

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 1 GAMES AND GAMING GENERAL PROVISIONS
PART 26 TEMPORARY POSSESSION OF GAMING DEVICES BY PUBLIC POST-SECONDARY
EDUCATIONAL INSTITUTIONS AND TRADE SHOWS

15.1.26.1 ISSUING AGENCY: New Mexico Gaming Control Board.
[15.1.26.1 NMAC - N, 10/31/02]

15.1.26.2 SCOPE: This rule applies to public post-secondary educational institutions and persons participating in trade shows who are seeking to temporarily possess gaming devices for limited purposes permitted under the New Mexico Gaming Control Act.
[15.1.26.2 NMAC - N, 10/31/02]

15.1.26.3 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)(19) authorizes the board to establish criteria and conditions for allowing temporary possession of gaming devices by public post-secondary educational institutions and for trade shows.
[15.1.26.3 NMAC - N, 10/31/02]

15.1.26.4 DURATION: Permanent.
[15.1.26.4 NMAC - N, 10/31/02]

15.1.26.5 EFFECTIVE DATE: October 31, 2002, unless a later date is cited at the end of a section.
[15.1.26.5 NMAC - N, 10/31/02]

15.1.26.6 OBJECTIVE: This rule establishes criteria and conditions for possession of gaming devices by public post-secondary educational institutions and persons participating in trade shows.
[15.1.26.6 NMAC - N, 10/31/02]

15.1.26.7 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. "authorized personnel"** means persons permitted to teach courses of instruction at public post-secondary educational institutions or other activities requiring access to the gaming devices;
- C. "board"** means the Gaming Control Board or its designee.
- D. "person"** means a legal entity or an individual.
- E. "State"** means the State of New Mexico.
- F. "trade show"** means a gaming industry related event where vendors of gaming devices exhibit, demonstrate and market gaming devices at a premises other than a licensed premise.
- G. "vendor"** means a person licensed in any legal jurisdiction authorized to manufacture, sell, lease or otherwise distribute gaming devices.

[15.1.26.7 NMAC - N, 10/31/02]

15.1.26.8 POSSESSION OF GAMING DEVICES:

- A. A public post-secondary educational institution upon registration with the board may temporarily possess gaming devices for the limited purposes provided for under the act.**
- B. A vendor upon registration with the board may temporarily possess unlicensed gaming devices for the limited purpose of exhibiting, demonstrating and marketing the gaming devices at a trade show approved by the board.**
- C. A person may temporarily possess gaming devices for use in film or theatrical productions or other non-gaming purposes in accordance with the provisions of this part.**
- D. Gaming devices possessed pursuant to the requirements of this rule are not required to be connected to the state's central monitoring system.**

[15.1.26.8 NMAC - N, 10/31/02; A, 10/15/15]

15.1.26.9 REGISTRATION:

A. All public post-secondary educational institutions no less than thirty (30) days prior to possessing any unlicensed gaming device must register with the board on forms supplied or approved by the board and must provide all information and documents requested. Registration will only be for the institution and specific gaming devices listed in the registration form. The registration form will require the following information:

- (1) the full name and address of the public post-secondary educational institution registering with the board;
- (2) the full name, address and title of a contact person;
- (3) a course description for each course of instruction that the gaming devices will be utilized;
- (4) address where the gaming devices will be shipped;
- (5) the beginning and ending dates for the courses; and
- (6) any other information deemed necessary by the board.

B. The public post-secondary institution must obtain a license from the board for each gaming machine in accordance with the requirements of the act and board rules. The board may waive, at the board's discretion, all applicable gaming machine license fees.

C. Gaming devices to be exhibited, demonstrated or marketed at a trade show must be registered with the board no less than thirty (30) days prior to opening of the trade show on forms supplied or approved by the board and must provide all information and documents requested. Registration will only be for the vendor and the specific gaming devices listed in the registration form. The registration form will require the following information:

- (1) the full name, address and title of contact person who will be responsible for the gaming devices while at the trade show;
- (2) the trade show name, trade show date, and trade show address or location;
- (3) the sponsor name, address, phone number, and contact person;
- (4) method of shipment or transport of the unlicensed gaming devices, including the name of the carrier, if any;
- (5) the number of gaming devices in the shipment;
- (6) the manufacturer and serial number of each gaming device in the shipment;
- (7) the model number and description of each gaming device;
- (8) the expected arrival and departure date of the gaming devices from the destination location within the state; and
- (9) any other information deemed necessary by the board.

