

**Title 11 – DEPARTMENT OF PUBLIC SAFETY  
Division 45 – Missouri Gaming Commission  
Chapter 1—Organization and Administration**

**PROPOSED AMENDMENT**

**11 CSR 45-1.090 Definitions.** The commission is adding subsections (3)(B), (20)(D) and (E), and relettering the remaining subsections.

*PURPOSE: This amendment will add several new definitions to define terms used for independent testing laboratories.*

(3) Definitions beginning with C—

**(B) Certification by independent testing laboratories (ITLs)—A written document issued by an independent testing laboratory attesting to the compliance of a particular product with applicable Missouri laws, regulations, Minimum Internal Control Standards (MICS), and adopted technical standards;**

*[(B)] (C) Chief administrative officer—Means the president of a corporation, the managing partner of a partnership, the general partner(s) of a limited partnership, the individual of a sole proprietorship, the managing agent of a joint venture, or the managing agent of a limited liability company. For a consortium of financial participants where no formal chief administrative officer exists, chief administrative officer shall mean the chief administrative officer of the largest financial participant;*

*[(C)] (D) Chip—A nonmetal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of a Class B license for use in gaming other than in electronic gaming devices on the license holder’s riverboat;*

*[(D)] (E) Commission—The Missouri Gaming Commission or its agents;*

*[(E)] (F) Commission surveillance room—A room(s) on each riverboat for the exclusive use of the commission or commission agents for monitoring and recording of gaming and other activities;*

*[(F)] (G) Continuously docked excursion—A continuously docked excursion boat shall set a schedule of excursion as required by the definition of excursion. This schedule shall designate a specific time for boarding. On each scheduled excursion, no new passengers shall board after the specified time for boarding has expired; and*

*[(G)] (H) Critical program storage media—Any program storage media that contains software that may affect the integrity of gaming, including but not limited to game accounting, system, and peripheral firmware devices involved in or which significantly influence the operation and calculation of game play, game display, game result determination, game accounting, revenue, or security, and which must be verified utilizing an external third-party methodology approved by the commission and which may, as determined by the commission, have security seals attached thereto.*

(20) Definitions beginning with T—

**(D) Test cases—A description of processes utilized by independent testing laboratories to assess compliance with test scripts;**

**(E) Test scripts—A template to record findings constructed by the ITL to assess compliance with all applicable Missouri statutes, regulations, adopted technical standards, and MICS;**

*[(D)]* **(F)** Theoretical payout percentage—The sum of the number of tokens expected to be paid as a result of jackpots divided by the number of different possible outcomes;

*[(E)]* **(G)** Ticket of admission—A physical or electronic implement, approved by the commission, which records and verifies the admission of patrons onto an excursion gambling boat for the purpose of accounting for the admission fee imposed by section 313.820, RSMo; and

*[(F)]* **(H)** Token—A metal object or other representation of value that is authorized by statute and/or approved by the commission, which is redeemable for cash only at the issuing riverboat gaming operation, and issued and sold by a holder of a Class B license for use in electronic gaming devices.

*AUTHORITY: section 313.004, RSMo 2000 and sections 313.805 and 313.817, RSMo Supp. [2010] 2013. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Jan. 30, 2014.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Wednesday, April 9, 2014, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11 – DEPARTMENT OF PUBLIC SAFETY  
Division 45 – Missouri Gaming Commission  
Chapter 4—Licenses**

**PROPOSED AMENDMENT**

**11 CSR 45-4.230 Supplier’s License Criteria.** The commission is amending section (4).

*PURPOSE: This amendment removes the affiliate supplier license, and updates the standards for independent testing laboratories.*

(4) An independent testing laboratory (**ITL**) applying for **or currently holding** a supplier license is subject to compliance with all other requirements of this rule in addition to the following criteria:

(A) The [*independent testing laboratory (hereinafter referred to as “test laboratory”)*] **ITL** shall test, evaluate, conduct math analyses, verify, certify, and/or render opinions as directed by the commission on—

