

TITLE 325. OKLAHOMA HORSE RACING COMMISSION

CHAPTER 85. GAMING MACHINE SPECIFICATIONS AND USE AND OPERATION REQUIREMENTS

SUBCHAPTER 1. GENERAL PROVISIONS

325:85-1-2. Definitions

Unless otherwise defined below, terms used in this chapter have the same meanings as set forth in the State-Tribal Gaming Act.

"Act" means the State-Tribal Gaming Act enacted by the people with passage of State Question 712.

"Authorized games" means Electronic Amusement Games as defined in the Act, Electronic Bonanza-Style Bingo Games as defined in the Act, Electronic Instant Bingo Games as defined in the Act, Compact Electronic Games as defined in these Rules, and Non-Compact Electronic Games as defined in these Rules.

"Central computer" means a computer or computers to which Player Terminals may be linked to allow competition in Electronic Bonanza-Style Bingo Games;

"Commission" means the Oklahoma Horse Racing Commission.

"Compact" means a Model Compact or any other tribal-state compact entered into between the State of Oklahoma and a federally recognized Indian tribe in accordance with the Indian Gaming Regulatory Act, and which has been approved by the United States Secretary of the Interior, as evidenced by publication of the approval in the Federal Register.

"Compact Electronic Game" means any Gaming Machine allowed by Oklahoma law that a federally recognized Indian tribe in Oklahoma is authorized to use by virtue of a Compact.

"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, Program Storage Device, bill acceptor, cashless system, progressive system, monitoring system, meter, and any other parts the Commission 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, record-keeping, 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 if they do not directly or indirectly affect the Gaming Machine's operation, game outcome, security, record-keeping, or communication with the central monitoring system.

"Control," when used as a noun, means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a Person or to exercise significant influence over management and policies due to financial investment, assumption of debts or expenses, or other monetary or non-monetary considerations extended to the applicant or Licensee; when used as a verb, "Control" means to exert, directly or indirectly, such power, or to be in a position to exert such power.

"Electronic Amusement Game" means a game that is played in an electronic environment in which a player's performance and opportunity for success can be improved by skill that conforms to the Standards set forth in the Act.

"Electronic Bonanza-Style Bingo Game" means a game played in an electronic environment in which some or all of the numbers or symbols are drawn or electronically

determined before the bingo cards for that game are sold that conforms to the Standards set forth in the Act.

"Electronic Instant Bingo Game" means a game played in an electronic environment in which a player wins if his or her electronic instant bingo card contains a combination of numbers or symbols that was designated in advance of the game as a winning combination. There may be multiple winning combinations in each game and multiple winning cards.

"Executive director" means the executive director of the Commission.

"Gaming agent" means a Commission employee trained in machine gaming, responsible for on-site enforcement of the Act and these Rules and other regulatory responsibilities as assigned by the Executive Director.

"Game play credits" means a method of representing value obtained from the exchange of cash or cash equivalents, or earned as a prize, in connection with the play of Authorized Games. Game Play Credits may be redeemed for cash or a cash equivalent.

"Gaming facility" means that area within an Organization Licensee's Racetrack Premises approved by the Commission that has been set aside for the use of Authorized Games and related activities and access to which is limited to patrons 18 years of age or older.

"Gaming machine" means a contrivance designed primarily for gambling purposes which for a consideration affords the player an opportunity to obtain something of value, the award of which is determined by chance, or any token, chip, paper, receipt or other document which evidences, purports to evidence or is designed to evidence participation in a lottery or the making of a bet. The fact that the prize is not automatically paid by the device does not affect its character as a gambling device.

"Independent testing laboratory" means a laboratory with a national reputation for honesty, independence, competence and timeliness that is demonstrably competent and qualified to scientifically test and evaluate devices for compliance with the Act and to otherwise perform the functions assigned to it in the Act. An Independent Testing Laboratory shall not be owned or Controlled by an Organization Licensee, an Indian tribe, the State, or any Manufacturer, supplier or operator of Gaming Machines. The use of an Independent Testing Laboratory for any purpose related to the operation of Authorized Games by an Organization Licensee under the Act shall be made from a list of one or more laboratories approved by the Commission.