D. The board will issue each registered vendor a permit which will authorize the possession of the specific gaming devices listed on the registration form for the specific trade show date. The permit holder must display its permit at its exhibit in full view of the public at all times during the operation of the trade show.

E. A person who wishes to temporarily possess gaming machines for film or theatrical productions, or for other non-gaming purposes shall be required to apply for approval from the board prior to possessing such gaming machines. The request for written approval shall include, at a minimum, the following information:

- (1) the name of the person making the request;
- (2) the full name, address and title of a contract person;
- (3) the name of the person who will supply the gaming machines;
- (4) the method of shipment or transport of the gaming machines, including the name of the carrier, if any;
- (5) the number of gaming devices in the shipment, if applicable;
- (6) the expected arrival and departure date of the gaming machines from the destination location within the state;
- (7) all the physical addresses or locations where the gaming machines will be located during the time they are in the state, whether in storage or at other locations;
- (8) the dates and times that the gaming machines will be in each specified location;
- (9) the serial numbers of the gaming machines that will be used; and
- (10) the model numbers or description of the gaming machines that will be used.

F. The board may approve the application for temporary possession of gaming machines for film or theatrical productions, or for other non-gaming purposes, upon such terms and conditions as it deems appropriate.

[15.1.26.9 NMAC - N, 10/31/02; A, 10/15/15]

15.1.26.10 RESTRICTION ON USE, ACCESS AND MOVEMENT OF GAMING DEVICES BY PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTIONS:

- A. All courses of instruction or other activities requiring access to the gaming devices must be conducted in a secured classroom.
- B. Gaming devices may be used and operated only for the purpose of providing instruction as authorized under the Act.
- C. Public post-secondary institutions must submit, or ensure submission of, all EPROMS to the board for testing and approval prior to installation and use in any gaming device.
- D. Access to gaming devices must be restricted to authorized personnel and to students enrolled in courses that require access to the gaming devices.
- E. Gaming devices may not be moved, modified, disposed of or otherwise tampered with except with the express written consent of the board.
- F. Upon board request, the board and its employees or agents must be given access to the classroom or storage room where gaming machines, gaming devices, and related records are located.
- G. Storage security measures will include, at a minimum, providing and maintaining:
 - (1) classroom doors or storage room doors that lock so that access to the classroom or storage room is limited to only authorized personnel;
 - (2) adequate security personnel; and
 - (3) electrical shut off to the classroom or storage room.

[15.1.26.10 NMAC - N, 10/31/02]

15.1.26.11 RESTRICTION ON USE, ACCESS AND MOVEMENT OF GAMING DEVICES AT TRADE SHOWS:

- A. Gaming devices may be used and operated only for the purpose of exhibit, demonstration and marketing at a trade show event.
- B. Gaming devices must be shipped in demonstration mode with demonstration software.
- C. Participants in trade shows must submit, or ensure submission of, within 10 days of the trade show, all demonstration EPROMS or software to the board for testing and approval prior to installation and use in any gaming device.
- D. Access to the gaming devices at the end of the trade show event is restricted to authorized persons participating in or hosting the event.
- E. Gaming devices may not be moved from the trade show location, modified, disposed of or otherwise tampered with except with the express written consent of the board.
- F. Upon board request, a trade show vendor must allow the board and its employees or agents access to the trade show event, gaming devices, and related records.

[15.1.26.11 NMAC - N, 10/31/02]

15.1.26.12 RESTRICTIONS ON USE, ACCESS AND MOVEMENT OF GAMING DEVICES IN USE FOR FILM, THEATRICAL OR NON-GAMING PURPOSES:

- A. Gaming machines shall be used and operated only for the purpose of film or theatrical productions, or for other non-gaming purposes as specifically approved by the board.
- B. Gaming machines shall at all times remain in demonstration mode.
- C. Gaming machines shall not be transported to locations other than those approved by the board.
- D. Upon board request, the person using the gaming machines shall allow the board or its agents and employees access to all places where the gaming machines are located.

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

15.1.26.13 FAILURE TO COMPLY WITH REGISTRATION, TRANSPORT, POSSESSION AND USE REQUIREMENTS:

- A. Failure to comply with registration, transport, possession and use requirements of this rule will subject the person to a fine or penalty.
- B. If after investigation the board determines that sufficient grounds exist to assess a fine or penalty the board will initiate a hearing on the matter in accordance with the act and board rules.

[15.1.26.12 NMAC - N, 10/31/02; 15.1.26.13 NMAC - Rn, 15.1.26.12 NMAC, 10/15/15]

HISTORY OF 15.1.26 NMAC: [RESERVED]