

RESOLUTION 2009-166

A RESOLUTION ADOPTING LSA DOCUMENT #09-144 AS A FINAL RULE

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted to it under IC 4-33-4 and IC 4-35-4.

The Commission has considered the following factors:

1. The Commission began promulgation of the attached LSA Rule Document #09-144 under IC 4-22. A Notice of Intent to adopt LSA Document #09-144 was posted at DIN: 20090225-IR-068090144NIA on the *Indiana Register* website on February 5, 2009. The proposed rule was then posted at DIN: 20090506-IR-068090144PRA on the *Indiana Register* website on May 6, 2009.
2. The Commission held a public hearing on this rule in compliance with IC 4-22. The public hearing was held on June 16, 2009 at 1:00 p.m. in the offices of the Indiana Gaming Commission, in Indianapolis, IN. The transcript of the hearing and all written comments that were received, including the Indiana Economic Development Commission comments, were fully considered and implemented where appropriate. The transcript of the hearing has been reviewed by Commission members.
3. If the Commission approves this Resolution adopting the attached rule document as a final rule, the rule will be forwarded to the Office of the Attorney General and the Governor for approval, and filed thereafter with the *Indiana Register*. The rule will be effective 30 days after it is filed with the *Indiana Register*.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1: SCOPE

This resolution applies to all persons subject to the authority granted to the Commission by the General Assembly in Indiana Code 4-33 and Indiana Code 4-35 including, but not limited to, all persons and entities licensed by the Commission, and all persons or entities that have applied to the Commission for licensure.

SECTION 2: DEFINITIONS

The definitions set forth in IC 4-33, IC 4-35, and 68 IAC apply to this resolution.

SECTION 3: ADOPTION OF FINAL RULES

The Commission adopts the following rules as reflected on the attached final rule document:

68 IAC 2-6-1; 68 IAC 2-6-2; 68 IAC 2-6-3; 68 IAC 2-6-3.1; 68 IAC 2-6-15

Pursuant to IC 4-22-2, the Commission adopts the attached final rule document. The rule will be forwarded to the Office of the Attorney General for approval as to legality under IC 4-22-2-32. Upon approval by the Office of the Attorney General, the rule will be submitted to the Governor's Office for approval pursuant to IC 4-22-2-33. After the rule has been approved or deemed approved by the Governor, the rule will be submitted to the *Indiana Register* for filing in accordance with IC 4-22-2-35.

SECTION 4: EFFECTIVE DATE

This resolution is effective immediately.

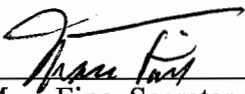
ADOPTED THIS THE 17th DAY OF SEPTEMBER, 2009.

THE INDIANA GAMING COMMISSION:



Timothy Murphy, Chair

ATTEST:



Marc Fine, Secretary

TITLE 68 INDIANA GAMING COMMISSION

Final Rule
LSA Document #09-144(F)

DIGEST

Amends 68 IAC 2-6-1 to define “Authorized independent gaming laboratory”, “Certification testing”, and “Non-certification testing”. Amends 68 IAC 2-6-2 to replace the term “riverboat” with “casino”, eliminate obsolete “token acceptors” as requiring testing, and establish clearer guidelines for casino licensees to follow regarding testing of any gaming devices or equipment. Amends 68 IAC 2-6-3 to contemplate the existence of multiple independent gaming laboratories and establish guidelines for persons who submit gaming devices or equipment to an independent laboratory. Adds 68 IAC 2-6-3.1 to establish guidelines for non-certification testing. Repeals 68 IAC 2-6-15. Effective 30 days after filing with the Publisher.

68 IAC 2-6-1; 68 IAC 2-6-2; 68 IAC 2-6-3; 68 IAC 2-6-3.1; 68 IAC 2-6-15

SECTION 1. 68 IAC 2-6-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-1 General Provisions

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 1. (a) This rule applies to riverboat licensees.

(b) All electronic gaming devices used on a riverboat must meet the specifications set forth in this rule.

(c) The following definitions apply throughout this rule:

(1) "Inappropriate token-in" means a token that has been accepted by an electronic gaming device after the electronic gaming device:

(A) has already accepted the maximum number of tokens; or

(B) is in a state that normally rejects additional tokens.