1. Table games, including electronic and dealer assisted electronic table games;
2. Electronic gaming devices and payglass;
3. Random number generators;
4. Progressive gaming devices and controllers;
5. Wide area progressive systems and associated equipment;
6. Online monitoring and control systems;
7. Ticket validation systems;
8. Wireless devices and systems;
9. Cashless, promotional, and bonusing systems;
10. **Redemption** [*K*]/kiosks;
11. All gaming related peripherals, software, and systems;
12. Electronic bingo devices, software, and systems;
13. Shuffling devices; and
14. Other gaming devices and associated equipment (hereinafter referred to as “gaming equipment”) for compliance with Missouri laws, regulations, **minimum internal control standards**, adopted technical standards, and requirements as codified or otherwise set forth;

(B) No test laboratory or its owners, officers, directors, managers, **consultants**, [*or*] employees, **or any other position deemed by the director** shall—

1. Own any interest in or be employed by:
  - A. A Class A licensee; or
  - B. A Class B licensee; or
  - C. A Level I occupational licensee; or
  - D. A Level II occupational licensee; or
  - [*E. An affiliate supplier licensee; or*]
  - [*F.*] **E.** A supplier licensee other than the test laboratory for whom the person is an officer, director, manager, **consultant**, or employee.
2. This regulation shall not preclude [*test laboratories*] **ITLs** from contracting directly with suppliers or gaming companies to produce test reports that are in turn used to show evidence of regulatory compliance;

(C) No Class A, Class B, supplier, *[affiliate supplier]* or occupational licensee shall own an interest in or be employed by an *[test laboratory]* **ITL** performing services relating to the conduct or regulation of gaming in Missouri unless such person is required to be licensed as a key person or occupational licensee in conjunction with an *[test laboratory]* **ITL**'s licensing as a supplier. No person may be a key person or employed by more than one (1) *[test laboratory]* **ITL** licensed by a jurisdiction within the United States;

(D) The *[test laboratory]* **ITL** shall make available upon the commission's request the background investigations conducted on each of its employees pursuant to 11 CSR 45-10.090;

(E) The *[test laboratory]* **ITL** shall *[perform all]* **verify** compliance **with all** requirements to the sole satisfaction of the commission;

*[(F) Prior to any new technology being certified for the Missouri jurisdiction, the test laboratory shall consult with the commission and obtain approval from the commission prior to testing, evaluating, analyzing, certifying, verifying, or rendering opinions for or on behalf of the commission. The test laboratory may bill the supplier of the new technology for all cost associated with such consultation with the commission. Any information a test laboratory may provide to the commission relating to the consideration of new technology shall be considered proprietary information and a closed record pursuant to section 313.847, RSMo provided such information is mutually agreed upon between the commission and the test laboratory and labeled as proprietary.]*

*[(G)]* **(F)** All testing and certification of gaming equipment performed for or on behalf of the commission shall be conducted at the *[test laboratory]* **ITL**'s place(s) of business. *[which shall be located within the United States, all of which]* **ITLs** shall maintain current International Organization for Standardization (ISO) (17020/17025) certification and accreditation. Upon request, the *[test laboratory must]* **ITL shall** supply the commission all ISO required internal controls, policies and procedures. *[In extreme circumstances, the executive director may authorize, in writing, testing and certification of gaming equipment outside of the United States on a temporary basis];*

*[(H)]* **(G)** The *[test laboratory]* **ITL** shall not subcontract any testing or certification of gaming equipment performed for or on behalf of the commission *[without prior written approval from the commission];*

*[(I)]* **(H)** The commission shall, at all times, have immediate and unfettered access to the *[test laboratory]* **ITL**'s place(s) of business. Should it be determined necessary by the commission, the *[test laboratory]* **ITL** shall reimburse the commission for all reasonable and necessary expenses incurred by its agents:

1. To travel to the site to inspect the operations and certification process of gaming equipment;

2. To inspect each of the *[test laboratory]* **ITL**'s place(s) where testing for the commission is conducted to ensure the integrity of work is maintained;

