

**TITLE 15            GAMBLING AND LIQUOR CONTROL**  
**CHAPTER 1        GAMES AND GAMING GENERAL PROVISIONS**  
**PART 19           PAYMENT OF WINNINGS OVER \$1,200.00 UNDER THE GAMING CONTROL ACT**

**15.1.19.1           ISSUING AGENCY:** New Mexico Gaming Control Board.  
[4/30/99; 15.1.19.1 NMAC - Rn, 15 NMAC 1.19.1, 10/15/00]

**15.1.19.2           SCOPE:** This rule applies to all gaming establishments licensed under the Gaming Control Act.  
[4/30/99; 15.1.19.2 NMAC - Rn, 15 NMAC 1.19.2, 10/15/00]

**15.1.19.3           STATUTORY AUTHORITY:** Sections 60-2E-7(B)(3) of the Gaming Control Act authorizes the Gaming Control Board to develop, adopt and promulgate all regulations necessary to implement and administer the provisions of the Gaming Control Act.  
[4/30/99; 15.1.19.3 NMAC - Rn, 15 NMAC 1.19.3, 10/15/00]

**15.1.19.4           DURATION:** Permanent.  
[4/30/99; 15.1.19.4 NMAC - Rn, 15 NMAC 1.19.4, 10/15/00]

**15.1.19.5           EFFECTIVE DATE:** April 30, 1999, unless a later date is cited at the end of a section.  
[4/30/99; 15.1.19.5 NMAC - Rn, 15 NMAC 1.19.5, 10/15/00; A, 1/31/02]

**15.1.19.6           OBJECTIVE:** The objective of this rule is to establish procedures to ensure compliance with Section 60-2E-61 of the Gaming Control Act, which provides for liens on winnings for debts collected by the New Mexico Human Services Department.  
[4/30/99; 15.1.19.6 NMAC - Rn, 15 NMAC 1.19.6, 10/15/00]

**15.1.19.7           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.            “Board”** means the New Mexico gaming control board.
  - C.            “Child support enforcement lien list”** means a list of persons subject to a child support enforcement lien by the New Mexico child support enforcement division of the New Mexico department of human services.
  - D.            “Involuntary exclusion list”** means a list of persons who have been excluded from all gaming operator licensee’s premises in New Mexico pursuant to Section 60-2E-34 NMSA 1978.
  - E.            “Person”** means an individual.
  - F.            “Self-exclusion list”** means a list maintained by the board of persons who have requested to be excluded from gaming at one or more gaming operator licensee’s premises pursuant to Section 60-2E-34.1 NMSA 1978.
  - G.            “State”** means the state of New Mexico.
  - H.            “This title”** means Title 15, Chapter 1 of the New Mexico Administrative Code (NMAC).
  - I.            “Wager”** means a sum of money or thing of value risked on an uncertain occurrence.
  - J.            “Winning patron”** means a person who wins a jackpot or other prize based on his or her play on a gaming machine.
  - K.            “Winnings”** means the gaming machine amount due a winning patron as a result of a legitimate wager; “winnings” are based on a single winning transaction on a gaming machine or other single transaction that entitles the winning patron to money, a prize, or other award.
- [4/30/99; 15.1.19.7 NMAC - Rn & A, 15 NMAC 1.19.7, 10/15/00; A, 1/31/02; A, 10/15/15]

**15.1.19.8           PAYOUT RESTRICTIONS:** A gaming operator licensee shall not pay winnings of twelve hundred dollars (\$1,200.00) or more to any winning patron without following the procedures set forth in this rule.  
[4/30/99; 15.1.19.8 NMAC - Rn, 15 NMAC 1.19.8, 10/15/00; A, 7/31/02; A, 6/30/08; A, 10/15/15]

**15.1.19.9           MAINTENANCE OF SECURE ONLINE DATABASE:**

**A.** The board shall maintain a secure, password protected online database containing the names of persons on the child support enforcement division of the state human services department list as owing child support in the state, and the names of persons who have self-excluded from gaming establishments within the state.

**B.** A racetrack gaming operator licensee shall designate persons who may access the online database using a form approved by the board. A person identified as having access to the online database shall be provided a unique password by the board, enabling that person to access the database.

**C.** A racetrack gaming operator licensee shall notify the board's information systems division within twenty four (24) hours of the termination of employment of any person having access to the online database using a form approved by the board.

**D.** A person having access to the online database is prohibited from accessing the database for any purpose other than as provided for in this rule. Accessing the online database for any purpose other than as provided for in this rule shall be grounds for imposition of a fine or revocation of that person's certification of finding of suitability or work permit, or both.

**E.** A gaming operator licensee shall develop internal controls to ensure that the database lookup is performed and documented properly.

