

**TITLE 15            GAMBLING AND LIQUOR CONTROL**  
**CHAPTER 1        GAMES AND GAMING GENERAL PROVISIONS**  
**PART 7            GAMING MACHINES, NEW GAMES AND ASSOCIATED EQUIPMENT**

**15.1.7.1            ISSUING AGENCY:** New Mexico Gaming Control Board.  
[11/30/98; 15.1.7.1 NMAC - Rn, 15 NMAC 1.7.1, 3/31/00]

**15.1.7.2            SCOPE:** This rule applies to all licensees or applicants for licensure, registration, certification, renewal, and other approval relating to gaming operations under the New Mexico Gaming Control Act.  
[11/30/98; 15.1.7.2 NMAC - Rn, 15 NMAC 1.7.2, 3/31/00]

**15.1.7.3            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.  
[11/30/98; 15.1.7.3 NMAC - Rn, 15 NMAC 1.7.3, 3/31/00]

**15.1.7.4            DURATION:** Permanent.  
[11/30/98; 15.1.7.4 NMAC - Rn, 15 NMAC 1.7.4, 3/31/00]

**15.1.7.5            EFFECTIVE DATE:** November 30, 1998, unless a later date is cited at the end of a section.  
[11/30/98; 15.1.7.5 NMAC - Rn, 15 NMAC 1.7.5, 3/31/00; A, 1/31/02]

**15.1.7.6            OBJECTIVE:** This rule establishes standards for the evaluation, testing, approval, modification, maintenance, and disposition of gaming machines, games and associated equipment.  
[11/30/98; 15.1.7.6 NMAC - Rn, 15 NMAC 1.7.6, 3/31/00; A, 1/31/02]

**15.1.7.7            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 Gaming Control Act.

**B.            “Central monitoring system”** means the hardware and software at the board’s central site used to control, monitor, and retrieve information from, all licensed gaming machines.

**C.            “Component”** means a part of a gaming machine that is necessary for the proper operation and essential function of the gaming machine, including but not limited to a hopper, coin acceptor, microprocessor and related circuitry, programmed erasable programmable read-only memory (EPROM), bill acceptor, progressive system, monitoring system, and meter and any other parts the board determines are components; a component is necessary for the proper operation and essential function of a gaming machine if it affects, directly or indirectly, the gaming machine’s operation, game outcome, security, recordkeeping, or communication with the central monitoring system; parts such as light bulbs, buttons, wires, decorative glass, fuses, batteries, handles, springs, brackets, and locks are not components.

**D.            “Conversion”** means a change from one pre-approved configuration to another pre-approved configuration.

**E.            “Critical memory”** means memory that is used to store all data that is critical to the continued operation of the gaming device, including, but not limited to all electronic meters as required including last bill data, power up and door open metering; current credits; gaming device/game configuration data; information pertaining to a minimum of the last ten (10) plays with the random number generators (RNG) outcome (including the current game, if incomplete); and software state (the last normal state, last status or tilt status the gaming device software was in before interruption).

**F.            “Delayed ticket”** means a ticket generated by a ticket-in, ticket-out (TITO) enabled slot machine which contains all information necessary for validation, but for which the TITO system has not yet received the validation information.

**G.            “Event”** means an occurrence of elements or particular combinations of elements that are available on the particular gaming device.

**H.            “Game outcome”** means the final result of the wager.

**I. “Gaming device”** means associated equipment or a gaming machine and includes a system for processing information that can alter the normal criteria of random selection that affects the operation of a game or determines the outcome of a game.

**J. “Gaming media”** means any associated equipment that contains software which can only be used in a gaming device, affects game outcome and is programmed by the gaming machine manufacturer. “Gaming media” includes, but is not limited to, electrically erasable programmable read-only memory (EEPROM), erasable programmable read only memory (EPROM), compact flash, flash random-access memory (flash RAM), compact disc (CD), digital versatile disc (DVD) read-only memory (ROM) or hard drive CD/DVD ROM or hard drive.

**K. “Incomplete ticket”** means a ticket that contains, at a minimum, the ticket validation number printed across the leading edge of the ticket, but is not of a quality that can be validated and redeemed through the automated functionality of a TITO system.

**L. “Machine entry access log”** means a written record that is maintained by a gaming operator licensee inside the locked cabinet of a gaming machine that documents the names and activities of persons accessing the interior of the gaming machine.

**M. “Modification”** means a change or alteration in an approved gaming machine that affects the manner or mode of play or the percentage paid by the gaming machine, including a change in control or graphics programs.

**N. “Multigame”** means a gaming device that offers a menu of more than one (1) game to the player.

**O. “Multi-station”** means a gaming device that incorporates more than one (1) player-terminal.

**P. “Online ticket”** means a ticket which contains all information necessary for validation, which may be presented for redemption to the TITO system before its expiration.

**Q. “Redeemed ticket”** means a ticket which has been properly validated and redeemed by the TITO system and is no longer reflected as an active (i.e., unredeemed) ticket in the TITO system database.

**R. “Terminal controller”** means the central hardware and software that monitors and controls one (1) or more gaming machines on the licensed premises.

**S. “Ticket redemption kiosk”** means a device which uses bi-directional communications to the TITO system for redemption of tickets in exchange for cash or tokens. Kiosks are not capable of gaming functionality and may not issue tickets in exchange for cash or tokens.

**T. “TITO system”** means a ticket in/ticket out system which has a centralized TITO validation component and allows for issuance, validation, and acceptance of tickets at TITO-enabled gaming devices or kiosks, for gaming operations.

**U. “TITO validation component”** means that function of the TITO system whereby the TITO system receives information about a ticket which is presented for validation, compares the questioned ticket information to its database of known ticket information, and determines the validity of the questioned ticket. The TITO validation component is a bi-directional, centralized function within the TITO system which serves to validate the tickets for redemption.

**V. “State”** means the state of New Mexico.

[11/30/98; 15.1.7.7 NMAC - Rn, 15 NMAC 1.7.7, 3/31/00; A, 1/31/02; A, 5/15/07; A, 12/15/10; A, 10/15/15]

#### **15.1.7.8 EVALUATION OF NEW GAMING MACHINES AND MODIFICATIONS TO PREVIOUSLY-APPROVED GAMING MACHINES:**

**A.** All gaming machines operated in the state shall meet the specifications set forth in this section and shall conform to the exact specifications of the prototype tested and approved by the board.

**B.** No electronic or mechanical gaming machine shall be used prior to licensure by the board. Once the board has approved a new gaming machine or a modification to a pre-approved gaming machine, a gaming operator licensee shall file an application to obtain a gaming machine license or a notice of modification to pre-approved gaming machine before offering the machine for play.

**C.** Except as otherwise determined by the board, the following shall not be used for gaming by any gaming operator licensee without the prior written approval of the board, bill acceptors, coin or token acceptors, progressive controllers, progressive displays, or associated equipment as set forth in this rule.

**D.** Any license or approval issued by the board shall specifically describe the gaming machine or gaming device approved.