3. To investigate *[quality control]* issues as determined by the commission; and

4. For such reasons as the commission deems appropriate;

*[(J)]* **(I)** All reports, documentation, and material developed or acquired by *[test laboratory]* **the ITL** while conducting work for or on behalf of the commission shall become the joint property of the commission and the *[test laboratory]* **ITL**. Upon expiration, *[termination,]* or *[cancellation]* **revocation** of *[the]* **its** license[s], certified copies of all documents, data, reports, and accomplishments prepared, furnished, or completed by the *[test laboratory]* **ITL** for or on behalf of the commission shall be delivered to the commission within forty-five (45)

calendar days and *[become]* **shall remain** the joint property of the commission and the *[test laboratory]* **ITL**. In addition, the *[test laboratory]* **ITL** shall provide access to any equipment or materials used while conducting work for or on behalf of the commission for a period of one hundred twenty (120) days after the expiration*[, termination]* or *[cancellation]* **revocation** of *[the]* **its license[s]**.

1. Reports, documentation, conversation, discussions, **forensic evaluations**, and material prepared, including program(s) or source code developed as a result of work performed for or on behalf of the commission, are proprietary and confidential and shall not be used or marketed by the *[test laboratory]* **ITL** or released to the public without the prior written consent of the commission*[, which shall not be unreasonably withheld]*.

2. The *[test laboratory]* **ITL** shall employ data redundancy that permits a complete and prompt recovery of all information and documentation retained by the *[test laboratory]* **ITL** in the event of any malfunction and shall utilize environmental controls such as uninterruptible power supplies, *[and]* fireproofing **materials**, and waterproofing materials to protect critical hardware and software from natural disasters.

3. The *[test laboratory]* **ITL** shall maintain an **electronic** repository of approved*[, obsolete,]* and revoked software for all gaming equipment *[tested and certified]* **submitted for testing for the Missouri jurisdiction**. *[The]* **Such electronic** repository shall *[be secure and have restricted access, which shall be documented on a commission approved ingress and egress log. The test laboratory shall retain the log for a minimum of two (2) years.]* **utilize tools which support hash-based message authentication code using Secure Hash Algorithm 1 (HMAC-SHA1) seeding and SHA1 hashing**. The repository of **critical program storage media (CPSM) shall be secure and have restricted access**. **The primary electronic repository shall reside at the ITL's place of business and** shall be equipped with environmental controls such as fireproofing **materials** and waterproofing materials to protect software from natural disasters. *[The test laboratory shall provide the commission copies of all previously certified Critical Program Storage Media (CPSMs) within one hundred twenty (120) days of the expiration, termination or cancellation of the test laboratory's license.]*

4. All documents, data, reports, and *[accomplishments]* **correspondence** prepared, furnished, or completed by the *[test laboratory]* **ITL** for or on behalf of the commission shall be retained until its disposal is approved in writing by the commission;

*[(K)](J)* Upon the *[test laboratory]* **ITL's** certification of gaming equipment, a unique identification code or signature acceptable to and approved by the commission shall be assigned to each CPSM as defined by 11 CSR 45-1.090 **using a commission approved tool which possesses the ability to export results**. The assigned identification code or signature and the means for generating such code or signature shall be included in all documents, reports, and databases **as determined by the commission**.

1. The *[test laboratory]* **ITL** shall provide the commission with step-by-step verification procedures for each tool, device, or mechanism used to assign the unique identification codes or signatures.

2. The *[test laboratory]* **ITL** shall provide to the commission, at no charge, in quantities determined by the commission, any verification tool, device, or mechanism that is required for commission agents to verify the code or signature of any approved CPSM. The *[test laboratory]* **ITL** may charge the supplier for expenses associated with such verification tools.

3. The [test laboratory] **ITL** must support the verification tools, devices, or mechanisms and replace, repair, update, or upgrade them as deemed necessary by the commission. The [test laboratory] **ITL** may charge the supplier for expenses associated with such verification tools.

