

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 1 GAMES AND GAMING GENERAL PROVISIONS
PART 13 LICENSE AND CERTIFICATION RENEWAL REQUIREMENTS UNDER THE
GAMING CONTROL ACT

15.1.13.1 ISSUING AGENCY: New Mexico Gaming Control Board.
[12/31/98; 15.1.13.1 NMAC - Rn, 15 NMAC 1.13.1, 3/31/00]

15.1.13.2 SCOPE: This rule applies to all licensees under the Gaming Control Board.
[12/31/98; 15.1.13.2 NMAC - Rn, 15 NMAC 1.13.2, 3/31/00]

15.1.13.3 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)(1) directs the board to adopt regulations prescribing the method and form of application to be filed by an applicant under the Gaming Control Act. Pursuant to Section 60-2E-14(F), all licenses issued to or for manufacturers, distributors, gaming operators, and gaming machines and all work permits shall be renewed annually.
[12/31/98; 15.1.13.3 NMAC - Rn, 15 NMAC 1.13.3, 3/31/00; A, 11/30/05]

15.1.13.4 DURATION: Permanent.
[12/31/98; 15.1.13.4 NMAC - Rn, 15 NMAC 1.13.4, 3/31/00]

15.1.13.5 EFFECTIVE DATE: December 31, 1998, unless a later date is cited at the end of a section.
[12/31/98; 15.1.13.5 NMAC - Rn, 15 NMAC 1.13.5, 3/31/00; A, 1/31/02]

15.1.13.6 OBJECTIVE: The objective of this rule is to establish standards for the annual renewal of licenses issued under the Gaming Control Act.
[12/31/98; 15.1.13.6 NMAC - Rn, 15 NMAC 1.13.6, 3/31/00]

15.1.13.7 DEFINITIONS: Unless otherwise defined below, terms used in these regulations have the same meanings as set forth in the Gaming Control Act:

- A. "Act"** means the Gaming Control Act.
 - B. "gaming activity"** means any endeavor associated with the manufacture or distribution of gaming devices or the conduct of gaming, including employment as a gaming employee.
 - C. "licensee"** means a person to whom a valid license, including a work permit, has been issued.
 - D. "person"** means a legal entity or individual.
 - E. "State"** means the State of New Mexico.
- [12/31/98; 15.1.13.7 NMAC - Rn, 15 NMAC 1.13.7, 3/31/00]

15.1.13.8 RENEWAL OF LICENSE OR WORK PERMIT:

- A.** Licenses issued under the act, other than gaming machine licenses, expire one (1) year from the date of the issuance of the license, and are subject to annual renewal in accordance with the act and this rule.
- B.** A complete renewal application and payment of all applicable fees for renewal of a license shall be filed with the board not less than sixty (60) days prior to the date the license expires. The renewal application shall be submitted on forms provided by the board. Gaming operator licensees shall submit compulsive gambling plans with the renewal application.
- C.** In addition to any other information required, the renewal application for a nonprofit organization gaming operator license shall include a copy of its amended charter, if any, articles of incorporation, bylaws, or rules that establish regular or auxiliary membership requirements, the name, home address, phone number and e-mail address of each member of the governing board, and a copy of its most recent federal income tax return (Form 990). The board may deny a license renewal application if it determines that any amendment has opened, or may open, gaming activity to persons beyond those authorized under the act.
- D.** In addition to any other information required, the renewal application for a racetrack gaming operator license shall include proof that the racetrack holds an active license to conduct pari-mutuel wagering. The application also shall include a copy of the racetrack's schedule of live races on each race day during its licensed race meet for the renewal year. If the schedule of live races for the entire renewal year has not been approved by the

date the renewal application is filed with the board, the racetrack gaming operator licensee shall submit a schedule of live race days currently approved by the racing commission, and shall submit a proposed schedule of additional race days for the license year with the renewal application and shall submit a final schedule for the remainder of the license year within fifteen (15) days of approval by the racing commission.

E. The board may deny a license renewal application if the applicant is delinquent in the payment of any installment of the gaming tax or the payment of any other fees, fines, costs, or penalties imposed by the state, the liability for which arises out of any previous or current application to conduct, or out of the conduct of, gaming activity in the state.

F. A work permit expires three (3) years from the date of issuance. A complete renewal application and payment of all applicable fees for renewal of the work permit shall be filed with the board not less than ten (10) days prior to the date the work permit expires. The renewal application shall be submitted on forms provided by the board.

[12/31/98; 15.1.13.8 NMAC - Rn & A, 15 NMAC 1.13.8, 3/31/00; A, 1/31/02; A, 11/30/05; A, 12/15/10; A, 10/15/15]

15.1.13.9 RENEWAL FEES:

A. Renewal license fees are as follows:

- (1) gaming machine manufacturer's license, \$2,000;
- (2) associated equipment manufacturer's license, \$400.00;
- (3) gaming machine or associated equipment distributor's license, \$400;
- (4) gaming operator's license for racetrack, \$4,000;
- (5) gaming operator's license for nonprofit organization, \$100;
- (6) gaming machine license, \$25 per machine;
- (7) work permit, \$75; and
- (8) certification of finding of suitability, \$75.

B. Any renewal application shall be deemed incomplete, and shall be subject to late fees and penalties, if the applicant does not include full payment for the license renewal fee with the application or if the applicant's check is returned due to insufficient funds.

C. The board or its designee may prorate the license fee in cases it deems appropriate.

D. In addition to the renewal fee paid, an applicant for renewal of a certification of finding of suitability as a key person for a racetrack gaming operator, manufacturer or distributor shall pay all supplementary investigative fees and costs.