**E.** All of the following must be tested before licensure or approval for use:

(1) a gaming machine;

(2) other devices or equipment as the board deems necessary to ensure compliance with the

act and this rule; and

- (3) any modification to the gaming machines and equipment described in this section.
- F.** The board has the authority to take, authorize, or require any of the following actions with respect to testing a gaming machine or modification to an existing gaming machine:
- (1) employ the services of an outside independent gaming test laboratory to conduct the testing;
  - (2) bill a licensee who requests licensure or approval of a gaming machine or equipment through any billing mechanism the board deems appropriate for all costs of testing;
  - (3) if not already in the laboratory's possession, require transportation of one (1) working model of a new gaming machine to an independent gaming laboratory designated by the board or to some other location for review and inspection; with each gaming machine submitted for approval, the applicant must submit two (2) copies of prints, schematics, block diagrams, circuit analyses, technical and operation manuals, program source codes, and any other information requested by the board; the gaming laboratory may disassemble the model and may destroy electronic components to fully evaluate the gaming machine;
  - (4) require that the applicant provide specialized equipment or the services of an independent technical expert to evaluate the gaming machine;
  - (5) require the manufacturer seeking approval of the gaming machine to pay all costs of transportation, review, inspection and testing; [and]
  - (6) if requested by the board, require transportation of one (1) working model of a new gaming machine, and any associated equipment to the board for communications testing.
- G.** Any applicant whose application is denied by the board under this rule may request a hearing before the board to appeal the denial.  
[11/30/98; 15.1.7.8 NMAC - Rn, 15 NMAC 1.7.8, 3/31/00; A, 5/15/07; A, 10/15/15]

**15.1.7.9 SECURITY AND AUDIT SPECIFICATIONS:**

- A.** A gaming machine shall meet all of the following security and audit specifications:
- (1) be controlled by a microprocessor;
  - (2) be connected and communicating to an approved central monitoring system and conform exactly to the protocol and internal control procedures employed by the central monitoring system provider and the board;
  - (3) have an internal enclosure for the logic board that is locked or sealed, or both, before game play;
  - (4) be capable of continuing a game without loss of data after a power failure;
  - (5) have game data recall for the current game and, at a minimum, the previous four games;
  - (6) have a random selection process that satisfies the 99% confidence level using any of the following tests: standard chi-squared, runs, serial correlation, or other standard mathematical test for randomness as approved by the board;
  - (7) clearly display applicable rules of play and the payout schedule; and
  - (8) display an accurate representation of each game outcome utilizing rotating reels, video monitors, or other type of display mechanism that accurately depicts the outcome of the game.
- B.** The gaming machine shall display an external registration tag with the license number issued by the board. The registration tag shall be placed on the approved gaming device at the licensed premises by an agent of the board.  
[11/30/98; 15.1.7.9 NMAC - Rn, 15 NMAC 1.7.9, 3/31/00; A, 5/15/07]

**15.1.7.10 CONTROL PROGRAM SPECIFICATIONS:**

- A.** Except as otherwise authorized by the board all gaming devices which have control programs residing in storage media that is not alterable through any use of the circuitry or programming of the gaming device itself shall employ a mechanism to verify executable program code and data which may affect payouts or game outcome.
- B.** The mechanism used shall detect 99.99 percent of all possible media failures and shall reside in and execute from storage media that is not alterable through any use of the circuitry or programming of the gaming device.
- C.** All gaming devices that have control programs residing in storage media that are alterable through any use of the circuitry or programming of the gaming device itself shall:
- (1) employ a mechanism approved by the board which verifies that all control program components, including data and graphic information, are authentic copies of the approved components; the board

may require tests to verify that components used by licensees are approved components; the verification mechanism shall prevent the execution of any control program component if any component is determined to be invalid; any program component of the verification mechanism shall reside in and execute from storage media that is not alterable through any use of the circuitry or programming of the gaming device;

(2) employ a mechanism which tests unused or unallocated areas of any alterable memory for unintended programs or data and tests the structure of the storage media for integrity; the mechanism shall prevent further play of the gaming device if unexpected data or structural inconsistencies are found;

(3) provide a mechanism for keeping a record, anytime a control program component is added, removed, or altered; the record shall contain the date and time of the action, identification of the component affected, the reason for the modification and any pertinent validation information;

(4) provide a mechanism for extracting the validation information for all control program components on demand via a communication port; a separate mechanism shall be provided that tests the integrity of the validation information delivered via the communication port.

**D.** Any gaming device executing control programs from electrically erasable or other volatile memory shall employ a mechanism which verifies on a continuous basis, that all control program components residing therein, including fixed data and graphic information are authentic copies of the approved components. Additionally, control program components, excluding graphics and sound components, shall be fully verified at the time of loading into the electrically erasable or other volatile memory and upon any significant event, including but not limited to door closings, game resets, and power up. The mechanism shall prevent further play of the gaming device if an invalid component is detected.

**E.** Unless otherwise approved any gaming device that allows the adding, removing, or alteration of any control program components through a data communication facility shall employ a mechanism for preventing any change from taking place that would interrupt a game in progress. Any device, technique or network which may be used to accomplish the adding, removing, or alteration of any control program components may be considered a gaming device that shall receive separate approval.

**F.** Gaming devices with control programs or other security programs residing in conventional read only memory (ROM) devices such as EPROM's or fusible-link PROM's shall have the unused portions of the memory device that contains the program set to zero.

**G.** Gaming device control programs shall check for any corruption of random access memory locations used for crucial gaming device functions including, but not limited to, information pertaining to the play and final outcome of the most recent game, at minimum four games prior to the most recent game, random number generator outcome, credits available for play, and any error states. These memory areas shall be checked for corruption following game initiation but prior to display of the game outcome to the player. Detection of any corruption that cannot be corrected shall be deemed to be a game malfunction and shall result in a tilt condition.

**H.** All gaming devices shall have the capacity to display a complete play history for the most recent game played and four games prior to the most recent game. Retention of play history for additional prior games is encouraged. The display shall indicate the game outcome (or a representative equivalent), intermediate play steps (such as a hold and draw sequence or a double-down sequence), credits available, bets placed, credits or coins paid, and credits cashed out. Gaming devices offering games with a variable number of intermediate play steps per game may satisfy this requirement by providing the capability to display the last 50 play steps. The board may waive this standard for a particular device or modification if the hardware platform on which the device is based was originally approved prior to the adoption of this standard as modified and the manufacturer can demonstrate to the board's satisfaction that the imposition of the full standard would hinder the design of the device or would otherwise pose a hardship due to capacity limitations in the approved platform

**I.** The control program shall provide the means for on-demand display of the electronic meters utilizing a key switch on the exterior of the gaming device.

**J.** Either the TITO system or TITO-enabled gaming devices shall maintain an audit log that records, at a minimum, the last 25 ticket-in transactions. Upon ticket redemption, the log shall properly update with the ticket redemption information, including the date and time of redemption, amount of ticket, and at least the last four digits of the ticket validation number.

**K.** Either the TITO system or TITO-enabled gaming devices shall maintain an audit log that records, at a minimum, the last 25 ticket out transactions. Upon ticket issuance, the log shall properly update with the ticket issued information, including the date and time of issuance, amount of ticket, and at least the last four digits of the ticket validation number.

[11/30/98; 15.1.7.10 NMAC - Rn, 15 NMAC 1.7.10, 3/31/00; A, 12/15/10]

**15.1.7.11 GENERAL TICKETING STANDARDS:**

**A.** Racetrack licensees may offer ticketing systems whereby TITO-enabled slot machines accept and issue tickets in exchange for cash, tokens, or tickets using TITO systems.

