up an efficient method of handling Texas Lottery products and their promotions.
- Please instruct your individual stores **not to submit a separate application**. However, let them know that it is a corporate decision to be involved in the Texas Lottery and that they may be visited by a Texas Lottery representative in the near future. They also will be required to participate in training and otherwise cooperate with the Texas Lottery. If you have special regulations regarding point-of-sale materials, please communicate those rules to the Texas Lottery. It is important for you to provide all chain policies regarding the Texas Lottery to your individual stores.

WHAT PRIZES DOES THE RETAILER PAY?

Texas Lottery retailers may pay any lottery prize of less than \$600, after complying with established validation procedures. However, if a retailer validates a ticket of up to \$600, that retailer shall pay the prize amount on the ticket. Prizes may be paid with cash, business check or money order. As a Texas Lottery retailer, you will quickly find that the more you redeem winning tickets at your store, the more Texas Lottery business will come your way. Prizes paid by you will automatically be credited against your ticket purchases after verification by the Texas Lottery.

Prizes of \$600 or more shall be paid by the Texas Lottery by mail or at a designated Texas Lottery claim center. Texas Lottery claim centers are located throughout the state. A supply of claim forms for these larger prizes will be provided to you as a service for your Texas Lottery winners.

WHAT EQUIPMENT DO I NEED?

The Texas Lottery Operator will provide the basic equipment required to sell Texas Lottery tickets, such as a compact, locking ticket dispenser.

The Texas Lottery also will provide advertising and promotional displays and will update that material to reflect the current games being offered.

HOW DO I GET MY TICKETS?

Your established Texas Lottery Operator sales representative will deliver all equipment and supplies to your business. The Texas Lottery Operator will provide for delivery of all tickets.

WHEN DO I HAVE TO PAY FOR THE TICKETS?

You will have a certain amount of time to pay the Texas Lottery after delivery of your tickets. The Texas State Lottery Act requires that all retailers maintain a bank account for Texas Lottery transactions. Funds will be withdrawn from the account by Electronic Fund Transfer (EFT). As part of the application process, you must provide the Texas Lottery with EFT bank account information. Retailers can easily access account information and the exact amount due before the Texas Lottery collects it through EFT. Retailers can print a financial report through their terminals or call the Texas Lottery Commission Accounting Division at 1-800-37-LOTTO. Failure to have sufficient funds available may be grounds for suspending or revoking your license to sell Texas Lottery tickets.

IS THERE A MINIMUM NUMBER OF TICKETS I MUST ORDER?

All retailers must sell the minimum number of tickets per week as determined by the Texas Lottery Commission. Those retailers who do not meet established sales criteria could forfeit their license and/or their privilege of selling on-line tickets.

HOW CAN I GET AN ON-LINE TERMINAL TO SELL *LOTTO TEXAS* AND OTHER ON-LINE GAMES?

The Texas Lottery establishes the criteria for obtaining a terminal and for keeping a terminal once it is installed. On-Line terminal allocations are subject to terminal availability, telephone line and hardware availability and the number of on-line retailers in your area. Retailers' instant game sales levels will determine who will receive on-line terminals. However, some retailers in sparsely populated areas will be selected for the on-line network to ensure geographic coverage as determined by the Texas Lottery Commission. Terminals will be installed only at those retail locations that comply with those sections of the Americans With Disabilities Act (ADA) that ensure customer access.

II. HOW TO APPLY FOR A TEXAS LOTTERY TICKET SALES LICENSE

General Guidelines

All the forms necessary to apply for a Texas Lottery Ticket Sales License are contained in this packet. Once you complete the forms and return them to us, the required security and financial checks will be conducted. You will be notified whether you are accepted or rejected.

Please use the following checklist to make certain you return, with your application, all the items and information necessary to process your application:

1. Completed and signed application packet. (Do not separate pages.)
2. Application fee is \$125 for one selling location and \$50 for each additional location. **Your check must accompany your application, made payable to the State Treasury.** You may send one check covering the entire amount if you have multiple locations.
3. A bank EFT authorization form. Be sure to attach a “voided” check from your Texas Lottery EFT account and provide your bank branch with a copy of the form.