[15.1.19.9 NMAC - N, 10/15/15]

#### **15.1.19.10 VERIFICATION OF WINNINGS; REPORTING PROCEDURES; RACETRACK GAMING OPERATORS:**

**A.** When the winning patron seeks payment of winnings in the amount of twelve hundred dollars (\$1,200.00) or more, a racetrack gaming operator licensee shall verify the winnings in accordance with approved minimum internal control standards.

**B.** Upon verification of the validity of the winnings, and before payment of the winnings, the racetrack gaming operator licensee shall ensure that the winning patron completes a form provided or approved by the board to report the winnings.

**C.** The form shall include the following information and shall be completed in full:

- (1) the name, address, telephone number, and social security number of the winning patron;
- (2) the exact amount of the winnings;
- (3) the date the winnings were won; and
- (4) the name, address, telephone number, and gaming operator license number of the gaming

operator.

**D.** After verifying the win, the racetrack gaming operator licensee shall verify the identity of the winning patron and the information provided by the winning patron on the form against at least one (1) of the following forms of photograph identification.

- (1) valid driver licensee issued by any state in the United States of America;
- (2) valid identification card issued by any state in the United States of America;
- (3) valid employment card issued by any state in the United States of America;
- (4) valid military identification card or military dependent identification card;
- (5) valid passport issued by the United States government or other country recognized by the United States government; and
- (6) valid alien resident identification card issued by the United State government.

**E.** The racetrack gaming operator licensee shall also verify the social security number provided by the winning patron on the form against one (1) of the following documents:

- (1) winning patron's social security card; or
- (2) by having patron complete internal revenue service (IRS) form W-9.

**F.** After a racetrack gaming operator licensee verifies the win and the identification of the winning patron, the gaming operator licensee shall enter the winning patron's name and social security number into the secure online database in order to determine whether the winning patron's name is currently on the involuntary exclusion list, self-exclusion list or the child support enforcement lien list. The racetrack gaming operator licensee shall print out the database lookup information and attach it to the jackpot paperwork.

**G.** If a racetrack gaming operator licensee determines that the winning patron is currently on the child support enforcement lien list the licensee shall:

- (1) notify the winning patron that his name appears on the child support enforcement lien list;
- (2) withhold payment of the jackpot;

(3) document the transaction and account for all monies so withheld in accordance with the licensee's internal controls;

(4) within twenty-four (24) hours fill out and fax or e-mail a notification form to the state child support enforcement division of the New Mexico department of human services;

(5) provide a printout of the database lookup page to the winning patron;

(6) the child support enforcement division will notify the racetrack gaming operator licensee within seven (7) days of whether all or part of the jackpot may be released to the winning patron; the gaming operator licensee shall hold any monies claimed by the child support enforcement division until the outcome of any child support lien is determined; upon being notified of the outcome of the child support enforcement division lien, the gaming operator licensee shall either pay the winnings to the winning patron or forward the winnings to the child support enforcement division with the case number attached.

**H.** If a gaming operator licensee determines that the winning patron is currently on the self-exclusion database, the licensee shall:

(1) notify the patron of his self-excluded status;

(2) withhold the jackpot and confiscate any credits on the gaming machine being played by the self-excluded person for use to supplement the licensee's statutory compulsive gambling monies;

(3) document and account for all monies so withheld in accordance with the licensee's internal controls; and

(4) provide a printout of the database lookup page to the winning patron.

**I.** If a racetrack gaming operator licensee determines that a winning patron is on both the child support enforcement lien list and the self-exclusion list, the licensee shall use the procedures set forth in Subsection G of 15.1.19.10 NMAC. In the event that there are winnings in excess of any child support enforcement lien, with respect to those monies the licensee shall use the procedures set forth in Subsection H of 15.1.19.10 NMAC.

**J.** If a racetrack gaming operator licensee determines that a winning patron is on the involuntary exclusion list, the licensee shall exclude the winning patron from the premises and notify the winning patron that he may be subject to prosecution for criminal trespass. If a winning patron on the involuntary exclusion list is also on the child support enforcement lien list, the licensee shall follow the procedures for forfeiture set forth in Subsection G of 15.1.19.10 NMAC.

**K.** If the winning patron is not involuntarily excluded, self-excluded or subject to a child support enforcement lien, the racetrack gaming operator licensee shall pay the winnings upon verification of the information provided by the winning patron.

**L.** In the event the online database is not functioning at the time of a jackpot win, a racetrack gaming operator licensee shall:

(1) ensure that the winning patron completes a form provided or approved by the board to report the winnings; the form shall be completed in full and include the following information:

(a) a statements, under penalty of perjury that to the best of the winning patron's knowledge and belief, that the winning patron does not owe and is not delinquent in child support payments in any state; and

(b) a statement, under penalty of perjury attesting to the accuracy of the information provided.

