

## CHAPTER 11

### MANUFACTURERS AND DISTRIBUTORS

#### **SECTION 1 LICENSE REQUIRED: APPLICATIONS, APPROVAL OF GAMING DEVICES – APPLICATIONS AND PROCEDURES**

- A. No person or entity may act as a manufacturer or distributor to any gaming operator, unless that person or entity holds a license from the Gaming Commission, specifically permitting the person or entity to act as a manufacturer or distributor.
- B. Applications for manufacturer's or distributor's licenses must be made, processed, and determined in the same manner as applications for gaming licenses, using such forms as the Commission may require or approve.
- C. A manufacturer or distributor shall not distribute a gaming device or associated equipment to a gaming operator and a gaming operator shall not offer a gaming device for play unless it has been approved by the Gaming Commission.
- D. Applications for approval of a new gaming device or associated equipment must be made and processed in such a manner and using such forms as the Gaming Commission may approve or prescribe. Only licensed manufacturers may apply for approval of a new gaming device or associated equipment. Each application must include, in addition to such other items or information as the Gaming Commission may require:
  - 1. A complete, comprehensive and technically accurate description and explanation in both technical and lay language of the manner in which the device operates, signed under penalty of perjury; and
  - 2. A statement under penalty of perjury that to the best of the manufacturer's knowledge, the gaming device meets the standards of these regulations relating to such device or associated equipment.

## **SECTION 2 FIELD TEST OF NEW GAMING DEVICES**

- A. The Gaming Commission shall make a preliminary, non-binding determination whether a new gaming device meets the standards of this Section or other standards as may be approved by the Gaming Commission. If the Gaming Commission makes a preliminary determination that a new gaming device has met these standards, it may allow or require that one or more models of the gaming device be tested at a licensed gaming establishment for not less than sixty (60) nor more than one hundred eighty (180) days under terms and conditions that it may approve or require. Upon written request of the manufacturer or distributor, the Gaming Commission may, by written agreement, allow the test period to be continued an additional ninety (90) days beyond the one hundred eighty (180) day maximum field test period, for the purpose of allowing the application for approval of the new gaming device to be acted upon by the Gaming Commission. The Chairman shall report all field testes on the agenda of the next regularly scheduled meeting of the Gaming Commission.
- B. A manufacturer shall not modify a gaming device during the test period without the prior or written approval of the Chairman.
- C. The Chairman may order termination of the test period, if he determines, in his sole and absolute discretion, the manufacturer or licensed gaming establishment has not complied with the terms and conditions of the order allowing or requiring a test period or if the new gaming device fails to meet the standards of this Section or other standards as may be approved by the Gaming Commission.
- D. A manufacturer may object to the termination of the test period by filing a written objection with the Gaming Commission. The filing of an objection shall not stay the order terminating the test. If the Gaming Commission fails to order resumption of the test within sixty (60) days of the written objection, the testing may be resumed under terms that may be approved or required by the Gaming Commission.
- E. A licensee or manufacturer, or their agent shall not play a new gaming device during a test period.
- F. If the Commission has made a determination that a new gaming device is not eligible for testing at a licensed gaming establishment because the new device does not meet the standards of this Section, it shall notify the manufacturer in writing. Not later than ten (10) days after receipt of such notification, the manufacturer may object to such a determination by filing a written objection with the Gaming Commission.
- G. If the Gaming Commission fails to order a test period within sixty (60) days of the written objection, the objection will be deemed denied. If the Gaming Commission sustains the objection, the new gaming device may be tested at a licensed gaming establishment under terms and conditions that may be approved and required by the Gaming Commission.

- H. The Gaming Commission may approve results and approvals of new gaming devices from the Nevada Gaming Commission or the Mississippi Gaming Commission and may do so subject to such other requirements as may be established by the Gaming Commission upon the submission of any such documents.

### **SECTION 3 SHIPPING REQUIREMENTS**

A. All manufacturers and distributors shall be required to obtain advance approval from the Choctaw Gaming Commission before shipping any gaming machine, gaming equipment, games, or software. Five days in advance of any planned shipment, the manufacturer or distributor shall provide written notification -- faxed, emailed, or mail (via Certified Mail) -- to the Choctaw Gaming Commission, and shall await Commission approval before making the shipment. The request for approval must include the following:

1. Name and address of company where materials are being shipped from;
2. Name and address of company where materials are being shipped to;
3. Shipment Via (*i.e.* Federal Express);
4. Date of shipment;
5. Date of arrival;
6. Packing/shipping list, *i.e.*, item description and part number and/or serial number; and
7. Truck's transportation Seal number.

Failure to obtain advance approval from the Choctaw Gaming Commission as required will result in a notice of violation and possible imposition of a fine.

B. Shipping Waiver: Waivers will be authorized on a case-by-case basis to allow for immediate shipments of gaming machines, gaming equipment, games or software. Shipping notification must be provided to the Choctaw Gaming Commission in advance of the shipment.

C. Programmed storage media must be shipped separate from the gaming machine and any subsequent shipments of programmed storage media including replacements and upgrades shall be shipped from the manufacturer or distributor to the Choctaw Gaming Commission. Logic boards with pre-installed software must be shipped separately from the machine.

D. Upon delivery of any gaming machines, no one shall break the seal of any delivery nor shall any games be removed from the shipping container without the physical presence of a Gaming Commission employee.

E. All Electrical Sensitive Devices (ESD) shall be shipped in ESD protective containers. An ESD device is defined as the device itself or any circuit board containing ESD sensitive devices.