4. All equipment, procedures, software or other intellectual property developed, or owned and protected by United States['] patents, copyrights, or trademark laws in conjunction with the unique identification signature process shall be closed record under section 313.847, RSMo, provided such information is mutually agreed upon between the commission and the [test laboratory] **ITL** and labeled as proprietary;

[(L)](K) The [test laboratory] **ITL** shall provide, in a commission approved format:

1. A verification manual, including tables and color photographs, of [all] **recommended** critical components [identified by the test laboratory or commission must] **to** be verified and sealed[.];

2. Flow charts and diagrams of each system and its associated hardware and software approved by the [test laboratory] **ITL** on behalf of the commission, depicting the interrelationship of system components, identifying components which are **recommended** to be field tested and verified by commission agents[.]; **and**

3. The supplier of the equipment to be verified shall be responsible for all expenses associated with providing the verification manuals and diagrams. Failure of the supplier to pay the necessary expenses shall in no way release the [test laboratory] **ITL** from providing to the commission current documentation [as outlined in paragraphs (4)(L)1. and 2.];

[(M)] (L) The [test laboratory] **ITL** shall develop and maintain a database, acceptable to the commission, of all [approved, obsolete, and revoked] gaming equipment certified **by the ITL** for the state of Missouri.

1. The [test laboratory] **ITL** shall maintain a quality assurance mechanism to ensure uniform data and data entry processes.

2. The database and report(s) must be current as of the end of the previous business day, and in a commission approved format;

[(N)] *The test laboratory shall, within five (5) business days after the certification, rejection, or withdrawal of any submission, issue a letter to the commission describing the testing that was performed on the gaming equipment and the result of such testing. All letters or documentation must be submitted in a commission approved format. All certifications are subject to review by the commission. The commission, through the executive director, reserves the right to immediately suspend, revoke or reject any test laboratory certifications with or without cause. The test laboratory may request, in writing, a hearing within thirty (30) days of the occurrence. The executive director will exercise authority to resolve all issues at hearing subject to appeal to the commission;*

[(O)] (M) Should the [test laboratory] **ITL** be informed of any situation or incident involving the integrity of any gaming equipment presently approved for Missouri, the [test laboratory] **ITL** shall [immediately] notify the commission of the **incident within forty-eight (48) hours of being apprised of the situation or incident. The notification shall be in a format approved by the commission;**

[(P)] (N) The [test laboratory] **ITL** shall directly invoice the licensee, [supplier] **manufacturer**, entity, or individual for whom the testing services were provided;

(O) **The ITL shall annually, or as changes occur, provide documentation to the commission of all possible billable hourly rates for services offered, including nights,**

**weekend, or holiday rates. Documentation shall include discounted rates that may be offered;**

[(Q)] **(P)** The [test laboratory] **ITL** shall not receive any bonus[, premium], or other compensation from any licensee, [supplier] **manufacturer**, entity, or individual(s) above the provided billable hourly rates [pursuant to subsection (4)(Y)] **provided to the commission** for services provided;

[(R)] **(Q)** The [test laboratory] **ITL** shall, upon request, provide the commission a summary report of all invoices to licensees, [suppliers,] **manufacturers**, entities, or individuals [during the previous month]. The report shall include for each submission the item submitted—

1. The date on which the submission was received in the laboratory;
2. The date rejected, withdrawn, or certified;
3. The invoice number;
4. Invoice date;
5. Name of licensee, [supplier] **manufacturer**, entity, or individual for whom the services were rendered;
6. Billable hours;
7. Hourly rates; **and**
8. Invoice total;

[9. The test laboratory shall be subject to commission audits, the costs for which shall be borne by the test laboratory;]

[(S)] **(R)** The [test laboratory] **ITL** shall possess and maintain all online computerized [data] monitoring systems approved by the commission which are utilized in Missouri licensed gaming establishments. Such online computerized data monitoring systems shall be used in the interoperability testing [as set forth in 11 CSR 45-5.190];