(2) when the online database regains functionality, look up the patron's information on the database; if the patron is found to owe child support, the racetrack gaming operator shall report the patron's information to the child support enforcement division within forty-eight (48) hours.

**M.** If a winning patron refuses to provide any of the information required by this rule, or fails or refuses to complete any reporting form, the gaming operator licensee shall withhold the winnings until such time as the information is provided.

[4/30/99; 15.1.19.9 NMAC - Rn, 15 NMAC 1.19.9, 10/15/00; A, 1/31/02; A, 7/31/02; A, 5/14/04; 15.1.19.10 NMAC - Rn & A, 15.1.19.9 NMAC; 10/15/15]

#### **15.1.19.11 VERIFICATION OF WINNINGS; REPORTING PROCEDURES; NON-PROFIT GAMING OPERATORS:**

**A.** When the winning patron seeks payment of winnings in the amount of twelve hundred dollars (\$1,200.00) or more, the non-profit gaming operator licensee shall verify the winnings in accordance with approved minimum internal control standards.

**B.** Upon verification of the validity of the winnings, and before payment of the winnings, the non-profit gaming operator licensee shall ensure that the winning patron completes a form provided or approved by the board to report the winnings.

**C.** The form shall include the following information and must be completed in full:

- (1) the name, address, telephone number, and social security number of the winning patron;
- (2) the exact amount of the winnings;
- (3) the date the winnings were won; and
- (4) the name, address, telephone number, and gaming operator license number of the gaming operator.

**D.** In addition to providing the information required in Subsection C of 15.1.19.10 NMAC above, the winning patron shall sign and date the following statements, under penalty of perjury:

- (1) a statement declaring, to the best of the winning patron's knowledge and belief, that the winning patron does not owe and is not delinquent in child support payments in any state; and
- (2) a statement attesting to the accuracy of the information provided.

**E.** After the winning patron completes the form, the non-profit gaming operator licensee shall verify the identity of the winning patron and the information provided by the winning patron on the form against at least one (1) of the following forms of photograph identification:

- (1) valid driver license issued by any state in the United States of America;
- (2) valid identification card issued by any state in the United States of America;
- (3) valid employment card issued by any state in the United States of America;
- (4) valid military identification card or military dependent identification card;
- (5) valid passport issued by the United States government or other country recognized by the United States government; and
- (6) valid alien resident identification card issued by the United States government.

**F.** The non-profit gaming operator licensee shall also verify the social security number provided by the winning patron on the form against one of the following documents:

- (1) winning patron's social security card; or
- (2) by having patron complete internal revenue service (IRS) form W-9.

**G.** Upon verification of the information provided by the winning patron; the non-profit gaming operator licensee shall pay the winnings.

**H.** If a winning patron refuses to provide any of the information required by this rule, or fails or refuses to complete the reporting form, the gaming operator licensee must withhold the winnings until such time as the information is provided.

[15.1.19.11 NMAC - N, 10/15/15]

#### **15.1.19.12 DISTRIBUTION OF REPORTING FORM:**

**A.** The gaming operator licensee shall provide a copy of the reporting forms to the winning patron and retain a copy for the gaming operator's records.

**B.** A non-profit gaming operator licensee shall provide, on a weekly basis, copies of all such reporting forms to the director of child support enforcement or his designee.

**C.** Reports of winnings shall not be made to the department by telephone.

**D.** A non-profit gaming operator licensee is required to report to the department in any week in which the gaming operator licensee makes payments of winnings in the amount of twelve hundred dollars (\$1,200.00) or more.

[4/30/99; 15.1.19.10 NMAC - Rn, 15 NMAC 1.19.10, 10/15/00; A, 1/31/02; A, 7/31/02; A, 5/14/04; 15.1.19.12 NMAC - Rn & A, 15.1.19.10 NMAC; 10/15/15]

#### **15.1.19.13. MEMORANDA OF UNDERSTANDING WITH TRIBAL GAMING ENTERPRISE;**

**AUTHORITY OF STATE GAMING REPRESENTATIVE:** The state may allow tribal gaming venues access to the list of persons owing child support by tribal gaming compact or through a memorandum of understanding between the state tribal gaming representative and the tribe.

[15.1.19.13 NMAC - N; 10/15/15]

#### **HISTORY OF 15.1.19 NMAC:**

**Pre NMAC History: None.**

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

**Other History:**

15 NMAC 1.19, Payment of Winnings Over \$600 Under the Gaming Control Act, effective 4/30/99.

15 NMAC 1. 19, Payment of Winnings Over \$600 Under the Gaming Control Act (filed 4/16/99) reformatted, renumbered, amended and replaced by 15.1.18, Compulsive Gambling Assistance Plan Standards, effective 10/15/2000.