(2) "Leakage current" means an electrical current that flows when a conductive path is provided between exposed portions of an electronic gaming device and the environmental electrical ground when the electronic gaming device is isolated from the normal AC power ground.

(3) "Par sheet" means a document, provided by the electronic gaming device manufacturer that depicts the:

(A) possible outcomes from the play of an electronic gaming device;

(B) probability of occurrence of each; and

(C) contribution of each winning outcome to the payback percentage of the electronic gaming device.

(4) "RAM" or "random access memory" means the electronic component used for computer work space and storage of volatile information in an electronic gaming device.

- (5) "Randomness" means the unpredictability and absence of pattern in the outcome of an event or sequence of events.
- (6) "Random number generator" means hardware, software, or combination of hardware and software devices for generating number values that exhibit characteristics of randomness.
- (7) "ROM" or "read only memory" means the electronic component used for storage of nonvolatile information in an electronic gaming device, including programmable ROM and erasable programmable ROM.
- (8) "Runs test" means a mathematical statistic that determines the existence of recurring patterns within a set of data.
- (9) "Sensitive keys" means keys that:
- (A) either management or the commission considers sensitive to the riverboat licensee's operation; and
 - (B) therefore require strict control over custody and issuance in accordance with 68 IAC 11-7.
- (10) "Standard chi-squared analysis" means the sum of the squares of the difference between the expected result and the observed result.
- (11) "Tilt condition" means a programmed error state for an electronic gaming device that occurs when the electronic gaming device detects an internal error, malfunction, or attempted cheating. The electronic gaming device ceases processing further input, output, or display information other than that indicating the tilt condition itself.
- (12) "Authorized independent gaming laboratory" means an independent gaming laboratory that:**
- (A) meets the qualifications established by the commission; and**
 - (B) maintains a valid contract with the commission to conduct testing on behalf of the agency.**
- (13) "Certification Testing" means an authorized independent gaming laboratory testing an item or technology:**
- (A) by arrangement with a manufacturer or distributor;**
 - (B) pursuant to an independent gaming laboratory's contract with the commission; and**
 - (C) for purposes of issuing or denying certification as described under section 3 of this rule.**
- (14) "Non-certification testing" means an independent gaming laboratory testing or otherwise analyzing an item or technology:**
- (A) by arrangement with a manufacturer or distributor; and**
 - (B) for purposes other than issuing or denying certification as described under section 3 of this rule.**
- (d) Before an individual may enter an electronic gaming device for any reason, the individual must insert a card into the electronic gaming device that will record, at a minimum, the following information on the central computer system:
- (1) The identity of the individual entering the electronic gaming device.
 - (2) The date and time that the electronic gaming device:
 - (A) is entered; and
 - (B) is exited.
 - (3) The identity of the electronic gaming device that is entered.

(e) After an individual has entered an electronic gaming device for any reason, the individual must complete a log that is maintained inside the electronic gaming device. The log shall contain, at a minimum, the following information:

- (1) The name and occupational license number of the individual entering the electronic gaming device.
- (2) The date and time that the electronic gaming device:
 - (A) is entered; and
 - (B) is exited.
- (3) The identity of the electronic gaming device.
- (4) The reason for the entry.

(f) A riverboat licensee may not offer a prize to a patron who achieves a certain winning combination on an electronic gaming device unless the value of the prize is computed into the payout percentage of the EPROM installed in the electronic gaming device.

SECTION 2. 68 IAC 2-6-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-2 Equipment approval

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 2. ~~(a) All electronic or mechanical gambling games must be licensed by the commission prior to use.~~

(b) (a) The following may not be used for gaming by any riverboat casino licensee without prior written approval of to the executive director, or the executive director's designee, authorizing their inclusion in the commission's online database of approved items and technologies:

- ~~(1) Bill acceptors or bill validators.~~
- ~~(2) Token acceptors.~~
- ~~(3) Progressive Controllers.~~
- ~~(4) Signs.~~
- ~~(5) Associated gaming equipment as provided for in 68 IAC 2-7.~~

(1) Electronic gaming devices and any component parts material to gaming activity, including, but not limited to, the following:

- (A) Random number generators.**
- (B) All game media.**
- (C) Progressive controllers.**
- (D) Bill changers.**

(2) Electromechanical devices used in connection with gaming activity at live gaming devices, including, but not limited to, the following:

- (A) Items using radio frequency identification technology.**
- (B) Shuffling devices.**
- (C) Progressive controllers.**

(3) System-to-system, game-to-system, or intradevice communication software used in the conduct or monitoring of gaming activity, including, but not limited to, the following:

- (A) Accounting systems.**

- (B) Player tracking systems.
- (C) Promotional and bonusing systems.