**B.** TITO-enabled slot machines shall be capable of issuing and accepting only the casino's tickets. The board must approve the design of all tickets.

**C.** All tickets shall have the following minimum characteristics:

- (1) a primary validation number, which must be printed on the leading edge of the ticket;
- (2) a secondary validation number, identical to the primary validation number, which shall be printed on the body of the ticket;
- (3) at least one unique identifier, such as a barcode;
- (4) property name;
- (5) date and time the ticket was generated;
- (6) dollar value of the ticket printed both numerically and in text;
- (7) a statement that the ticket will expire 180 days after issuance; and
- (8) sequence number of the ticket printed by the slot machine.

**D.** Validation. TITO systems shall provide for on-line, real-time validation of online tickets. Prior to issuing or authorizing issuance of consideration (whether cash, tokens, credits, or another ticket) in exchange for a ticket, the TITO system shall validate the ticket from the TITO validation component. Casinos shall have at least one TITO validation component which may be located in a cashier cage.

**E.** If a ticket has a value that is not evenly divisible by the wagering denomination, when inserted into a TITO-enabled slot machine, the machine shall either:

- (1) return the ticket to the patron;
- (2) accept the ticket and allow for insertion of additional wagering consideration if the ticket value is less than the wagering denomination; or
- (3) accept the ticket and either display the indivisible portion of the ticket on a credit meter or issue another ticket for that indivisible portion.

**F.** A TITO-enabled slot machine shall be capable of generating two types of tickets: on-line tickets and delayed tickets.

(1) On-line tickets: If a TITO-enabled slot machine is properly communicating with the TITO system, the machine will be able to generate an on-line ticket. When a patron requests the issuance of a ticket in this situation, the machine will generate a ticket that utilizes the validation information generated by the TITO system or the machine, and communicate to the TITO system that it has successfully completed the transaction.

(2) Delayed tickets: If a TITO-enabled slot machine loses communication with a TITO system before validation information is successfully communicated to the TITO system for the last ticket out transaction, then all subsequent cash out attempts must result in the gaming machine issuing payment to the player via another available means such as, but not limited to, a hopper pay or a hand pay. The gaming machine shall be capable of storing delayed ticket data until such time that it has been successfully communicated to the TITO system.

(a) TITO systems may include a function whereby, prior to the restoration of communications, delayed ticket information may be manually input into the TITO system at a cashier station or other secure location.

(b) When communications are restored, delayed ticket information provided by the machine to the TITO system must be reconciled to the delayed tickets that were manually redeemed.

**G.** Tickets expire 180 days after issuance which is explicitly stated on each ticket. Upon expiration, the ticket is no longer valid for gaming purposes. TITO systems must recognize expired tickets as invalid and unredeemable.

**H.** The reporting requirements for ticketing transactions are defined in the minimum internal control procedures established by the board.

**I.** Ticket redemption kiosks shall perform to the same security standards as TITO-enabled slot machines, and shall include logs as required throughout this rule.

**J.** Kiosks shall also have a **total in** meter which accumulates the total value of all tickets accepted by the device, and a **total out** meter which accumulates the total value of payments issued by the device.

**K.** Kiosks redeem valid tickets for cash and tokens only; they may not generate and issue tickets. [11/30/98; 15.1.7.11 NMAC - Rn & A, 15 NMAC 1.7.11, 3/31/00; A, 1/31/02; A, 5/15/07; 15.1.7.11 NMAC - N, 12/15/10]

**15.1.7.12 ACCOUNTING METER SPECIFICATIONS:**

- A.** A gaming machine shall be equipped with both electronic and electromechanical meters.
- B.** A gaming machine's electromechanical meters shall have no less than six digits.
- C.** A gaming machine's electronic meters shall tally totals to eight digits and be capable of rolling over when the maximum value is reached.
- D.** A gaming machine's control program shall provide the means for on-demand display of the electronic meters utilizing a key switch on the exterior of the machine.
- E.** The required electromechanical meters shall comply with the following and shall count and report data on a basis consistent with the meters described Subsection H of 15.1.7.12 NMAC below:
  - (1)** the coin-in meter shall cumulatively count the number of coins or tokens that are wagered by actual coins or tokens that are inserted, or credits bet, or both;
  - (2)** the coin-out meter or amount won meter shall cumulatively count the number of coins, credits, or tokens won as a result of game play including hand-paid jackpots; notwithstanding the foregoing, a manufacturer may choose to incorporate a coin-out meter and hand-pay jackpot meter as separate meters;
  - (3)** the hand-pay jackpot meter shall identify the number of coins, credits, or tokens won as a result of game play resulting in a hand-pay jackpot; and
  - (4)** the coins-dropped meter shall maintain a cumulative count of the number of coins or tokens diverted into a drop bucket plus the value of the bills inserted that have been inserted into the bill acceptor.
- F.** Electromechanical meters shall meet a reasonable level of accuracy, given the available technology, as approved by the board.
- G.** Electronic meters shall have an accuracy rate of 99.99% or better.
- H.** The required electronic meters shall comply with the following and shall count and report data on a basis consistent with the meters described in Subsection E of 15.1.7.12 NMAC above:
  - (1)** the coin-in meter shall cumulatively count the value or number of coins or tokens that are wagered by actual coins or tokens that are inserted, or credits bet, or both;
  - (2)** the coins-out meter or amount won meter shall cumulatively count the value or number of coins, credits, or tokens won as a result of game play, including hand-paid jackpots; notwithstanding the foregoing, a manufacturer may choose to incorporate a coin-out meter and hand-pay jackpot meter as separate meters;
  - (3)** the coins-dropped meter shall maintain a cumulative count of the value or number of coins or tokens diverted into a drop bucket plus the value of the bills that have been inserted into the bill acceptor;
  - (4)** the games played meter shall display the cumulative number of games played;
  - (5)** a cabinet door meter shall display the number of times the front cabinet door was opened; and
  - (6)** the drop door meter shall display the number of times the drop door or the bill acceptor door was opened;
  - (7)** the ticket/voucher-in meter shall cumulatively count the value or number of all wagering vouchers accepted by the machine;
  - (8)** the ticket/voucher-out meter shall cumulatively count the value or number of all wagering vouchers and payout receipts issued by the machine.
- I.** If a gaming device is equipped with a bill acceptor, then the device shall be equipped with a bill acceptor meter that records the following:
  - (1)** the total number of bills that were accepted;
  - (2)** an accounting of the number of each denomination of bill accepted; and
  - (3)** the total dollar amount of bills accepted.
- J.** A gaming machine shall be designed so that the replacement parts or modules required for normal maintenance do not require replacement of the electromechanical meters.
- K.** A gaming machine shall have meters that continuously display all of the following information relating to current play or monetary transaction:
  - (1)** the number of coins, tokens, or credits wagered in the current game;
  - (2)** the number of coins, tokens, or credits won in the current game, if applicable;
  - (3)** the number of coins or tokens paid by the hopper for a credit cashout or a direct pay from a winning outcome; and
  - (4)** the number of credits available for wagering, if applicable.
- L.** Electronically stored meter information required by this rule shall be preserved after a power loss to the gaming device and must be maintained for a period of not less than 180 days.

**M.** A gaming machine shall not have a mechanism that causes the required electronic accounting meters to clear automatically when an error occurs.

