

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 4 BINGO AND RAFFLES
PART 1 GENERAL PROVISIONS

15.4.1.1 ISSUING AGENCY: New Mexico Gaming Control Board.
[15.4.1.1 NMAC - Rp, 15.4.1.1 NMAC, 2/23/2021]

15.4.1.2 SCOPE: This rule applies to all persons subject to regulations promulgated under the New Mexico Bingo and Raffle Act by the New Mexico gaming control board.
[15.4.1.2 NMAC - Rp, 15.4.1.2 NMAC, 2/23/2021]

15.4.1.3 STATUTORY AUTHORITY: Authority for this rule derives from the New Mexico Bingo and Raffle Act Section 60-2F-3 NMSA 1978. Subsection G of 60-2F-6 NMSA 1978 authorizes the board to make rules to hold, conduct and operate all games of chance held in the state except those exempt under the New Mexico Bingo and Raffle Act.
[15.4.1.3 NMAC - Rp, 15.4.1.3 NMAC, 2/23/2021]

15.4.1.4 DURATION: Permanent.
[15.4.1.4 NMAC - Rp, 15.4.1.4 NMAC, 2/23/2021]

15.4.1.5 EFFECTIVE DATE: February 23, 2021 unless a later date is cited at the end of a section.
[15.4.1.5 NMAC - Rp, 15.4.1.5 NMAC, 2/23/2021]

15.4.1.6 OBJECTIVE: This rule establishes definitions of terms used in this chapter, clarifies the role of the New Mexico gaming control board in promulgating regulations and establishes the scope and severability of such rules.
[15.4.1.6 NMAC - Rp, 15.4.1.6 NMAC, 2/23/2021]

15.4.1.7 DEFINITIONS: Unless otherwise defined below, terms used in this chapter have the same meanings as set forth in the New Mexico Bingo and Raffle Act. The definitions set forth below shall be applicable to all parts of this chapter.

A. Definitions beginning with A:

(1) **“Accountant”** means a game accountant as defined in the act who further is an individual licensed by the board and designated by the bingo manager to fulfill duties relating to accounting procedures and reporting including filing of all board required quarterly reports and associated obligations, on behalf of the licensee.

(2) **“Act”** means the New Mexico Bingo and Raffle Act.

(3) **“Agent”** means any member or employee of the New Mexico gaming control board or any other person authorized to act on the board’s behalf.

(4) **“Appellant”** means a person aggrieved by an action of the New Mexico gaming control board, who files a request for hearing before the board.

(5) **“Appellee”** means the New Mexico gaming control board, its agents or its representatives.

(6) **“Applicant”** means a person who has applied for a license or approval of an act or transaction for which approval is required or allowed pursuant to the provisions of the act.

(7) **“Approved record”** means those records required by the act, or regulations promulgated there under which shall be maintained on forms prescribed or approved by the New Mexico gaming control board.

(8) **“Alternate bingo manager”** means an assistant to the bingo manager permitted by the board who assumes overall responsibility for supervising and managing the operation of games of chance in the bingo manager’s absence. The alternate bingo manager derives their authority from the licensed bingo manager. If an organization does not have a licensed bingo manager, they cannot conduct games of chance.

(9) **“Audit”** means an examination of an applicant’s or licensee’s accounting records, financial situation, and business practices to determine compliance with, state law, or rules adopted by the New Mexico gaming control board.

(10) **“Auxiliary”** means an organization that has a qualified affiliation with a licensee in accordance with a national and local charter, articles of incorporation, bylaws, or rules of an official auxiliary organization.

B. Definitions beginning with B:

(1) **“Bingo”** means a game of chance in which each player has one or more bingo cards printed with different numbers on which to place markers when the respective numbers are drawn and announced by a bingo caller. Bingo also includes those games of chance that do not contain an instant win component but contain numbers that must be exposed by the player and the winning combination is exposed by the draw of a bingo ball or by some other approved specific event. The approved specific event must consist of a method of randomly selecting numbers that correspond to the numbers printed by the manufacturer.

(2) **“Bingo caller”** means the individual who, in the game of bingo, draws and announces numbers.

(3) **“Bingo employee”** as defined in the act, means a person, paid or volunteer, connected directly with a game of chance but does not include nongaming personnel such as bartenders, cocktail servers or other persons engaged solely in preparing or serving food or beverages; secretarial or janitorial personnel; or stage, sound and light technicians. All bingo employees shall be permittees.

(4) **“Bingo manager”** means the person responsible for overseeing bingo and pull-tab activities conducted pursuant to a bingo license.

(5) **“Bingo operating account”** means an independent operating bank account established for bingo operations only for which all gross receipts and proceeds shall be maintained separately from licensee’s general operating accounts.

(6) **“Bingo tax”** means the excise tax imposed pursuant to Section 60-2F-21 NMSA 1978.

(7) **“Bingo winning combination”** means numbers which have been announced by the bingo caller, and a player has covered the predetermined arrangement and declares bingo, after which the pattern on the winning card is independently verified by a bingo employee.