"Manufacturer" means a Person who manufactures, fabricates, assembles, produces, programs, refurbishes, or makes Modification to any Gaming Machine or Component thereof, or associated Program Storage Device for sale, lease, distribution, use or play by a Racetrack Gaming Operator Licensee in the State of Oklahoma.

"Model Compact" means a tribal-state compact between the State of Oklahoma and an Indian tribe entered into pursuant to 3A., O.S., § 280 and 281.

"Modification" means a change or alteration in an approved Gaming Machine or Component thereof that affects the manner or mode of play (including the percentage paid by the Gaming Machine), as well as a change in control or graphics programs. "Modification" does not include a conversion from one approved mode of play to another approved mode of play, replacement of one game for another approved game, replacement of one Component with another pre-approved Component, or the rebuilding of a previously approved Gaming Machine with pre-approved Components.

"Non-Compact Electronic Game" means any Gaming Machine that a federally recognized Indian tribe in Oklahoma is lawfully permitted to operate without a Compact under the Indian Gaming Regulatory Act. In determining whether a Gaming Machine qualifies as a Non-

Compact Electronic Game, it shall be presumed that an Indian tribe is lawfully permitted to operate such Gaming Machine if such Indian tribe is operating such Gaming Machine within the State of Oklahoma and each of the following is true: (a) the National Indian Gaming Commission has not issued a Notice of Violation related to the unlawfulness of the Gaming Machine, instituted a formal action against the Indian tribe seeking to cause the Indian tribe to cease operating the Gaming Machine due to the unlawfulness of such Gaming Machine, issued an Order of Closure related to the Gaming Machine due to the unlawfulness of such Gaming Machine, nor assessed a civil fine related to the unlawfulness of the Gaming Machine; and (b) the Oklahoma Office of State Finance has not sent formal written notice to the Indian Tribe requesting that the Indian tribe cease operating the Gaming Machine due to the unlawfulness of such Gaming Machine. This presumption is a rebuttable presumption, which shall be deemed rebutted if substantial information to the contrary is presented or available to the Commission or its Executive Director.

"Organization license" means a license issued by the Commission which authorizes the licensee to conduct a race meeting in Oklahoma and accept pari-mutuel wagers on the outcome of live and simulcast horse racing.

"Organization licensee" means any Person receiving an Organization License issued by the Commission.

"Person" means any individual, partnership, corporation, or other association or entity.

"Player Terminals" means electronic terminals housed in cabinets with input devices and video screens or electromechanical displays on which players play Authorized Games.

"Program storage device" means an EPROM (Erasable Programmable Read-Only Memory), hard drive, DVD, CD-ROM or other storage medium which is used for storing program instructions in or for a Gaming Machine, system or other associated equipment.

"Racetrack gaming operator license" means a license issued by the Commission which authorizes an Organization Licensee to conduct Authorized under the regulation, implementation and enforcement of the Commission.

"Racetrack gaming operator licensee" means any Organization Licensee which has been issued a Racetrack Gaming Operator License by the Commission.

"Racetrack premises" means the property that is owned or leased by the Organization Licensee that is used for racetrack purposes.

"Rules" means the Commission's *Rules for Racetrack Gaming*.

"Standards" means the descriptions and specifications of Electronic Amusement Games, Electronic Bonanza-Style Bingo Games, and Electronic Instant Bingo Games, or Components thereof, as set forth in the Act, including technical specifications for Component parts, requirements for cashless transaction systems, software tools for security and audit purposes, and procedures for operation of such games.

"State" means the State of Oklahoma.

"This Title" means Title 325 of the Oklahoma Administrative Code.