PLEASE READ THE FOLLOWING BEFORE COMPLETING THE APPLICATION:

- **RETAILER IDENTIFICATION**—If your business currently holds a Texas Sales and Use Tax Permit, complete the Application for Texas Lottery Ticket Sales License using the same identifying information for the legal owner and business location.

For pre-licensing purposes, your application will be tracked by your Texas Taxpayer Identification Number or your Texas Vendor Identification Number. If you do not currently have one of these numbers, the Texas Lottery will assign you a provisional number. **AT THE TIME YOUR TEXAS LOTTERY TICKET SALES LICENSE IS ISSUED, YOU WILL RECEIVE A PERMANENT TEXAS LOTTERY IDENTIFICATION NUMBER.**

- **RETAILER APPLICATION PAYMENT**—A portion of this fee is refundable if the Lottery does not accept you as a retailer for certain reasons. (See page 3.)
- **MULTIPLE LOCATIONS**—Businesses with multiple locations should complete only one application. You must submit a completed “Business Location and Marketing Information” form (Page 4 of the application) for each business location. Please photocopy Page 4 as many times as you need.

If you are part of a chain, your application should be submitted by your corporate office. Call your corporate office if you are unsure about your chain affiliation.

Application For Texas Lottery Ticket Sales License

1. LEGAL NAME OF OWNER

Sole Owner—Enter your first name, middle initial and last name. A business owned by a husband and wife will not be set up as a partnership unless you specifically request us to do so. Enter the name of the spouse who is named on your state sales tax permit.

Partnership—Enter the legal name of your partnership or the full names of the partners. If there are more than two partners, enter the primary partner name and “et al.”

Corporation—Enter the legal name of your corporation as it is registered with the Secretary of State.

Other—Enter the title of your organization.

2. OWNERSHIP—Indicate the type of ownership by checking the appropriate box.

3. TEXAS CORPORATION—If your business is a Texas corporation, enter the 8-digit Texas charter number assigned by the Texas Secretary of State and the date the charter was granted.

4. FOREIGN CORPORATION—If your business is a foreign corporation, enter the home state of incorporation, the charter number, Texas Certificate of Authority number and the date the Authority number was issued.

5. LIMITED PARTNERSHIP—If your business is a limited partnership, enter the home state in which the partnership is registered and the identification number.

6. FEDERAL EMPLOYER’S IDENTIFICATION NUMBER—If you are a corporation, partnership or “other” organization, enter your federal employer’s identification number assigned by the Internal Revenue Service. Please write the words “applied for” if you have applied for a number and have not received one.

7. MINORITY PARTICIPATION—This question is optional. The Texas State Lottery Act requires the Texas Lottery to issue an annual report on minority business participation. Your response to the question will help the Texas Lottery provide accurate information to the Texas Legislature and to the Governor.

8. PROPRIETORS—List the name, Social Security number, home address, phone number, title, date of birth and driver’s license number for sole owner(s), partners, officers and directors of your business. Every person listed must sign and date this section below their respective information. Every person listed must submit a fingerprint card with the application.

9. TEXAS TAX OR VENDOR ID NUMBER—Enter your Texas taxpayer number for reporting any Texas tax or your Texas vendor identification number.

10. LEGAL NAME —Enter your legal name (same as Item 1).

11. MAILING ADDRESS—Enter the complete mailing address where you wish to receive all correspondence from the Texas Lottery. Use the standard 2-letter abbreviation for the state and the 9-digit zip code.

