

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 1 GAMES AND GAMING GENERAL PROVISIONS
PART 6 PREMISES LICENSED UNDER THE GAMING CONTROL ACT

15.1.6.1 ISSUING AGENCY: New Mexico Gaming Control Board.
[N, 11/30/98; 15.1.6.1 NMAC - Rn, 15 NMAC 1.6.1, 10/15/00]

15.1.6.2 SCOPE: This rule applies to all gaming operator licensees or applicants for gaming operator licenses under the New Mexico Gaming Control Act.
[N, 11/30/98; 15.1.6.2 NMAC - Rn, 15 NMAC 1.6.2, 10/15/00]

15.1.6.3 STATUTORY AUTHORITY: Section 60-2E-7(B)(3) of the Gaming Control Act authorizes the board to develop, adopt and promulgate all regulations necessary to implement and administer the provisions of the Gaming Control Act. Section 60-2E-8(C)(6) directs the board to adopt regulations defining the area, games and gaming devices allowed and the methods of operation of such games.
[N, 11/30/98; 15.1.6.3 NMAC - Rn, 15 NMAC 1.6.3, 10/15/00]

15.1.6.4 DURATION: Permanent.
[N, 11/30/98; 15.1.6.4 NMAC - Rn, 15 NMAC 1.6.4, 10/15/00]

15.1.6.5 EFFECTIVE DATE: November 30, 1998, unless a later date is cited at the end of a section.
[N, 11/30/98; 15.1.6.5 NMAC - Rn, 15 NMAC 1.6.5, 10/15/00; A, 2/14/02]

15.1.6.6 OBJECTIVE: This rule establishes standards and requirements for premises on which licensed gaming machines are operated by a gaming operator licensee pursuant to the Gaming Control Act.
[N, 11/30/98; 15.1.6.6 NMAC - Rn, 15 NMAC 1.6.6, 10/15/00; A, 2/14/02; A, 2/28/05]

15.1.6.7 DEFINITIONS: Unless otherwise defined below, terms used in this rule have the same meanings as set forth in the Gaming Control Act.

A. “Act” means the New Mexico Gaming Control Act.

B. “ATM” means a machine used for banking services, including withdrawals and deposits, balance inquiries, transfers, and other services; “ATM” includes credit card cash advance machines and other devices activated by debit or credit cards.

C. “Licensed premises” means the area that has been approved for gaming on the premises that is under the direct control of a gaming operator licensee and from which the licensee is authorized to operate and permit the play of gaming machines and conduct all activities associated with the operation of gaming.

D. “Premises” means the land together with all building’s improvements and personal property located on the land.

[N, 11/30/98; 15.1.6.7 NMAC - Rn & A, 15 NMAC 1.6.7, 10/15/00; A, 2/14/02; A, 2/28/05; A, 1/29/2016]

15.1.6.8 SUITABILITY OF PREMISES: The board shall approve any proposed licensed premises prior to commencement of gaming. The licensed premises shall meet the requirements of the act and regulations promulgated under the act. The board shall not approve any proposed licensed premises if the board determines that the proposed licensed premises are unsuitable for the conduct of gaming. Without limiting the generality of the foregoing, the proposed licensed premises shall be unsuitable if:

A. it is located in a place where gaming is prohibited by a valid zoning ordinance of the city or county or is otherwise in violation of any fire safety, health or building codes;

B. it is owned or controlled by any person that is unqualified or disqualified to hold a gaming license, regardless of the qualifications of the person who has applied for or holds the license to conduct gaming operations on the premises;

C. an ATM is located in the licensed premises;

D. the area to be used for gaming is not separated from the rest of the premises by a permanent physical barrier; or

E. the conduct of gaming on the proposed premises would otherwise be contrary to New Mexico law or public policy.

[N, 11/30/98; 15.1.6.8 NMAC - Rn & A, 15 NMAC 1.6.8, 10/15/00; A, 2/28/05]

15.1.6.9 AREA OF LICENSED PREMISES; RESTRICTIONS:

A. The area approved as the licensed premises shall be clearly marked. No gaming shall be permitted outside of the licensed premises. All gaming devices shall be located within the licensed premises and such other locations for the storage, display, repair and maintenance of the gaming devices as may be approved in advance by the board.