(8) **“Board”** means the gaming control board or its designee.

C. Definitions beginning with C:

(1) **“Change fund”** means the cash used for making change.

(2) **“Charitable purposes”** means activities that promote, directly or indirectly, the well-being of the public at large or that benefit of an indefinite number of persons in the state.

(3) **“Completed application”** means that the application has been entirely filled in, the appropriate fee is attached, additional documentation requested is provided and signatures with proper notary are included.

(4) **“Credit report”** means a credit report generated by any of the three major credit agencies in the United States, which are equifax, experian and transunion.

D. Definitions beginning with D:

(1) **“Deal”** means a predetermined pool of pull-tabs with the same serial number and a predetermined number of winners.

(2) **“Direct relative”** means the individual’s spouse or spousal equivalent, parent, mother-in-law, father-in-law, brother-in-law, sister-in-law, brother, sister, child or stepchild.

(3) **“Door-prize”** means a promotional drawing where no additional consideration is charged for the chance to play.

E. Definitions beginning with E:

(1) **“Electronic transfer”** means transactions initiated through a financial institution which include ATM transactions, direct deposits, withdrawals or point-of-sale transactions.

(2) **“Employee”** means a person, paid or volunteer, who works in the service of the licensee, bingo or pull tab operation or works for the qualified organization.

(3) **“Enforcement action”** means an action by the board or its agents that limits, conditions, suspends or revokes a license or prior approval issued by the board, or an assessment of a fine by the board, or any combination of the foregoing.

(4) **“Executive director”** means the chief administrative officer appointed by the board.

(5) **“Extra cards”** means other cards sold at the door during a bingo occasion along with the master card. These cards are controlled by a separate color or size and serial number from the master card. This does not include special cards.

F. Definitions beginning with F:

(1) **“Fee”** includes all license, approval, investigative costs, taxes and fines imposed by the board or its agents.

(2) **“Fine”** means any monetary penalty assessed by the board or its agents for a violation of the act after an administrative hearing has been held or as negotiated between the board or its agents and the applicant or licensee in settlement proceedings.

G. Definitions beginning with G:

(1) **“Game of chance”** means an event in which payment for participation is required, a winner or winners are identified by an act of fate and prizes are awarded to the winners.

(2) **“Gross receipts”** means proceeds received by a bingo licensee from the sale of bingo cards, raffle tickets or pull-tab tickets, the sale of rights in any manner connected with participation in a game of chance or the right to participate in a game of chance, including any admission fee or charge, the sale of playing materials, and all other miscellaneous receipts.

H. Definitions beginning with H:

(1) **“Hard cards”** means a reusable bingo card.

(2) **“House rules”** means rules established by each licensee for items not covered by the act, or regulations promulgated under the act or other provisions of law.

(3) **“Hybrid game”** means a game of chance using pull-tabs as defined in the act which have both instant and non-instant winnings. The non-instant winnings are selected by drawing using a bingo blower or a seal card provided by the manufacturer of the game. This type of pull-tab game may be referred to as an “event game” or “side game.” Hybrid game pull-tabs may only be sold during a bingo occasion. Instant winnings must be announced by the bingo caller during the same occasion in which a hybrid game pull-tab deal is sold

I. Definitions beginning with I: [RESERVED]

J. Definitions beginning with J: [RESERVED]

K. Definitions beginning with K: [RESERVED]

L. Definitions beginning with L: “Licensed premises” means the area that has been approved to conduct games of chance.

M. Definitions beginning with M:

(1) **“Master board”** means the tray with five rows and 15 columns that holds bingo balls removed from the hopper in spaces specifically designated for each ball. This is the official score board for a bingo game.

(2) **“Master card”** means the main bingo card in use for the occasion that each player is required to have in their possession to play bingo. This is sometimes referred to as the door or admission card. This card is usually controlled by using only one color or size card.

N. Definitions beginning with N: [RESERVED]

O. Definitions beginning with O: [RESERVED]

P. Definitions beginning with P:

(1) **“Person”** means a legal entity or individual.

(2) **“Petitioner”** means the board or the board’s representative.

(3) **“Premises”** means the land together with all buildings, improvements and personal property located on the land, either leased or owned by the licensee.

(4) **“Promotional games”** means all bingo games, raffle tickets and pull-tabs that are awarded as a door prize, bingo prize, pull-tab prize or a free or reduced priced game, offered to any player for any reason.

(5) **“Pull-tab dispenser”** means a mechanical or electromechanical device that dispenses pull-tabs or reads a bar-code printed on the exterior of the pull-tab and displays the win or loss status of the pull-tab on a video display.

Q. Definitions beginning with Q: [RESERVED]

R. Definitions beginning with R:

(1) **“Records”** mean inventory records, bank records, accounting records, receipts, invoices, deposits, employee logs, payroll, taxes, bingo and occasion documentation, and any other document that is required under the current rules and the act.

(2) **“Respondent”** means a licensee or person to which an approval has been granted and who is the subject of a complaint issued by the board or its agents.

(3) **“Retail value”** means the price set by a licensee to participate in a game of chance.