"Use and operation requirements" means (a) with respect to Electronic Amusement Games, Electronic Bonanza-Style Bingo Games and Electronic Instant Bingo Games, the use and operation requirements set forth in Subchapter 17, and (b) with respect to Compact Electronic Games and Non-Compact Electronic Games, the use and operation requirements set forth in Subchapter 19.

**SUBCHAPTER 15. USE AND OPERATION REQUIREMENTS APPLICABLE TO
ELECTRONIC AMUSEMENT GAMES, ELECTRONIC BONANZA-STYLE BINGO
GAMES AND ELECTRONIC INSTANT BINGO GAMES**

325:85-15-14. Logic compartment

The logic compartment is a locked cabinet area(s) with its own locked door - which houses critical electronic components that have the potential to significantly influence the operation of the Player Terminal. There may be more than one such logic compartment in a Player Terminal.

- (1) CPUs and other electronic Components involved in the operation and calculation or display of game play (e.g., game controller electronics and Components housing the game or system firmware program storage media) ~~must~~ shall be housed in a logic ~~component~~ compartment.
- (2) Communication controller electronics, and Components housing the communication program storage media or the communication board for the on-line system, need not be housed in a logic compartment and may reside outside the Player Terminal.
- (3) The logic compartment(s) shall be locked with a separate key kept by a Gaming Agent. A Gaming Agent ~~must~~ shall be personally present any time a logic compartment is opened, and only the Gaming Agent ~~may~~ shall insert and use the logic compartment key.

**SUBCHAPTER 20. USE AND OPERATION REQUIREMENTS APPLICABLE TO
COMPACT ELECTRONIC GAMES AND NON-COMPACT ELECTRONIC GAMES**

325:85-20-6. Logic compartment

- (a) The logic compartment is a locked cabinet area(s) with its own locked door - which houses critical electronic components that have the potential to significantly influence the operation of the Player Terminal. There may be more than one such logic compartment in a Player Terminal. CPUs and other electronic Components involved in the operation and calculation or display of game play (e.g., game controller electronics and Components housing the game or system firmware program storage media) ~~must~~ shall be housed in a logic ~~component~~ compartment.
- (b) Communication controller electronics, and Components housing the communication program storage media or the communication board for the on-line system, need not be housed in a logic compartment and may reside outside the Player Terminal.
- (c) The logic compartment(s) shall be locked with a separate key kept by a Gaming Agent. A Gaming Agent ~~must~~ shall be personally present any time a logic compartment is opened, and only the Gaming Agent ~~may~~ shall insert and use the logic compartment key.

**SUBCHAPTER 25. TRANSPORTATION, RECEIPT, INSTALLATION AND
DISPOSAL OF GAMING MACHINES**

325:85-25-2. Transportation of gaming machines into the state

- (a) A Gaming Machine is shipped or transported into the State when the starting point for shipping or transporting begins outside the State and the shipping or transporting terminates in the State.
- (b) A licensed Manufacturer ~~shipping or transporting a~~ or Distributor shall ship or transport Gaming Machine Machines into the State for use at a Gaming Facility must provide in a trailer, box truck, or other container which shall be locked and include a numbered shipping seal placed so the Gaming Machines shall not be accessed without breaking the seal.