B. Gaming shall not commence until the licensed premises have been constructed and been approved by the board.

C. No building shall contain, and no area shall constitute, a licensed premises for more than one licensee.

D. No gaming operator's license shall encompass more than one licensed premises.

E. The area approved as the licensed premises shall be physically separated by a permanent barrier from all other general areas.

F. No area that is a premises licensed under the New Mexico Liquor Control Act shall be designated as a racetrack gaming operator's licensed premises under the act. Alcoholic beverages shall not be sold, served, delivered, or consumed on any racetrack operator's gaming licensed premises.

[N, 11/30/98; 15.1.6.9 NMAC - Rn, 15 NMAC 1.6.9, 10/15/00; A, 2/14/02; A, 7/31/02; A, 2/28/05]

15.1.6.10 OWNERSHIP OF PREMISES:

A. Any applicant or licensee who leases all or part of the licensed premises or proposed licensed premises shall furnish the following information to the board within 30 days of the effective date of the lease:

(1) name, address, and brief statement of the nature of business of the lessor of the premises;

(2) brief description of the material terms of the lease;

(3) copy of all documents by which the applicant or licensee has a right to possess the premises, including the lease;

(4) statement describing any business relationships between the licensee or applicant and the lessor other than the lease; and

(5) any other information required by the board.

B. Every person who is a party to any lease with an applicant or a licensee shall provide any information requested by the board. Such information may include, but not be limited to, financial history, financial holdings, real and personal property ownership, interests in other companies, criminal history, personal history and associations, character, and reputation.

C. Failure to provide the information requested constitutes sufficient grounds for the board to deny the application or to require termination of the applicant's or licensee's lease with any person who failed to provide the requested information.

D. If the applicant or licensee owns all or part of the premises on which gaming is proposed to be conducted, the applicant or licensee shall fully disclose to the board complete information about the interest held by any other person, including an interest held under any mortgage, deed of trust, bonds, or any other instrument, and all other information required by the board.

E. The licensee shall furnish to the board complete information pertaining to any change in any premises lease or any change of ownership of, or interest in, the premises in which gaming is conducted within 30 days after the effective date of such change.

[N, 11/30/98; 15.1.6.10 NMAC - Rn, 15 NMAC 1.6.10, 10/15/00; A, 2/14/02; A, 2/28/05]

15.1.6.11 MODIFICATION OF LICENSED PREMISES:

A. No gaming operator licensee shall modify its licensed premises in any way without obtaining the prior written approval of the board or its designee, on a form approved by the board.

B. Modification of a licensed premises includes but is not limited to changing the location of gaming machines on the licensed premises. Any licensee seeking to change the location of gaming machines on the licensed premises shall notify the board in accordance with the provisions of this rule.

C. The board or its designee shall not approve any modification of a licensed premises unless the licensed premises, as modified, meets all the requirements of the act and this rule.

D. A gaming operator licensee shall notify the board or its designees in writing prior to modifying the licensed premises. The board or its designee shall approve or disapprove the modification. The written notice shall include a detailed diagram showing the proposed modification.

[N, 11/30/98; 15.1.6.11 NMAC - Rn, 15 NMAC 1.6.11, 10/15/00; A, 2/28/05; A, 5/15/07; A, 1/29/2016]

15.1.6.12 TRANSFER OF LICENSE TO NEW PREMISES:

A. No gaming operator licensee shall transfer its gaming operations or license to an unapproved premises without the prior written approval of the board. An application for such a transfer shall be submitted to the board and shall contain the same information and satisfy the same requirements as required on an original licensing application with respect to approval of the licensed premises.

B. Failure of the licensee to obtain the board's prior approval of transfer of the gaming operations or the gaming operator's license may subject the license to suspension or revocation, or the licensee to fines, or both. [N, 11/30/98; 15.1.6.12 NMAC - Rn, 15 NMAC 1.6.12, 10/15/00; A, 2/28/05]

HISTORY OF 15.1.6 NMAC: [RESERVED]