**N.** The required electronic accounting meters shall be cleared only if approved by the board.

**O.** Required meter readings shall be recorded before and after the electronic accounting meter is cleared.

[11/30/98; 15.1.7.12 NMAC - Rn, 15 NMAC 1.7.12, 3/31/00; A, 5/15/07; 15.1.7.12 NMAC - Rn, 15.1.7.11 NMAC & A, 12/15/10]

**15.1.7.13 RANDOMNESS EVENTS AND RANDOMNESS TESTING:**

**A.** A random event is an event with a given set of possible outcomes that has a given probability of occurrence called the distribution. Two events are called independent if the outcome of one event does not have an influence on the outcome of the other event and the outcome of one event does not affect the distribution of another event.

**B.** A gaming machine shall be equipped with a random number generator to make the selection process. A selection process is considered random if all of the following specifications are met:

(1) the random number generator satisfies not less than a 99% confidence level using the standard chi-squared analysis;

(2) the random number generator does not produce a statistic with regard to producing patterns of occurrences; the random number generator is considered random if it meets the 99% confidence level with regard to the runs test or any similar pattern testing statistic;

(3) the random number generator produces numbers that are independently chosen without regard to any other symbol produced during that play; this test is the correlation test; the random number generator is considered random if it meets the 99% confidence level using standard correlation analysis;

(4) the random number generator produces numbers that are chosen without reference to the series of outcomes in the previous game; this test is the serial correlation test; the random number generator is considered random if it meets the 99% confidence level using standard serial correlation analysis;

(5) the random number generator and random selection process shall be impervious to influences from outside the gaming device, including, but not limited to, electromagnetic interference, electrostatic interference, and radio frequency interference; and

(6) a gaming machine shall use appropriate communication protocols to protect the random number generator and random selection process from influence by associated equipment that is conducting data communications with the gaming machine.

[11/30/98; 15.1.7.13 NMAC - Rn, 15 NMAC 1.7.13, 3/31/00; A, 5/15/07; 15.1.7.13 NMAC - Rn, 15.1.7.12 NMAC, 12/15/10]

**15.1.7.14 SAFETY AND POWER SUPPLY SPECIFICATION:**

**A.** Electrical and mechanical parts and design principles shall not subject a player to physical hazards. A gaming machine shall be electronically tested to the UL-22 standard for amusement and gaming devices or an equivalent standard. Testing may be done by any nationally or internationally recognized electrical safety testing laboratory.

**B.** Spilling a conductive liquid on the gaming machine shall not create a safety hazard or alter the integrity of the gaming device's performance.

**C.** The power supply used in a gaming machine shall be designed to minimize leakage of current in the event of an intentional or inadvertent disconnection of the alternate current power ground.

**D.** A surge protector shall be installed on each gaming machine. The surge protector may be internal to the power supply or external.

**E.** An on and off switch that controls the electrical current used to operate the gaming machine shall be located in an accessible place in the interior of the gaming machine.

**F.** The gaming machine power supply filtering shall be sufficient to prevent disruption of the gaming machine by a repeated switching on and off of the AC power.

**G.** Except in the case of total memory failure, if the gaming machine is still operable, a gaming machine shall be capable of continuing the current play with all the current play features after a gaming device malfunction is cleared.

[11/30/98; 15.1.7.14 NMAC - Rn, 15 NMAC 1.7.14, 3/31/00; A, 5/15/07; 15.1.7.14 NMAC - Rn, 15.1.7.13 NMAC, 12/15/10]

**15.1.7.15 COIN AND TOKEN ACCEPTOR SPECIFICATIONS:**

- A.** At least one electronic coin or token acceptor shall be installed in each gaming machine unless the gaming machine accepts bills only.
  - B.** A coin or token acceptor shall be evaluated by an independent testing laboratory approved by the board and approved by the board to indicate that it meets the requirements of this rule.
  - C.** The coin or token acceptor shall be designed to accept designated coins or tokens and to reject others.
  - D.** The coin or token acceptor on a gaming machine shall be designed to prevent the use of cheating methods, including, but not limited to, slugging, stringing, or spooning.
  - E.** A coin or token that is accepted but not credited to the current game shall be returned to the player by activating the hopper or crediting toward the next play of the gaming device. The gaming device control program must be capable of handling rapidly fed tokens so that instances where a token is accepted but not credited to the current game are minimized.
  - F.** A gaming device must use a coin or token acceptor that accepts or rejects a token on the basis of metal composition, mass, composite makeup, or equivalent security.
- [11/30/98; 15.1.7.15 NMAC - Rn, 15 NMAC 1.7.15, 3/31/00; A, 1/31/02; A, 5/15/07; 15.1.7.15 NMAC - Rn, 15.1.7.14 NMAC, 12/15/10]

**15.1.7.16 BILL ACCEPTOR SPECIFICATIONS:**

- A.** A gaming device may have a bill acceptor installed into which a patron may insert currency or a ticket in exchange for an equal value of gaming device credits. The patron shall be able to obtain an equal number of tokens or credits for the amount of currency that was inserted into the bill acceptor.
  - B.** A bill acceptor shall have software programs that enable the acceptor to differentiate between genuine and counterfeit bills to a high degree of accuracy. Bill acceptors may utilize flash technology upon approval of the board after evaluation by an independent testing laboratory.
  - C.** A bill acceptor shall be equipped with a bill acceptor drop box to collect the currency inserted into the bill acceptor. The bill acceptor shall:
    - (1)** be housed within the gaming machine or, if mounted on the outside of the gaming machine, be contained in a locked compartment; the key to such compartment shall be different from any other key on the gaming machine; and
    - (2)** be equipped with a bill acceptor drop box that includes a stacker; the drop box shall be identifiable to the gaming machine from which it was removed and have a separate lock to access the contents of the bill acceptor drop box; the key to the lock shall not access any other area of the gaming machine.
- [11/30/98; 15.1.7.16 NMAC - Rn, 15 NMAC 1.7.16, 3/31/00; A, 5/15/07; 15.1.7.16 NMAC - Rn, 15.1.7.15 NMAC, 12/15/10]

**15.1.7.17 AUTOMATIC LIGHT ALARM SPECIFICATIONS:** A light shall be installed on the top of the gaming machine that automatically illuminates when the door to the gaming machine is opened or when associated equipment that may affect the security or operation of the gaming machine is exposed, if the equipment is physically attached to the gaming machine.

[11/30/98; 15.1.7.17 NMAC - Rn, 15 NMAC 1.7.17, 3/31/00; 15.1.7.17 NMAC - Rn, 15.1.7.16 NMAC, 12/15/10]

**15.1.7.18 INTERIOR OF GAMING MACHINE; LOGIC BOARDS:**

- A.** The internal space of a gaming device must not be readily accessible when the cabinet door is closed. The cabinet door of the gaming device must be both locked and monitored.
  - B.** Access to the area described in Subsection C of 15.1.7.18 NMAC is prohibited without prior notice to the board, including the name of the person seeking access, the person's affiliation with the gaming operator licensee or owner of the gaming device, and the date, time, and purpose of such access. Unauthorized tampering or entrance into the logic area without prior notice is grounds for disciplinary action.
  - C.** The logic boards, program storage medium, and RAM or non-volatile memory of a gaming device must be contained in a separate, locked enclosure within the gaming device.
- [11/30/98; 15.1.7.18 NMAC - Rn, 15 NMAC 1.7.18, 3/31/00; A, 5/15/07; 15.1.7.18 NMAC - Rn, 15.1.7.17 NMAC & A, 12/15/10]

**15.1.7.19 HARDWARE SWITCH SPECIFICATIONS:**



**A.** A hardware switch shall not be installed if it alters the pay tables or payout percentages in the operation of a gaming machine.