- (c) A licensed Manufacturer or Distributor shall transmit the following information to the Commission, prior to shipment or transport, on forms provided or approved by the Commission:
- (1) the full name, address, and license number of the Person making the shipment;
 - (2) the method of shipment and the name of the carrier, if any;
 - (3) the full name, address, and license number of the Person to whom the Gaming Machines are being sent and the destination of the shipment, if different from the address;
 - (4) the number of Gaming Machines in the shipment;
 - (5) the serial number of each Gaming Machine;
 - (6) the model number and description of each Gaming Machine;
 - (7) the date the shipment will depart and the expected arrival date of the Gaming Machines at their destination within the State;
 - (8) the number of the shipping seal placed on the trailer, box truck, or container used for shipping or transport; and
 - (9) other information as required by the Commission.
- (d) All controlled program devices, software, or other system components certified by a Commission licensed Independent Testing Laboratory that require signature verification prior to installation ~~must shall~~ be removed from and shipped separately from all gaming machines being shipped.
- ~~(9)~~ (e) All controlled program devices, software, or other system components ~~that are~~ shipped to a ~~Racetrack Gaming Operator Licensee must~~ Commission Licensed Gaming Facility shall arrive at least five (5) business days prior to installation addressed to the Commission Gaming Agents for signature verification, unless a written waiver is given by ~~the a~~ Commission; and
- ~~(10)~~ ~~such other information as required by the Commission.~~
- ~~(11)~~ Gaming Agent due to exigent circumstances. A shipment containing controlled program devices, software, or other system components shall be opened only by a Commission Gaming Agent or an authorized Commission employee.
- (f) Non-compliance with the provisions of this section shall result in disciplinary action.

325:85-25-3. Receipt Delivery of gaming machines in the state to gaming facilities

- (a) ~~Any Person in the State that receives a Gaming Machine to be used in a Gaming Facility must, upon receipt of the Gaming Machine, provide the Commission with the following information on forms provided or approved by the Commission~~ Gaming Facilities licensed by the Commission shall take delivery of Gaming Machines in the following manner:
- (1) ~~the full name, address, and license number of the Person receiving the Gaming Machine~~ number of the shipping seal shall be verified by a Commission Gaming Agent;
 - (2) ~~the full name, address, and license number of the Person from whom the Gaming Machine was received~~ serial number of each Gaming Machine shall be compared with the list of serial numbers provided by the Manufacturer or Distributor and verified by a Commission Gaming Agent. A Gaming Machine with an incorrect serial number shall not be accepted into the facility;
 - (3) ~~the date of receipt of the each verified Gaming Machine shall be placed on the Gaming Facility floor or in a storage area approved by the Commission until the facility is ready for installation;~~
 - (4) ~~the serial number of each~~ a Commission Gaming Machine Agent shall affix a Commission permit/license decal upon each Gaming Machine before it is placed into service; and
 - (5) ~~the model number and description of each~~ a Gaming Facility shall not exceed the number of Gaming Machine Machines authorized to be in service;

- ~~(6) the Manufacturer of the Gaming Machine;~~
- ~~(7) the location where the Gaming Machine will be placed and the license number of the licensed premises;~~
- ~~(8) the expected date and time of installation of the Gaming Machine at the new location; and~~
- ~~(9) such other information as required by the Commission.~~

~~(b) If such Gaming Machine will not be placed in operation within five days of its receipt, the Person who received the Gaming Machine must notify the Commission of the address where the Gaming Machine is warehoused. The warehouse location must be approved in advance by the Commission. At the time such Gaming Machine is removed from inventory and transported to another location within the State, the Racetrack Gaming Operator Licensee must comply with the requirements of these rules. Non-compliance with the provisions of this section shall result in disciplinary action.~~

~~325:85-25-4. Transportation of gaming machines between Commission licensed gaming facilities in the state~~

~~(a) Manufacturer Licensees, Distributor Licensees, Manufacturers and Distributors who are licensed by the Commission and, subject to the limitations set forth in these rules, Racetrack Gaming Operator Licensees Operators are authorized to transport Gaming Machines within the State. Gaming Machines shall be transported in a trailer, box truck, or other container which shall be locked and include a numbered shipping seal placed so the Gaming Machines shall not be accessed without breaking the seal.~~

~~(b) Except as otherwise provided in these rules, any authorized Person transporting a Gaming Machine from one location to another in the State for use by a Gaming Facility licensed by the Commission must notify the Commission before transporting the Gaming Machine and provide a licensed Manufacturer or Distributor or Racetrack Gaming Operator shall transmit the following information to the Commission, prior to transport, on forms provided or approved by the Commission:~~

