

205 CMR: MASSACHUSETTS GAMING COMMISSION

248.10 : continued

(6) For debit cards and EFTs, the patron may be liable for any charges imposed by the transmitting or receiving Sports Wagering Operator. Such charges may be deducted from the patron's Sports Wagering Account.

248.11 : Failed Electronic Funds Transfers (EFTs)

(1) The Sports Wagering Operator shall have security measures and controls to prevent EFT fraud where financial transactions are conducted through EFT. A failed EFT attempt is not considered fraudulent if the patron has successfully performed an EFT on a previous occasion and has no outstanding chargebacks. Otherwise, the Sports Wagering Operator shall:

(a) Temporarily block the patron's Sports Wagering Account for investigation of fraud after five consecutive failed EFT attempts within a ten-minute period. If there is no evidence of fraud, the block may be vacated; and

(b) Suspend the patron's Sports Wagering Account after five additional consecutive failed EFT attempts within any subsequent ten-minute period.

248.12 : Account Withdrawals

(1) The Sports Wagering Operator shall implement procedures that:

(a) Prevent unauthorized withdrawals from Sports Wagering Accounts by the Sports Wagering Operator or others;

(b) Establish a protocol by which patrons can withdraw funds maintained in their Sports Wagering Accounts, whether such accounts are open or closed, except as otherwise provided in 205 CMR, or any other applicable state, local or federal law.

(2) Pursuant to M.G.L. c. 23N, § 4(d)(2)(vi), a patron must be allowed to withdraw the funds maintained in his or her Sports Wagering Account, without further solicitation or promotion in the manner in which the funds were deposited, **to the extent technologically feasible. In the event that withdrawal of the funds in the same manner in which the funds were deposited is not technologically feasible they shall be returned to the patron via check.**

Upon a request from a patron to withdraw funds from their Sports Wagering Account, the Sports Wagering Operator shall immediately freeze the amount requested and ensure the funds cannot be used for any other purpose until the withdrawal is complete.

(3) A Sports Wagering Operator must employ a mechanism that can detect and prevent any withdrawal activity initiated by a patron that would result in a negative balance of the Sports Wagering Account.

(4) A Sports Wagering Operator shall not allow a Sports Wagering Account to be overdrawn unless caused by payment processing issues outside the control of the Sports Wagering Operator.

(5) Except as otherwise provided in 205 CMR 248.12(5)(a), requests for withdrawals must be honored by the later of five business days of the request or ten business days of submission of any tax reporting paperwork required by law.

(a) If the Sports Wagering Operator believes in good faith that the patron engaged in either fraudulent conduct or other conduct that violate or would put the Sports Wagering Operator in violation of 205 CMR, the Sports Wagering Operator may decline to honor the request for withdrawal for a reasonable investigatory period until its investigation is resolved if it provides notice of the nature of the investigation to the patron.

(b) For purposes of the timing requirements of 205 CMR 248.12(5), a request for withdrawal will be considered honored if it is processed by the Sports Wagering Operator but delayed by a payment processor, debit card issuer or by the custodian of a financial account.

(6) The Sports Wagering Operator shall not be liable for any unauthorized withdrawal of funds from a Sports Wagering Account where such unauthorized withdrawal is not caused by the negligence or misconduct of the Sports Wagering Operator. It is the patron's responsibility to protect deposits in the account by keeping their authentication credentials strictly confidential.