**B.** A hardware switch may be installed to control graphic routines, speed of play, sound, or other board-approved cosmetic play features.

[11/30/98; 15.1.7.19 NMAC - Rn, 15 NMAC 1.7.19, 3/31/00; A, 5/15/07; 15.1.7.19 NMAC - Rn, 15.1.7.18 NMAC, 12/15/10]

**15.1.7.20 MULTIGAMES:**

**A.** A multigame may have various games with configurable percentages. A multigame may be approved by the board if, in addition to any other requirements in this rule, the following eight-digit electronic meters are available upon display for each game offered on the menu: credits wagered or equivalent, and credits won or equivalent.

**B.** If the method of configuring the game menu may be accomplished by entering a configuration mode of the device, then the method employed shall meet both of the following standards:

(1) the method has sufficient safeguards to prevent unauthorized access; and

(2) the method does not result in data loss or corruption of data sent to the central monitoring system.

[11/30/98; 15.1.7.20 NMAC - Rn, 15 NMAC 1.7.20, 3/31/00; A, 5/14/04; A, 5/15/07; 15.1.7.20 NMAC - Rn, 15.1.7.19 NMAC, 12/15/10]

**15.1.7.21 DISPLAY OF RULES OF PLAY:**

**A.** The rules of play for a gaming machine shall be displayed on the face or screen of the gaming device or capable of display at the player's option through use of an easily-accessible help screen.

**B.** The rules of play shall be evaluated by the independent testing laboratory designated by the board and shall be approved by the board. The board may reject the rules if the board determines that the rules are incomplete, conflicting, confusing, or misleading.

**C.** The rules of play shall be kept under glass or other transparent substance.

**D.** The rules of play shall not be altered without prior approval from the board.

**E.** Except for posting of odds pursuant to Section 15.1.10.21 NMAC and the display of the rules of play, stickers or other removable devices shall not be placed on the gaming device face unless their placement is approved by the board.

[11/30/98; 15.1.7.21 NMAC - Rn, 15 NMAC 1.7.21, 3/31/00; A, 5/15/07; 15.1.7.21 NMAC - Rn, 15.1.7.20 NMAC, 12/15/10]

**15.1.7.22 ERROR CONDITIONS AND AUTOMATIC CLEARING:**

**A.** A gaming machine shall be capable of detecting and displaying the following conditions: power reset, door open, and inappropriate coin-in or token-in if the coin or token is not automatically returned to the player.

**B.** The conditions described in Subsection A of 15.1.7.22 NMAC above shall be automatically cleared by the gaming machine upon initiation of a new play sequence.

[11/30/98; 15.1.7.22 NMAC - Rn, 15 NMAC 1.7.22, 3/31/00; A, 5/15/07; 15.1.7.22 NMAC - Rn, 15.1.7.21 NMAC & A, 12/15/10]

**15.1.7.23 ERROR CONDITIONS AND CLEARING BY AN ATTENDANT:**

**A.** A gaming machine shall be capable of detecting and displaying, and an attendant may clear, all of the following error conditions:

(1) coin- or token-in jam;

(2) coin- or token-out jam;

(3) hopper empty or timed-out;

(4) RAM error;

(5) hopper runaway or extra coin or token paid out;

(6) coin- or token-in error conditions;

(7) reel spin error of any type, including a misindex condition of rotating reels; the specific reel number must be identified in the error indicator; and

(8) low RAM battery, for batteries external to the RAM itself, or low power source.

**B.** A description of the gaming machine error codes and their meanings shall be contained inside each gaming machine.

[11/30/98; 15.1.7.23 NMAC - Rn, 15 NMAC 1.7.23, 3/31/00; A, 5/15/07; 15.1.7.23 NMAC - Rn, 15.1.7.22 NMAC, 12/15/10]

**15.1.7.24 HOPPER MECHANISM SPECIFICATIONS:**

**A.** If a gaming machine is equipped with a hopper, the hopper shall be designed to detect all of the following and force the gaming device into a tilt condition if one of the following occurs:

- (1) jammed coin or token;
- (2) extra coin or token paid out;
- (3) hopper runaway; or
- (4) hopper empty condition.

**B.** The gaming machine control program shall monitor the hopper mechanism for the error conditions specified in Subsection A of 15.1.7.24 NMAC above in all game conditions.

**C.** All coins or tokens paid from the hopper mechanism shall be accounted for by the gaming machine, including, to the extent possible, coins or tokens paid as extra coins or tokens during a hopper malfunction.

**D.** Hopper pay limits shall be designed to permit compliance by a gaming operator licensee with all applicable tax laws, rules and regulations.

[11/30/98; 15.1.7.24 NMAC - Rn, 15 NMAC 1.7.24, 3/31/00; A, 5/15/07; 15.1.7.24 NMAC - Rn, 15.1.7.23 NMAC & A, 12/15/10]

**15.1.7.25 TICKET PRINTER SPECIFICATIONS:**

**A.** A ticket printer shall be capable of producing the following:

- (1) date and time;
- (2) identification number of the gaming machine;
- (3) credits and their values; and
- (4) validation number.

**B.** The ticket printer shall be capable of sensing a paper out condition and completing printing of any unprinted tickets after the paper out fault has been cleared.

**C.** The machine shall either keep a duplicate copy or print only one (1) copy to the player but have the ability to retain the last ticket-out information to resolve player disputes. In addition, an approved system shall be used to validate the payout ticket, and the ticket information on the system shall be retained at least as long as the ticket is valid at that location.

**D.** Ticket printers shall be mounted inside a secure area of the TITO-enabled gaming device.

[11/30/98; 15.1.7.25 NMAC - Rn, 15 NMAC 1.7.25, 3/31/00; A, 5/15/07; 15.1.7.25 NMAC - Rn, 15.1.7.24 NMAC & A, 12/15/10]

**15.1.7.26 BIDIRECTIONAL COMMUNICATION:** A gaming machine that is capable of bidirectional communication with internal or external associated equipment shall use a communication protocol that ensures that erroneous data or signals will not adversely affect the operation of the gaming device.

[11/30/98; 15.1.7.26 NMAC - Rn, 15 NMAC 1.7.26, 3/31/00; A, 1/31/02; A, 5/14/04; A, 5/15/07; 15.1.7.26 NMAC - Rn, 15.1.7.25 NMAC, 12/15/10]

**15.1.7.27 THEORETICAL PERCENTAGE PAYOUT REQUIREMENTS:**

**A.** During the expected lifetime of the gaming machine, the gaming machine shall not pay out less than 80%.

**B.** The theoretical payout percentage shall be determined using standard methods of the probability theory. The percentage shall be calculated using the highest level of skill where player skill impacts the payback percentage.

**C.** A gaming machine shall have a probability of obtaining the single highest posted maximum payout of more than 1 in 50,000,000.