- ~~(1) the full name, address, and license number of the Person transporting the Gaming Machine from its current location;~~
- ~~(2) the reason for transporting the number of Gaming Machine Machines being transported;~~
- ~~(3) the full name, address, and license number of the Person to whom the Gaming Machine is being sent and the destination of the Gaming Machine if different from that address;~~
- ~~(4) the name and address of the carrier and the method of transport;~~
- ~~(5) the model number, description, and serial number of the Gaming Machine;~~
- ~~(6) the Gaming Machine License number, if any number of the shipping seal placed on the trailer, box truck, or container used for shipping or transport;~~
- ~~(7) the Manufacturer of the Gaming Machine;~~
- ~~(8) the expected date of transport and time date of expected delivery and/or installation of the Gaming Machine at the new location; and~~
- ~~(8) other information as required by the Commission.~~

~~(9) (c) All controlled program devices, software, or other system components certified by a Commission licensed Independent Testing Laboratory that require signature verification prior to installation must shall be removed from and shipped separately from all gaming machines being shipped.~~

~~(10) (d) All controlled program devices, software, or other system components that are shipped to a Racetrack Gaming Operator Licensee must Commission Licensed Gaming Facility shall arrive~~

at least five (5) business days prior to installation addressed to the Commission Gaming Agents for signature verification, unless a written waiver is given by the a Commission; and Gaming Agent due to exigent circumstances. A shipment containing controlled program devices, software, or other system components shall be opened only by a Commission Gaming Agent or an authorized Commission employee.

(e) If Gaming Machines are being transported from one Commission Licensed Gaming Facility to another Commission Licensed Gaming Facility, all controlled program devices, software, or other system components shall be removed from the Gaming Machines and retained by the Commission Gaming Agent. The Commission Gaming Agent, upon receipt of a prepaid shipping label provided by the entity requesting transport shall package and facilitate the transport.

~~(11) — such other information as the Commission may require.~~

~~(12) (f) Non-compliance with the provisions of this section shall result in disciplinary action.~~

~~(c) — This section does not apply to the movement of Gaming Machines within the same Gaming Facility. Such relocation is subject to Commission approval pursuant to these Rules.~~

~~(d) — A Racetrack Gaming Operator Licensee may sell or transfer a Gaming Machine only to another Racetrack Gaming Operator Licensee or to a licensed Distributor, Manufacturer, or licensed Distributor/Manufacturer, or a federally recognized Indian tribe that is operating under a Compact. The Racetrack Gaming Operator Licensee must notify the Commission in advance by providing the information required by this section.~~

325:85-25-5. Approval to distribute Removal of gaming machines outside of the state

(a) ~~Manufacturers and Distributors located in the State may not sell, ship, transport, or distribute out of the State a Gaming Machine that has been used or located in a Gaming Facility without the prior approval of the Commission. Applications for approval to sell, ship, transport, or distribute gaming machines out of the State must be made, processed, and determined in such manner and using such forms as the Commission may provide or approve. Each application must include:~~

~~(1) — the full name, state of residence, and address of the purchaser;~~

~~(2) — the full name, state of residence, and address of the Person to whom shipment is being made, if different than the purchaser;~~

~~(3) — the destination;~~

~~(4) — the number of Gaming Machines to be shipped;~~

~~(5) — the serial number of each Gaming Machine;~~

~~(6) — the model number of each Gaming Machine and year manufactured;~~

~~(7) — the denomination of each Gaming Machine, if applicable;~~

~~(8) — the expected date and time of shipment;~~

~~(9) — the method of shipment and name and address of the carrier; and~~

~~(10) — a statement by the purchaser under penalty of perjury that the Gaming Machines will be used only for lawful purposes shall remove Gaming Machines from the property of a Commission Licensed Gaming Facility under the following conditions:~~