[(T)] **(S)** The [test laboratory] **ITL** shall provide, free of charge to the commission, [twenty-four (24) hours a day,] technical and regulatory compliance support. The [test laboratory] **ITL** shall provide responses and follow-up [within twelve (12) hours] **as directed by the MGC**. In instances where the [test laboratory] **ITL** providing the support is also conducting the testing for the device, the time allocated for support shall be considered part of the testing process and the [test laboratory] **ITL** may bill the [supplier] **manufacturer** for the cost of the technical support. In instances where the [test laboratory] **ITL** providing the support is not conducting the testing for the device, the commission may require the [supplier] **manufacturer** of the device to reimburse the [test laboratory] **ITL** at the rate the [test laboratory] **ITL** charges [suppliers] **manufacturers** for such support;

[(U)] **(T)** The [test laboratory] **ITL** shall, as required by the commission, perform on-site **field testing or** inspections of gaming equipment. During [on-site inspections] **these visits**, the [test laboratory] **ITL personnel shall—**

1. [Inspection personnel shall n] **Not** socialize with gaming operators' or [suppliers'] **manufacturer** staff;
2. [Shall f] **Furnish** all necessary material and equipment to perform the required services;
3. [Shall provide] **Be** competent and properly trained personnel in accordance with testing standards, Missouri laws, regulations, and [internal policies] **minimum internal control standards**;
4. [Shall i] **Invoice** for actual and reasonable travel and travel-related expenses consistent with ordinary and prudent business practices given the circumstances of the travel required for the project. The commission shall not be liable for reimbursement for such travel and travel-

related expenses. The licensee, for whom the on-site inspection occurred, shall be responsible for the payment of travel and related travel expenses;

5. *[Inspection personnel shall o]* Obtain a Missouri Level II occupational license prior to performing any actions on the gaming floor;

**6. Not consume alcohol while performing in their official capacity at the Class B licensee's property; and**

**7. Not participate in gambling activities while performing in their official capacity at the Class B licensee's property;**

*[(V)] (U)* The *[test laboratory]* ITL shall provide, free of charge **to the commission**, additional consulting services for commission personnel on an as-needed~~*[, if needed]*~~ basis. Such additional services at a minimum shall include, but not be limited to:

1. Providing consultation to the commission and assisting the commission in drafting rules and procedures regarding the establishment of uniform operating procedures for gaming equipment testing;

2. Providing training to commission employees on gaming equipment testing, new technology, and auditing procedures;

*[(W)] (V)* The *[test laboratory]* ITL shall *[create]* **draft and maintain** gaming equipment test scripts *[and test plans which measure adherence]* to **address** Missouri statutes, regulations, **minimum internal control standards**, and adopted technical standards **for testing a specific device. In addition, the ITL shall create specific testing procedures (test cases) that shall be used to assess compliance with the applicable test scripts.** All gaming equipment shall be tested in accordance with said test scripts and test *[plans]* **cases. Each test script shall have a unique version number.** *[The commission will assess the test laboratory's test scripts' and test plans' adequacy in measuring compliance with Missouri laws, regulation, and adopted technical standards].* The *[test laboratory]* ITL shall modify the test scripts and test *[plans]* **cases** to adapt to new technology, **rule changes**, or as directed by the commission. **Anytime a Missouri test script is revised, a copy with the effective date shall be forwarded to the commission.** The *[test laboratory]* ITL and commission will conduct an annual review of the test scripts *[and test plans,]* and **the ITL shall** modify them as necessary. All documents, procedures or other intellectual property employed by an *[test laboratory]* ITL in conjunction with the development of **Missouri test *[script is]* case(s) shall be deemed to be proprietary information and a closed record under section 313.847, RSMo, unless otherwise determined by the commission;**

*[(X)] (W)* The *[test laboratory]* ITL shall conduct forensic evaluations or analyses on gaming equipment (whether legal or illegal) as directed by the commission. A final forensic report must be drafted outlining all testing performed, the cause of the problem, and the outcome of the investigation, if specifically identified, **and shall remain a closed record under section 313.847, RSMo, unless otherwise determined by the commission;**

*[(Y)]* *The test laboratory shall annually, or as changes occur, provide documentation to the commission of all possible billable hourly rates for services offered;]*