[11/30/98; 15.1.7.27 NMAC - Rn, 15 NMAC 1.7.27, 3/31/00; A, 1/31/02; A, 5/15/07; 15.1.7.27 NMAC - Rn, 15.1.7.26 NMAC, 12/15/10]

**15.1.7.28 REVOCATION OF LICENSE OR APPROVAL:**

**A.** The board may revoke the license or approval of a gaming machine if the board determines, in its discretion, that the gaming machine:

- (1) does not perform in the manner described in the application;

- (2) is defective or malfunctions frequently;
- (3) has a detrimental impact on the conduct of the gaming operation; or
- (4) adversely affects the computation of taxes due, but not limited to, inaccurate

computation, defects, or malfunctions.

**B.** The board shall notify, in writing, the manufacturer or distributor of the gaming machine of the revocation of the license or approval. The board shall advise the manufacturer or distributor of the date on which use of the gaming machine must cease.

**C.** The board shall notify, in writing, the gaming operator licensees that use the gaming machine of the revocation of the license or approval. The board shall advise the licensees of the date on which use of the gaming machine must cease.

**D.** A gaming operator licensee or applicant shall cease using, on the date established by the board, the gaming machine for which the license or approval has been revoked. The licensee shall notify the board, in writing, if the licensee believes it cannot cease use of the gaming machine by the established date and shall request an extension of time. The board shall advise the gaming operator licensee or applicant, in writing, whether the requested extension is approved or denied.

[11/30/98; 15.1.7.28 NMAC - Rn, 15 NMAC 1.7.28, 3/31/00; A, 5/15/07; 15.1.7.28 NMAC - Rn, 15.1.7.27 NMAC, 12/15/10]

**15.1.7.29 NEW OR MODIFIED GAMING DEVICES; ADDITIONAL NOTICE REQUIREMENTS:**

**A.** The manufacturer or distributor of gaming machine shall notify the board, in writing, of any problems, defects, or malfunctions of any gaming machine that has been approved by the board if the problem, defect, or malfunction affects game integrity or is recurring.

**B.** The manufacturer or distributor of a gaming machine shall advise the board, in writing, if any other jurisdiction has revoked the approval of any gaming machine approved or licensed by the board.

**C.** A gaming operator licensee or applicant shall notify the board, in writing, of any problems, defects, or malfunctions that affect the fairness or integrity of the operation or play of any gaming machine that has been approved by the board and is used by the licensee, or is proposed for use by the applicant, in the state.

**D.** A gaming operator licensee or applicant shall notify the board, in writing, if the approval of a gaming machine approved by the board and used by the gaming operator licensee, or proposed to be used by the gaming operator license applicant, has been revoked by any other jurisdiction.

[11/30/98; 15.1.7.29 NMAC - Rn, 15 NMAC 1.7.29, 3/31/00; A, 5/15/07; 15.1.7.29 NMAC - Rn, 15.1.7.28 NMAC, 12/15/10]

**15.1.7.30 APPROVAL OF ASSOCIATED EQUIPMENT AND MODIFICATION OF PREVIOUSLY APPROVED ASSOCIATED EQUIPMENT; APPROVAL REQUIRED:** Except as otherwise determined by the board, a manufacturer or distributor of associated equipment shall not distribute associated equipment or any modification thereto to a gaming operator licensee unless the board has approved the associated equipment or modification.

[11/30/98; 15.1.7.30 NMAC - Rn, 15 NMAC 1.7.30, 3/31/00; A, 5/15/07; 15.1.7.30 NMAC - Rn, 15.1.7.29 NMAC, 12/15/10]

**15.1.7.31 ASSOCIATED EQUIPMENT AND MODIFICATIONS; APPLICATION FOR APPROVAL:**

**A.** An applicant for approval of, or modification of existing associated equipment shall; submit an application to the board on forms provided or approved by the board.

**B.** The following information shall be included on the application:

(1) the name, business address, and business telephone number of the manufacturer or distributor;

(2) the federal identification number and New Mexico taxpayer identification number, or social security number of the manufacturer or distributor;

(3) a list of the jurisdictions that have approved the associated equipment and a copy of the document of approval from each jurisdiction; and

(4) additional information deemed necessary by the board to enable complete understanding of the operation and function of the associated equipment for which approval is sought.

**C.** The board has the authority to take, authorize, or require each of the following actions:

- (1) employ the services of an outside independent gaming test laboratory to conduct the testing;
- (2) bill a licensee who requests licensure or approval of associated equipment through any billing mechanism the board deems appropriate for all costs of testing;
- (3) require transportation of not more than two working models of the associated equipment to a designated independent laboratory for review and inspection. The laboratory may dismantle the associated equipment and may destroy the electronic components in order to fully evaluate the equipment;
- (4) require that the applicant provide specialized equipment or the services of an independent technical expert to evaluate the associated equipment; and
- (5) require the manufacturer or distributor seeking approval of the associated equipment to pay all the costs of transportation, review, inspection and testing.

**D.** If the board requires the manufacturer or distributor of associated equipment to submit the associated equipment to an independent laboratory for testing, then the manufacturer or distributor shall provide the following information to the independent laboratory:

- (1) the information set forth in Paragraphs (1) through (5) of Subsection B of 15.1.7.31 NMAC above;
- (2) a complete, comprehensive, and technically accurate description and explanation of the associated equipment and its intended use in both technical and lay language; the document must be signed under penalty of perjury;
- (3) detailed operating procedures of the associated equipment; and
- (4) details of all tests previously performed on the associated equipment, the conditions and standards under which the tests were performed, and the person or persons who conducted the tests.

**E.** Upon testing of any associated equipment, the independent laboratory shall provide the board with documentation of the following:

- (1) details of the tests performed on the associated equipment;
- (2) results of tests performed on the associated equipment;
- (3) detailed operating procedures of the associated equipment;
- (4) percentage calculations of the associated equipment, if applicable, and
- (5) any other information deemed necessary by the board to ensure compliance with the act and this rule.

**F.** A gaming operator licensee shall only install or use associated equipment that has been approved by the board after determination that the associated equipment is in compliance with the technical standards set forth in this rule.

**G.** After the board determines whether to approve or disapprove the associated equipment, the board shall notify the manufacturer or distributor of its decision, in writing.

**H.** A gaming operator licensee shall not alter the manner in which associated equipment operates or revise or modify the associated equipment without the prior written approval of the board.

[11/30/98; 15.1.7.31 NMAC - Rn, 15 NMAC 1.7.31, 3/31/00; 15.1.7.31 NMAC - Rn, 15.1.7.30 NMAC & A, 12/15/10]

**15.1.7.32 WAIVER OF EVALUATION AND TESTING REQUIREMENTS:** The board may waive, in the board's discretion, the evaluation and testing requirements described in this rule if the applicant provides evidence satisfactory to the board that the gaming device sought to be approved is identical in all material respects to a model that has been specifically tested and approved for current play by gaming officials in Nevada or New Jersey.

[11/30/98; 15.1.7.32 NMAC - Rn, 15 NMAC 1.7.32, 3/31/00; A, 1/31/02; A, 5/15/07; 15.1.7.32 NMAC - Rn, 15.1.7.31 NMAC, 12/15/10]

**15.1.7.33 REVOCATION OF APPROVAL OF ASSOCIATED EQUIPMENT OR MODIFICATION:**

**A.** The board may revoke approval of associated equipment or any modification thereto, if the board finds that the associated equipment:

- (1) does not perform in the manner described in the application;
- (2) is defective or malfunctions frequently;
- (3) has a detrimental impact on the conduct of a gaming operation; or
- (4) adversely affects the computation of taxes for reasons including, but not limited to, inaccurate computation, defects, or malfunctions.