E. An applicant for renewal of a certification of finding of suitability as a key person for a racetrack gaming operator, manufacturer or distributor shall reimburse the board in an amount sufficient to cover actual fees and costs of any investigation within 30 days of receipt of notice of actual fees and costs incurred by the board in conducting a background investigation of the applicant.

F. An applicant for renewal of a certification of finding of suitability for a nonprofit gaming operator shall not be assessed investigative fees and costs.

[12/31/98; 15.1.13.9 NMAC – Rn, 15 NMAC 1.13.9, 3/31/00; A, 11/30/05; A, 5/15/07; A, 8/30/07; A, 12/15/10]

15.1.13.10 LATE RENEWAL OF LICENSE, CERTIFICATION OR WORK PERMIT:

A. The board may, in its discretion, accept and process a renewal application for a gaming operator's, manufacturer or distributor's license, work permit or certification of finding of suitability filed after the deadlines established in 15.1.13.8 NMAC and 15.1.13.13 NMAC. Any such application for a racetrack gaming operator, manufacturer's or distributor's license, shall be subject to a late renewal fee of two hundred fifty dollars (\$250) plus ten dollars (\$10) per day for each additional day the renewal application is late. Any such application for a nonprofit gaming operator's license shall be subject to a late renewal fee of one hundred fifty dollars (\$150) plus ten dollars (\$10) per day for each additional day the renewal application is late.

B. To allow sufficient processing time by the board, no renewal application for a gaming operator's, manufacturer or distributor's license, or for a certification of finding of suitability shall be accepted by the board less than forty-five (45) days of the expiration date of the license, regardless of whether the applicant for renewal pays late fees. Any applicant for renewal who fails to submit a complete renewal application at least forty-five (45) days before the expiration date of his or her license or certification of finding of suitability shall be required to file a full application for and pay all applicable fees and investigation costs if that person desires to engage in the conduct of gaming activities.

C. If an applicant for a racetrack gaming operator's, manufacturer's or distributor's license applies for such license within thirty (30) days after the expiration of a previously held license, in addition to initial application fees, the applicant will be charged a fee of two hundred fifty dollars (\$250.00) plus ten dollars (\$10.00) for each day that has passed since the expiration date until the new application is filed. If an applicant for a nonprofit gaming operator's license, or for a work permit or certification of finding of suitability applies for such license, permit or certification within thirty (30) days after the expiration of a previously held license, permit or certification, in addition to initial application fees, the applicant will be charged a fee of one hundred and fifty dollars (\$150.00) plus ten dollars (\$10.00) for each day that has passed since the expiration date until the new application is filed. [12/31/98; 15.1.13.10 NMAC - Rn & A, 15 NMAC 1.13.10, 3/31/00; Repealed, 1/31/02; 15.1.13.10 NMAC - Rn, 15.1.13.11 NMAC, 1/31/02; A, 5/14/04; A, 11/30/05; A, 12/15/10; A, 10/15/15]

15.1.13.11 MANDATORY CESSATION OF GAMING ACTIVITY: No licensee shall engage in any gaming activity unless the licensee has received a renewed license from the board. Any licensee that fails to renew its license as required by the act and this rule shall cease the gaming activity authorized by the license on the date the license expires. Engaging in any gaming activity without a renewed license shall subject the licensee to fines and penalties as determined by the board. [12/31/98; 15.1.13.11 NMAC - Rn & A, 15 NMAC 1.13.11, 3/31/00; 15.1.13.11 NMAC - Rn, 15.1.13.12 NMAC, 1/31/02; A, 11/30/05]

15.1.13.12 RENEWAL LICENSE PERIOD: All licenses shall expire annually on the anniversary date of the original issuance and will be subject to renewal on an anniversary date basis. [12/31/98; 15.1.13.12 NMAC - Rn, 15 NMAC 1.13.12, 3/31/00; 15.1.13.12 NMAC - Rn, 15.1.13.13 NMAC, 1/31/02; A, 11/30/05; A, 12/15/10]

15.1.13.13 RECERTIFICATION OF FINDING OF SUITABILITY:

A. A certification of finding of suitability expires three years from the date of issuance. A complete renewal application and payment of all applicable fees for renewal of the certification of finding of suitability shall be filed with the board not less than sixty (60) days prior to the date the certification of finding of suitability expires. The renewal application shall be submitted on forms provided by the board.

B. The board may require any person previously certified as suitable by the board to apply for recertification of the finding of suitability at any time if the board believes that circumstances warrant such application.

C. Any person required by the board to apply for recertification shall apply within 30 days after the date of the board's request and provide such information as the board may direct. The board may find any person failing to apply for recertification as required in this rule unsuitable on that basis. [12/31/98; 15.1.13.13 NMAC - Rn & A, 15 NMAC 1.13.13, 3/31/00; 15.1.13.13 NMAC - Rn, 15.1.13.14 NMAC, 1/31/02; A, 11/30/05]

HISTORY OF 15.1.13 NMAC:

Pre NMAC History: None.

History of Repealed Material: [Reserved]

Other History:

15 NMAC 1.13, License and Certification Renewal Requirements Under the Gaming Control Act, effective 12/31/98.

15 NMAC 1.13, License and Certification Renewal Requirements Under the Gaming Control Act (filed 12/14/98) reformatted, renumbered, amended and replaced by 15.1.13 NMAC, License and Certification Renewal Requirements Under the Gaming Control Act, effective, 3/31/2000.