(4) Electromechanical devices material to accounting for casino assets, including, but not limited to, the following:

- (A) Kiosks capable of distributing or collecting cashless wagering instruments or credits, or both.
- (B) Ticket validation equipment.
- (C) Currency counters.
- (D) Chip sorters.

(5) Any other device or software that the executive director determines may affect the integrity of gaming in Indiana.

~~(e) The licensure must describe with particularity the equipment or device approved.~~

~~(d) The approval must describe with particularity the equipment or device approved.~~

(b) If a casino licensee intends to use any item or technology referenced in subsection (a) that does not appear in the commission's database, the casino licensee must seek approval for the item or technology by petitioning the executive director, in writing, for inclusion in the database. This petition must identify the following with specificity:

- (1) The item or technology for which the casino licensee seeks approval.**
- (2) The manufacturer and distributor who would supply the item or technology to the casino.**
- (3) The authorized independent gaming laboratory chosen to certify the item or technology in accordance with section 3 of this rule.**
- (4) The date or dates on which the item or technology was or is expected to be submitted for certification under section 3 of this rule by the authorized independent gaming laboratory.**

(Indiana Gaming Commission; 68 IAC 2-6-2; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1301; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 3. 68 IAC 2-6-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-3 Certification Testing

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33-4-5; IC 4-35-4-7

~~Sec. 3. (a) The following must be tested prior to licensure or~~ **To be eligible for approval for use and inclusion in the commission's database, the manufacturer or distributor of any items or technologies contemplated by section 2 of this rule must submit the item or technology to, and obtain certification from, an authorized independent gaming laboratory, for use compliance with the following:**

- ~~(1) All electronic gaming devices.~~
- ~~(2) Any other device or equipment as the executive director may deem necessary to ensure compliance with the Act and this title.~~
- (1) Indiana law.**
- (2) All applicable commission regulations and standards.**

(3) Any applicable technical standards adopted by the authorized independent gaming laboratory and not disapproved by the commission.

~~(b) The executive director may take the following actions:~~

~~(1) Employ the services of an outside independent gaming test laboratory to conduct the testing.~~

~~(2) Bill those riverboat licensees requesting licensure or approval of the devices through any billing mechanism the executive director deems appropriate.~~

~~(c) Licensure or approval shall not be issued unless payment for all costs of testing is current.~~

~~(d) Licensure, approval, or the denial thereof, of electronic gaming devices, any other device, or equipment will be issued in accordance with IC 4-33-4-5.~~

(b) A manufacturer or distributor seeking certification under subsection (a):

(1) must make a written request to an independent gaming laboratory of its choice that, at a minimum:

(A) specifically references “certification testing” and this rule; and

(B) identifies the particular item or technology at issue.

(2) is responsible for providing all necessary items and information to the authorized independent gaming laboratory;

(3) is responsible for any and all costs associated with testing; and

(4) may not, without written approval from the executive director, engage more than one (1) authorized independent gaming laboratory to conduct certification testing on the particular item or technology at issue.

(Indiana Gaming Commission; 68 IAC 2-6-3; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1301; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 4. 68 IAC 2-6-3.1 IS ADDED TO READ AS FOLLOWS:

68 IAC 2-6-3.1 Non-certification Testing

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33-4-5; IC 4-35-4-7

Sec. 3.1. (a) A manufacturer or distributor may not, without written approval from the executive director, engage more than one (1) authorized independent gaming laboratory to conduct non-certification testing on a particular item or technology.

(b) Non-certification testing need not be performed by the same laboratory that performs certification testing on a particular item or technology.

SECTION 5. 68 IAC 2-6-15 IS REPEALED.