**B.** The board shall notify, in writing, the manufacturer or distributor of the associated equipment of the revocation of approval. The board shall advise the manufacturer or distributor of the associated equipment of the date on which use of the associated equipment must cease.

**C.** The board shall notify, in writing, the gaming operator licensees that use, or applicants that propose to use, the associated equipment of revocation of approval. The board will advise the gaming operator licensee or applicant of the date on which the use of the associated equipment must cease.

**D.** A gaming operator licensee or applicant shall cease using the associated equipment for which approval has been revoked by the date established by the board. The licensee shall notify the board, in writing, if the licensee believes it cannot cease use of the associated equipment by the established date and shall request an extension of time. The board shall advise the gaming operator licensee or applicant, in writing, whether the requested extension is approved or denied.

[11/30/98; 15.1.7.33 NMAC - Rn, 15 NMAC 1.7.33, 3/31/00; A, 5/15/07; 15.1.7.33 NMAC - Rn, 15.1.7.32 NMAC, 12/15/10]

#### **15.1.7.34 ASSOCIATED EQUIPMENT; ADDITIONAL NOTICE REQUIREMENTS:**

**A.** The manufacturer or distributor of associated equipment shall notify the board, in writing, of any problems, defects, or malfunctions of any associated equipment that has been approved by the board if the problem, defect, or malfunction affects game integrity or is recurring.

**B.** The manufacturer or distributor of associated equipment must advise the board, in writing, if any other jurisdiction has revoked the approval of any associated equipment approved by the board.

**C.** A gaming operator licensee or applicant shall notify the board, in writing, of any material problems, defects, or malfunctions that affect the fairness or integrity of the operation or play of any associated equipment that has been approved by the board and is used by the licensee, or is proposed for use by the applicant, in the state.

**D.** A gaming operator licensee or applicant shall notify the board, in writing, if the approval of associated equipment approved by the board and used by the gaming operator licensee, or proposed to be used by the gaming operator license applicant, has been revoked by any other jurisdiction.

[11/30/98; 15.1.7.34 NMAC - Rn, 15 NMAC 1.7.34, 3/31/00; A, 5/15/07; 15.1.7.34 NMAC - Rn, 15.1.7.33 NMAC, 12/15/10]

#### **15.1.7.35 RETENTION OF ASSOCIATED EQUIPMENT RECORDS:**

**A.** A manufacturer or distributor of associated equipment shall maintain the following records:

- (1) all applications for approval of associated equipment submitted to the board;
- (2) detailed operating procedures of the associated equipment;
- (3) approvals of associated equipment received from any gaming jurisdiction;
- (4) a complete, comprehensive, and technically accurate description and explanation of the associated equipment and its intended use in both technical and lay language;
- (5) any alterations, modifications, or revisions and the requisite approvals that have been conducted on associated equipment used by gaming operator licensees or applicants;
- (6) details of tests performed on the associated equipment by the manufacturer or distributor of the associated equipment; and
- (7) the revocation of any approval for associated equipment issued by any gaming jurisdiction.

**B.** Manufacturer, distributor, and gaming operator licensees shall maintain documentation that indicates problems, defects, or malfunctions of the associated equipment and any other information or records the board deems necessary to ensure compliance with the act and this rule.

[11/30/98; 15.1.7.35 NMAC - Rn, 15 NMAC 1.7.35, 3/31/00; A, 1/31/02; A, 5/15/07; 15.1.7.35 NMAC - Rn, 15.1.7.34 NMAC, 12/15/10]

#### **15.1.7.36 MARKING OF GAMING MACHINES:**

**A.** A manufacturer or distributor shall not distribute a gaming machine in New Mexico unless the machine has:

- (1) a unique, permanent serial number, which shall be clearly visible and permanently stamped or engraved on the metal frame or other permanent component of the gaming machine or on a metal plate attached to the metal frame or other permanent component of the gaming machine;

(2) a metal plate that provides the manufacturer's name, model, date of manufacture, and permanent serial number of the machine; the metal plate must be attached to the cabinet of the gaming machine, and

(3) the board-issued license number and any modification approval number affixed to all program storage media placed in the machine.

**B.** Each manufacturer or distributor shall keep a written list of the date of each distribution, the serial numbers of the gaming machines, and the names, addresses, and telephone numbers of the persons to whom the machines have been distributed and shall provide the list to the board immediately upon request.

**C.** In addition to the requirements in Subsection A of 15.1.7.36 NMAC above, no gaming operator shall place a gaming machine in a licensed premises for play unless the gaming machine bears the board-issued license number affixed to the machine. No person other than the board or its authorized employee or other agent shall affix or remove the license number.

[11/30/98; 15.1.7.36 NMAC - Rn, 15 NMAC 1.7.36, 3/31/00; A, 5/15/07; 15.1.7.36 NMAC - Rn, 15.1.7.35 NMAC & A, 12/15/10]

#### **15.1.7.37 SUMMARY SUSPENSION OF APPROVAL OF GAMING DEVICES:**

**A.** The board, with or without prior notice to the manufacturer, distributor, or licensee, may issue a summary order suspending approval of a gaming device if the board determines that the device does not operate, or is not being operated, in the manner certified by the manufacturer or as approved by the board.

**B.** After issuing the summary suspension order, the board may seal or seize all modes of that gaming device and shall thereafter comply with provisions of the act and this rule governing emergency orders of the board. [11/30/98; 15.1.7.37 NMAC - Rn & A, 15 NMAC 1.7.37, 3/31/00; A, 1/31/02; A, 5/15/07; 15.1.7.37 NMAC - Rn, 15.1.7.36 NMAC, 12/15/10]

#### **15.1.7.38 MAINTENANCE, REPAIR AND SERVICING OF GAMING DEVICES:**

**A.** A licensee shall not alter the operation of approved gaming machines or associated equipment and shall ensure that the gaming machines and associated equipment are maintained in proper condition.

**B.** Only the following persons shall service or repair a gaming machine or associated equipment:

(1) a licensed manufacturer;

(2) an employee of a licensed manufacturer; or

(3) a technician approved by the board and employed by a distributor or gaming operator

licensee.

**C.** A licensed manufacturer shall maintain a certification program for the purpose of training and certifying technicians to service and repair gaming devices manufactured by the licensed manufacturer. Upon request, the licensed manufacturer shall provide evidence of such program to the board, including a full description of the program, models of gaming devices for which training is provided, criteria for certification, information concerning instructor qualifications, and copies of training materials and tests. Any program deemed insufficient by the board shall be modified at the board's request.

**D.** The licensed manufacturer shall ensure that its technician employees have received sufficient and appropriate training in the service and repair of each of its approved gaming machine models before the gaming machine may be placed in operation in the state.

**E.** A licensed manufacturer that certifies other persons as technicians shall ensure that the technicians have received sufficient and appropriate training in the service and repair of the approved gaming machine to be operated by the gaming operator licensee, or distributed by the licensed distributor, employing the technician.