12. TRADE NAME—Enter your business trade name, which is the name under which you do business.

- 13. LOCATION OF BUSINESS**—Enter your business location, street address or physical address. (For Example, 1 mile east of HWY 95 on FM 1209.) Do not use P.O. Boxes or rural routes. Use a 9-digit zip code. Enter the county in which your business operates and your business phone number. Indicate whether the phone in your business is a touch tone telephone.
- 14. CORPORATE CONTACT PERSON**—Enter the full name of the person authorized to give information to, and receive information from, the Texas Lottery. Include the daytime telephone number and email address (if available) of the person.
- 15. BUSINESS CONTACT PERSONS**—List up to three persons at the business location who will be primarily responsible for placing ticket orders and/or receiving delivery of tickets.
- 16. BUSINESS HOURS**—Indicate your normal business hours for each day of the week. If you are closed on a certain day of the week, enter the word “closed” in the appropriate box.
- 17. TYPE OF BUSINESS**—Check the box which indicates your principal type of business. Check only one box. If your business is engaged in several activities, check the box which represents the majority of the business or dollar volume.
- 18. WEEKLY AVERAGES**
- Enter the dollar amounts your business generates in an average week.
 - Enter the approximate number of people who come into your business in an average week.
- 19. BUSINESS NUMBERS**
- Indicate the number of employees on staff during a normal business day.
 - Indicate the number of cash registers in your business.
 - Indicate the approximate number of parking places available to your business.
- 20. COMPLIANCE**—Indicate whether your business complies with the Americans With Disabilities Act (ADA). You must be in compliance with the ADA before the Texas Lottery can issue your permanent license. For more information concerning these federal requirements, call the Texas Lottery at 1-800-37- LOTTO and ask for the ADA specialist, or contact:

Office on the Americans with Disabilities Act
Civil Rights Division
U.S. Department of Justice
P.O. Box 66118
Washington, D.C. 20035-6118
(202)514-0301

- 21. BUSINESS LOCATION**—Check the box that indicates where your business is located.
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Electronic Fund Transfer Authorization Form Instructions

The Electronic Funds Transfer (EFT) program for Texas Lottery retailers is a method for the Texas Lottery and the retailer to settle their accounts by the exchange of funds through bank accounts without having to visit the bank to fill out deposit or withdrawal slips. The Texas Lottery encourages retailers to open a new account for Texas Lottery electronic sweeps. You will be able to access your account information through your Texas Lottery terminal. Additional assistance is available by calling 1-800-37-LOTTO.

How can a retailer set up an EFT account?

Setting up a checking account that allows for EFT transactions (if you don't already have one) is a simple procedure. Contact your local banker and ask to speak with someone in new accounts. Explain that you are a retailer applying to the Texas Lottery to sell Texas Lottery tickets and that you want to establish or convert one of your bank accounts to one that will permit EFT. Be sure your banker understands that you are establishing a common electronic funds transfer account and not a wire transfer or credit line transfer account. Ask your banker to show you how the EFT transaction will appear on your banking statement and to explain any charges associated with opening or operating the account. Ask about other local bank services (such as overdraft protection, "zero balance," etc.) available to you.

Instructions For Completing The Texas Lottery Retailer Electronic Fund Transfer (EFT) Authorization Form (Form 55-201)

- **Depository Financial Institution (DFI)**—This is the first line at the top of the form. Enter the name of the bank (including the branch name or number) where you have your Texas Lottery EFT account. Enter the city where the bank is located on the second line.
- **Account Name**—Enter the business name as shown on your bank account.
- **Business Name**—Enter the name of your business as recognized by the public and shown on line 14 of your Texas Lottery Retailer Application.
- **Street Address**—Enter the actual address of your business where you will be selling Texas Lottery products. Be sure to include the city, state and ZIP code.
- **Bank Routing Number**—Enter the 9-digit number used by your bank for routing purposes. You can obtain this number from your bank.
- **Texas Lottery Bank Account Number**—Enter the bank account number that will be used as your Texas Lottery bank account. Enter one digit per box and include all dashes or punctuation.
- **Effective Date Requested**—Enter the effective date requested for establishing your Texas Lottery account.
- **Signature of Authorized Party**—This must be the same as the signature on the Texas Lottery and an authorized representative of the business.

IMPORTANT: Be sure to attach a voided check to the form. (If a check is not available, attach a statement from the bank that lists the bank routing number and account number). Forward the pink copy of the EFT form (with the voided check attached) to your bank to authorize the Texas Lottery to withdraw funds from your account. Retain the yellow copy for your records. This form must be completed for existing bank accounts as well as new accounts.

If you have questions that your bank cannot answer, please call the Texas Lottery toll free at 1-800-37-LOTTO (1-800-375-6886). To report changes in EFT information, contact the Texas Lottery Licensing section immediately.

III. LICENSE TERMS AND CONDITIONS

The retailer agrees to the following terms and conditions by applying for a license to sell Texas Lottery tickets. A violation of these terms and conditions may result in suspension or revocation of the retailer's license.