S. Definitions beginning with S:

(1) **“Special card”** means a bingo card used for a specific game or games which is controlled by a separate color, serial number and manufacturer’s identification number. Special cards are additional bingo cards sold separately that entitle purchasers to participate in bingo games that cannot be played on either a master card or an extra card.

(2) **“Staff permit badge”** means a hard plastic card issued by the board or its agents with the licensee’s name, expiration date and photograph.

(3) **“State”** means the state of New Mexico.

T. Definitions beginning with T: [RESERVED]

U. Definitions beginning with U: [RESERVED]

V. Definitions beginning with V:

(1) **“Variance”** means a temporary exemption from a specific part or subpart of Title 15, Chapter 4, not to exceed the date of renewal of a license.

(2) **“Vendor”** means distributors and manufacturers of “equipment” as defined in the act.

W. Definitions beginning with W: “Willfully” means knowingly or purposefully.

X. Definitions beginning with X: [RESERVED]

Y. Definitions beginning with Y: [RESERVED]

Z. Definitions beginning with Z: [RESERVED]

[15.4.1.7 NMAC - Rp, 15.4.1.7 NMAC, 2/23/2021]

15.4.1.8 ADOPTION, AMENDMENT AND REPEAL: The New Mexico gaming control board is authorized to adopt regulations pursuant to the New Mexico Bingo and Raffle Act, Sections 60-2F-1 through 60-2F-26 NMSA 1978. From time to time as the board deems necessary, the board will adopt, amend and repeal such regulations, consistent with the policy, objectives, and purposes of the New Mexico Bingo and Raffle Act.

[15.4.1.8 NMAC - Rp, 15.4.1.8 NMAC, 2/23/2021]

15.4.1.9 CONSTRUCTION: Nothing contained in Title 15, Chapter 4 will be construed so as to conflict with any provision of the New Mexico Bingo and Raffle Act or any other applicable statute.

[15.4.1.9 NMAC - Rp, 15.4.1.9 NMAC, 2/23/2021]

15.4.1.10 SEVERABILITY: The sections and subsections of the parts in Chapter 4 of Title 15 promulgated by the board are deemed severable. If any section or subsection is found invalid, unconstitutional, or otherwise contrary to the laws of New Mexico by opinion of a court of competent jurisdiction or by legislative enactment, the opinion or enactment will invalidate only that particular section or subsection. All other provisions of Title 15, Chapter 4 will remain in full force and effect.

[15.4.1.10 NMAC - Rp, 15.4.1.10 NMAC, 2/23/2021]

15.4.1.11 TELEPHONE CONFERENCES:

A. In all cases where it is possible, board members shall attend public meetings of the board in person.

B. A member of the board may participate in a meeting of the board by means of a conference telephone when it is difficult or impossible for the member to attend the meeting in person, provided:

(1) each member participating by conference telephone can be and is identified when speaking;

(2) all participants in the telephone conference are able to hear each other at the same time; and

(3) members of the public who are attending the meeting are able to hear any member of the board who speaks during the meeting.

C. Whenever circumstances justifying participation by telephone conference arise, the board member requiring the telephone conference shall notify board staff as early in advance of the meeting as possible so that arrangements can be made to set up and operate necessary conference telephone equipment.

[15.4.1.11 NMAC - Rp, 15.4.1.11 NMAC, 2/23/2021]

15.4.1.12 RETENTION OF RECORDS: Licensee shall maintain and keep safe the books and records necessary to substantiate the particulars of all reports submitted to the board or required by the act or this title for a period of three years at the licensee’s administrative office.

[15.4.1.12 NMAC - Rp, 15.4.1.12 NMAC, 2/23/2021]

15.4.1.13 CONFIDENTIAL RECORDS: All tax identification and financial account identification numbers for an applicant, licensee or permittee submitted to the board shall be confidential and not be subject to any disclosure under the Inspection of Public Records Act.
[15.4.1.13 NMAC - Rp, 15.4.1.13 NMAC, 2/23/2021]

HISTORY OF 15.4.1 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives by department of alcohol and beverage control under: ABC Regulation No. 2B-3, Definition of Bingo and Raffle Terms, Relating to Section 60-2B-3 NMSA 1978, filed 12/22/1982.
Regulation No. 2B-3, Definition of Bingo and Raffle Terms, filed 3/21/1984.

History of Repealed Material:

15.4.1 NMAC, Bingo and Raffles - General Provisions, filed 9/16/2005 - Repealed, effective 4/15/2013.
15.4.1 NMAC, Bingo and Raffles - General Provisions, filed 3/27/2013 - Repealed, effective 2/23/2021.

Other History:

15.4.1 NMAC, Bingo and Raffles - General Provisions, filed 9/16/2005 replaced 15.4.1 NMAC, Bingo and Raffles - General Provisions, effective 4/15/2013.
15.4.1 NMAC, Bingo and Raffles - General Provisions, filed 3/27/2013 replaced 15.4.1 NMAC, Bingo and Raffles - General Provisions, effective 2/23/2021.