~~(1) A list shall be provided indicating the manufacturer, model, serial number, and destination of each machine being removed;~~

~~(2) All controlled program software shall be removed from the machines. Software shall be returned to the proper entity upon receipt of a prepaid shipping label and shipped separately from machines;~~

(3) Machines shall be transported in a trailer, box truck, or other container which shall be locked and sealed. The removing entity shall provide a numbered shipping seal which shall be placed on the trailer, box truck, or other container in the presence of a Commission Gaming Agent; and

(4) Commission permit/ license decals shall be removed by a Commission Gaming Agent prior to loading of machines into a trailer, box truck, or container. The Commission Gaming Agent shall be present while machines are being loaded.

(b) Manufacturers and Distributors may not ship Gaming Machines to any destination where possession of Gaming Machines is illegal.

~~(c) If the Commission does not deny the application for approval to distribute Gaming Machines outside of the State within 10 business days of receipt of a complete application, the application will be deemed approved~~ Non-compliance with the provisions of this section shall result in disciplinary action.

325:85-25-6. On-site testing, installation and placement of gaming machines - including each player terminal and each game

(a) All Gaming Machines - including each Player Terminal and each game - at a Gaming Facility ~~must~~ shall be physically located as follows:

(1) in an area that is at all times monitored by the Racetrack Gaming Operator Licensee or a Gaming Employee to prevent access or play of the Gaming Machines by Persons under the age of 18;

(2) in an area that ensures that public access to the Gaming Machines is restricted to Persons legally entitled to play the Gaming Machines at the licensed premises; and

(3) in the sight and Control of the Racetrack Gaming Operator, Licensee or a Gaming Employee.

(b) The initial installation and placement of each Player Terminal and each game within a Gaming Facility ~~must~~ shall take place in the presence of a Gaming Agent who will at the time of installation test each Player Terminal and each game to ensure that each Player Terminal and each game is identical to a prototype that has been certified by an Independent Testing Laboratory. If the on-site test indicates that a Player Terminal or game does not conform to the certified prototype, the Racetrack Gaming Operator Licensee shall remove the game or Player Terminal from the floor and it may not be placed into operation until such time, if any, as a Gaming Agent finds that it is identical to a prototype certification issued by an Independent Testing Laboratory.

(c) If the on-site test by the Gaming Agent demonstrates that the game or Player Terminal is identical to a prototype certification issued by an Independent Testing Laboratory, the Gaming Agent shall seal the ~~Program Storage Device~~ logic compartment with a Commission numbered seal.

(d) The Gaming Agent shall also perform a test to ensure that the game and Player Terminal are operating properly, then will conduct a test to determine that they are properly communicating with the Racetrack Gaming Operator Licensee's accounting system(s). Only machines and games that are found to be identical to prototypes certified by an Independent Testing Laboratory and that pass both the operation and communication tests conducted by the Gaming Agent ~~may~~ shall be installed and placed into operation.

(e) Once the ~~Program Storage Device~~ logic compartment has been sealed by a Gaming Agent, the seal ~~may~~ shall only be broken or removed in the presence of a Gaming Agent. The seal may be broken or removed for the purposes of repair or Commission-authorized change to the Program Storage Device or software in the presence of a Gaming Agent, who, after the change or repair, ~~will~~ shall verify the new software, if applicable, retest the machine and game and reseal it if the

tests show the machine and game are in compliance. If, after retesting, they are found not to be in compliance, the machine or game cannot be placed into operation until such time that the Gaming Agent determines that the machine or game complies with the applicable requirements.

(f) Any relocation of a Player Terminal or game within the licensed premises requires prior written approval by the Gaming Agent.

(g) Licensed Manufacturers and Distributors ~~may~~ shall store and display, and Persons certified pursuant to this Title ~~may~~ shall repair, gaming machines or devices only at locations approved in advance by the Commission.