Compliance

1. The retailer will operate in a manner that is consistent with the Texas State Lottery Act, applicable federal, state and local laws, rules adopted by the Texas Lottery Commission, policies and procedures outlined in the Retailer Manual and other publications, and these terms and conditions.
2. The retailer will notify the Texas Lottery Commission within 10 days of any change of information since the application or renewal of license was submitted.
3. The retailer will notify the Texas Lottery within 10 days of changes: in ownership, location or financial status. A change in ownership involving less than 10 percent of a corporation's stock does not need to be reported. If the retailer is convicted of a crime in any judicial jurisdiction or becomes delinquent in the payment of any state taxes, the Texas Lottery must be notified in writing within 10 days.
4. If the retailer is convicted of a crime or becomes delinquent in the payment of any state tax, the Texas Lottery Commission must be notified in writing within 10 days.

Sale of Tickets

5. The retailer will make Texas Lottery tickets available for sale during the retailer's normal business hours and provide for the redemption of winning tickets during the same hours, during the Texas Lottery's approved validation hours.
6. The retailer will offer no less than two (2) instant games for sale to the public at all times. The retailer must meet minimum weekly sales criteria as established by the Texas Lottery Commission.
7. Tickets may not be sold to anyone under 18 years of age.
8. Tickets may not be sold for more than the price established by the Texas Lottery.
9. The retailer will not extend credit, lend money or accept in payment food stamps or credit cards for Texas Lottery tickets.
10. The retailer will not permit the purchase of tickets over the telephone or by mail.

Cooperation with Texas Lottery and Players

11. The retailer will prominently display the Texas Lottery License where tickets are sold. Tickets may be sold only at the licensed location, and the license may not be transferred.
 12. The retailer will utilize a ticket dispenser for the sale of tickets in a prominent location near the cash register or checkout. An equipment deposit may be required for any dispensers or other equipment the Texas Lottery provides to the retailer.
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13. The retailer will prominently display point-of-sale materials provided by the Texas Lottery, including door decals, game posters, display tickets and other materials supplied by the Texas Lottery, unless exceptions are obtained from the Texas Lottery Commission.
14. The retailer is responsible for all tickets delivered upon acknowledgment of receipt. The retailer is expected to provide reasonable security for all tickets and Texas Lottery property. The retailer will notify the Texas Lottery and local law enforcement officials within 24 hours of any lost, missing or stolen tickets.
15. The retailer will provide prompt service to Texas Lottery customers present and waiting to purchase tickets.

Acceptance of Tickets

16. The retailer will make a full financial settlement in a timely manner with the Texas Lottery for all tickets received. The retailer authorizes the Texas Lottery to transfer funds due through an Electronic Funds Transfer (EFT). Failure to have sufficient funds available at the time of the EFT sweep may be cause for fines, license suspension or license revocation.
17. Failure to order tickets for a 30-day period may result in a 30-day probation period for the retailer. If the retailer fails to order tickets during the 30-day probation period, the license may be revoked or suspended, at which time the retailer must make a full financial settlement with the Texas Lottery.

Bond Requirement

18. The retailer shall pay into a fund to reimburse the Texas Lottery for losses from the operation of retailers. The initial payment is \$25 and is included in the payment required with this application. The amount and frequency of future payments shall be established by the Texas Lottery. Rather than making the payment, the retailer may be required to obtain a bond, letter of credit or other financial guarantee.
19. The Texas State Lottery Act requires that the application fee be enough to pay for processing the application. It is possible with some applicants that the cost of background and financial checks will be more than the \$100 allocated for this purpose. If the cost of processing your application will exceed this amount, the Texas Lottery will notify you and offer you the choice of withdrawing or paying an additional sum.

Other Retailer Obligations

20. The retailer will comply and remain in compliance with the Americans With Disabilities Act during the term of the license.
 21. The retailer is responsible for all proceeds from the sale of Texas Lottery tickets. The proceeds shall constitute a trust fund in favor of the Texas Lottery.
 22. The retailer will not use a Texas Lottery insignia, logo, trademark or name of a Texas Lottery game in an advertisement without Texas Lottery authorization.
 23. The retailer will maintain accurate and complete records of all transactions with the Texas Lottery and will make such records available as required by the Texas State Lottery Act.
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