**F.** A gaming operator and a licensed distributor shall establish written standards for qualifications of a gaming device technician, which shall be submitted to the board for consideration and approval. Approval of the standards shall not be unreasonably denied so long as they include manufacturer gaming device certifications or a reasonable equivalent of work experience in the gaming industry. The educational and work experience requirements may be substituted by a background in electronics or mechanics; a limited background in these areas may be compensated for by an in-house training program whereby the individual is closely supervised by an approved technician for a specified period of time.

(1) In order to be approved to service a gaming device, a person shall submit an application for a work permit and shall submit documentation of the qualifications required in Subsection F of 15.1.7.38 NMAC.

(2) The board shall notify the technician and their employer of whether the submitted qualifications are approved within seven (7) days of receipt of the documentation. Notification of approval of the

application for work permit shall be done by the normal process as set out in parts 15.1.5 NMAC and 15.1.13 NMAC.

**G.** The gaming operator licensee shall ensure that all service and repairs on its gaming machines, including the installation or repairs of component parts such as bill acceptors, monitoring systems, or other parts that would significantly alter the current or subsequent operation of a gaming machine, are made correctly and in compliance with board requirements.

**H.** The gaming operator licensee shall notify the board's information systems division prior to performing any maintenance or service that requires access to the logic area of a gaming machine. The gaming operator licensee shall not perform any maintenance that requires access to the logic area of a gaming machine, as defined in board rule 15.1.7.18 NMAC, until the board's information systems division disables the gaming machine from service and approves performance of the maintenance or service.

**I.** The gaming operator licensee shall notify the board's information systems division by telephone to obtain authorization prior to taking out of service any gaming machine that is deemed to be in an error condition that requires the gaming machine to be powered down for more than the remainder of the gaming day.

**J.** The gaming operator licensee shall not install gaming media in a gaming machine without prior written approval of the board's information systems division.

**K.** The gaming operator licensee shall not perform any maintenance on a gaming machine that will result in clearing any critical memory of the machine without prior written approval of the board's information systems division.

**L.** Except for qualified technicians, no employee of the gaming operator licensee shall perform service or repairs on the licensee's gaming machines other than incidental repairs, unless such service or repairs are performed under the direct supervision of a qualified technician as part of an in-house training program approved by the board. Incidental repairs are repairs that do not affect any of the machine's major systems or require that the person making the repair access any internal space of the gaming machine.

**M.** The board may allow, at the board's discretion, on-site training by a qualified technician as long as the technician's qualifications have been approved by the board. Technicians in training shall work under the direct supervision of a qualified technician and shall obtain board qualification by satisfactorily completing all required training within thirty (30) days of employment.

**N.** The gaming operator licensee shall keep a machine access entry log inside the main cabinet access area of each gaming machine. Every person who gains entry into any internal space of a gaming machine shall sign the machine entry access log, indicate the date and time of entry and list all areas inspected, repaired or serviced. The gaming operator licensee shall retain the maintenance log for a period of five (5) years and shall make the maintenance log available to the board or its authorized agents upon request.

**O.** In addition to the machine entry access log required by Subsection J of 15.1.7 NMAC, a gaming operator licensee shall maintain a written log in a form acceptable to the board for recording service or repairs performed on the licensee's gaming machines by qualified technicians employed by a manufacturer or distributor licensee whose principal place of business is outside the state. Any qualified technician employed by such a manufacturer or distributor who performs service or repairs on the gaming machines of a gaming operator shall make a complete entry on the log at the time of the service or repairs, recording, at a minimum, the name and work permit number of the qualified technician performing the service or repairs, the dates and times of the service or repairs and a brief description of the service or repairs performed.

[11/30/98; 15.1.7.38 NMAC - Rn, 15 NMAC 1.7.38, 3/31/00; 15.1.7.38 NMAC - Rn, 15.1.7.37 NMAC & A, 12/15/10; A, 10/15/15]

#### **15.1.7.39 SALE AND TRANSPORTATION OF GAMING MACHINES FOR HOME OWNERSHIP:**

**A.** A manufacturer or distributor license by the board may offer gaming machines for sale for home use provided the manufacturer or distributor complies with this section of this part. The manufacturer or distributor selling a gaming machine for home use shall only transport such a gaming machine to a private residence.

**B.** A manufacturer or distributor selling a gaming machine for home use shall retain a written record of the sale of the gaming machine. The written record shall include the date of the sale, the name and address of the purchaser, the serial number and a description of the gaming machine, and the address to which the gaming machine is delivered.

**C.** A manufacturer or distributor selling a gaming machine for home use shall notify the board of the sale and transport of the gaming machine and provide the board with a copy of the written record of the sale prior to transporting the gaming machine to the residence of the person purchasing the machine.

**D.** A manufacturer or distributor selling a gaming machine for home use shall transport and deliver the gaming machine to the residence of the purchaser. No gaming machine sold for home ownership shall be transported by any person or entity other than the distributor or manufacturer selling the machine.

**E.** A gaming machine sold for home ownership shall:

(1) have a conspicuous and indelible notice prominently affixed to the front of the machine stating that the machine is only legal for play in a private residence;

(2) have a conspicuous and indelible notice prominently affixed to the rear of the gaming machine stating that the sale and transportation of the gaming machine by other than a licensed manufacturer or distributor is a fourth (4<sup>th</sup>) degree felony; and

(3) either provide a payback value for each credit played, determined over time, of one hundred percent (100%) or be manufactured or modified in such a way as to be operable only with tokens.

**F.** A manufacturer or distributor selling a gaming machine for home use shall provide written notice to the purchaser:

(1) that the machine shall be played only at a private residence;

(2) that no person shall make money from play on the machine except through winnings as a player;

(3) that commercial gambling is a fourth (4<sup>th</sup>) degree felony;

(4) that it is illegal to resell the machine to any person or entity other than a licensed manufacturer or distributor; and

(5) that it is illegal for any person or entity other than a licensed manufacturer or distributor to transport the machine.

**G.** A manufacturer or distributor selling a gaming machine for home use shall require as a condition of purchase that the purchaser acknowledge in writing that he has received the written notice described in Subsection F of 15.1.7 NMAC.

**H.** A manufacturer or distributor shall comply with all board regulations concerning transportation of any electronic media to be placed in a gaming machine being used in a private residence. A manufacturer or distributor shall report all sales of electronic media for home gaming machines in accordance with Subsection B of 15.1.7 NMAC.

[11/30/98; 15.1.7.39 NMAC - Rn, 15 NMAC 1.7.39, 3/31/00; A, 5/15/07; 15.1.7.39 NMAC - Rn, 15.1.7.38 NMAC, 12/15/10; Repealed, 10/15/15; 15.1.7.39 NMAC - N, 10/15/15]

**15.1.7.40 RETENTION OF RECORDS:** The licensee shall maintain all records required pursuant to this rule within New Mexico for a period of five years.

[15.1.7.40 NMAC - Rn, 15.1.7.39 NMAC, 12/15/10]

**HISTORY OF 15.1.7 NMAC:**

**Pre NMAC History: None.**

**History of Repealed Material:** [Reserved]

**Other History:**

15 NMAC 1.7, Gaming Machines, New Games and Associated Equipment, effective 11/30/98.

15 NMAC 1.7, Gaming Machines, New Games and Associated Equipment (filed 11/13/98) reformatted, renumbered, amended and replaced by 15.1.7 NMAC, Gaming Machines, New Games and Associated Equipment, effective, 03/31/2000.