

Opinion No. 112**Slot Machines—Punch Boards—
Trade Stimulators.**

Held: The machine described and known as Roto-Lette, is a slot machine, and the mere possession or keeping of the same is unlawful unless kept and possessed under the provisions of Chapter 153, Laws of 1937, or under the provisions of Chapter 142, Laws of 1945.

Further, said machine is a mechanical device and cannot be considered as a trade stimulator or punch board under Chapter 298, Laws of 1947.

April 24, 1948

Mr. John D. French
County Attorney
Lake County
Polson, Mont.

Dear Mr. French:

You have inquired whether or not a machine described as follows is a slot machine under our statutes:

An electric driven machine known as Roto-Lette, which contains slots in which a coin is inserted, the machine then dispenses tickets or a check of paper is clipped off and falls in a tray, the checks, tickets or slips of paper may be blanks, or may call for the payment of various amounts of money upon presentation to the person in charge of the machine.

The mere keeping or possessing of a slot machine is illegal except where kept or possessed in accordance with the limited terms of, and under the authority of Chapter 153, Laws of 1937, or Chapter 142, Laws of 1945.

I call your attention to Official Opinion No. 53, Volume 22, which discussed the question of slot machines, written for you on August 7, 1947.

There are many variations in the construction, mechanical operation, and appearance of such machines. Where it is found, as it is in most cases, and in the instant case, that the machine is operated by the player inserting a coin, a token or trade chips, and from the play or plays he obtains, or may obtain money, checks, tokens, chips or anything else which is redeemable in money, it is a slot machine under our statutes, as Section 6 of Chapter 142, Laws of 1945, defines a slot machine as follows:

"Section 6, A slot machine is herein defined as a machine operated by inserting a coin, token or trade check therein by the player and from the play of which he obtains, or may obtain, money, checks, chips or tokens redeemable in money."

From the facts you have given me in regard to the machine in question it follows from the definition above

quoted the machine is a slot machine, and as such prohibited by not only Chapter 153, Laws of 1937, but by Chapter 142, Laws of 1945, Section 1 of which provides, in part:

"Section 1. No slot machine shall hereafter be used, operated, kept or maintained for use or operation in the state of Montana by any person or persons whomsoever, save and except as in this act provided." It might also be asked,

Does such a machine come within the definition under Chapter 298, Laws of 1947, as a punch board or trade stimulator?

Section 3 of Chapter 298, Laws of 1947, defines the term "trade stimulator, as follows:

"The words 'trade stimulator' mean any device or object housing, containing or enclosing, or having as a part thereof numbered tickets variagated symbols and tokens or any pull board, ticket board or punch board or their equivalents, and any one or more of which announces that an award will be made to a purchaser thereof in terms of merchandise or other things of value, but does not mean a slot machine or mechanical device." (Emphasis supplied).

It is clear from the description of the machine in question that it is a **mechanical device**. In my opinion as above stated, it is a slot machine as that term is commonly used, and as is defined in Chapter 142, Laws of 1945.

Therefore, from the facts as you have given me and the law as given us by the legislature, I agree with you, and it is my opinion the machine you describe is a slot machine, and the mere possession or keeping of the same is unlawful unless kept and possessed under the provisions of Chapter 153, Laws of 1937, or under the provisions of Chapter 142, Laws of 1945.

It is further my opinion that said machine is a mechanical device and cannot be considered as a trade stimulator or punch board under Chapter 298, Laws of 1947.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General