*[(Z)] (X)* The *[test laboratory]* ITL shall employ a staff of full-time skilled professionals of such number to afford a separation of responsibilities that provides independent work product verification and fulfills the requirements stated herein to the satisfaction of the commission. The *[test laboratory]* ITL shall, at a minimum, employ personnel in the disciplines of mathematics, engineering (mechanical, electrical, and software), systems and communication protocol, compliance and quality assurance, and field inspections;

*[(AA) The test laboratory shall only utilize personnel in performance of services who are authorized to work in the United States in accordance with applicable federal and state laws and regulations; and]*

*[(BB)] (Y) The [test laboratory] ITL shall provide all services using competent [and] personnel who are properly trained [personnel] in [accordance with the highest testing standard of the gaming industry] Missouri test scripts and test cases before performing work for or on behalf of the commission. All training shall be documented and such documentation shall be available upon request;*

**(Z) The ITL shall be subject to commission audits, the costs for which shall be borne by the ITL;**

**(AA) The ITL shall maintain all commercial test equipment in accordance with manufacturer's specifications and recommendations, and shall provide the commission with evidence of such upon request;**

**(BB) If an ITL hires an individual who was previously employed by, or performed any work for any licensee, the ITL shall not permit that individual to inspect, test, or certify any gaming equipment produced by the licensee for use in Missouri, for a period of one (1) year from the individual's date of termination from the licensee;**

**(CC) ITLs shall not participate, consult, or otherwise be involved in the design, development, programming, or manufacturing of any game, gaming equipment, cashless wagering system or any component thereof, or online monitoring system or any component thereof or modification thereto;**

**(DD) All test cases conducted and the results of those procedures shall be documented by the ITL. Such documentation shall be made available to the commission upon request;**

**(EE) The ITL shall maintain copies of the results of any International Organization of Standardization/International Electrotechnical Commission (ISO/IEC) 17025 audits or reviews and shall forward a copy of the results to the commission within fifteen (15) days of when they become available to the ITL;**

**(FF) All source code and binary images tested by the ITL shall be maintained and provided to the commission upon request;**

**(GG) The ITL shall provide the commission with all forensic procedures and utilities for electronic gaming devices currently in operation in Missouri; and**

**(HH) The ITL shall report to the commission, within forty-eight (48) hours any known laboratory testing deficiency against any Missouri standard that has been identified for any hardware or software that is currently certified for the Missouri jurisdiction. The ITL shall perform an investigation and report the findings to the commission within seven (7) days of the ITL being apprised of the testing deficiency.**

*AUTHORITY: section[s] 313.004, RSMo 2000, and sections 313.805 and 313.807, RSMo Supp. 2013. Emergency rule filed Feb. 3, 1995, effective Feb. 13, 1995, expired June 12, 1995. Original rule filed Feb. 3, 1995, effective Aug. 30, 1995. Amended: Filed Dec. 3, 2007, effective May 30, 2008. Amended: Filed Jan. 30, 2014.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will have a one (1)-time cost to one (1) private entity of two thousand three hundred forty dollars (\$2,340).*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Wednesday, April 9, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: 11—DEPARTMENT OF PUBLIC SAFETY  
Division Title: 45---Missouri Gaming Commission  
Chapter Title: 4—Licenses**

<b>Rule Number and Title:</b>	<b>11 CSR 45-4.230 Supplier's License Criteria</b>
<b>Type of Rulemaking:</b>	<b>Proposed Amendment</b>

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by the adoption of the rule:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
(4)(J)—1 independent testing laboratory	independent testing laboratory	\$2,340 one-time cost

**III. WORKSHEET**

(4)(J)—One independent testing laboratory (ITL) × 12 hours of programming time × \$195 per hour = \$2,340

**IV. ASSUMPTIONS**

(4)(J)—This amendment will require ITLs to modify existing testing tools to include a specific export format. Such modification will be designed in a format acceptable to the commission, which permits the exporting of electronic gaming device and gaming equipment verification signatures. The commission anticipates this cost will be a one-time cost.

**Title 11 – DEPARTMENT OF PUBLIC SAFETY  
Division 45 – Missouri Gaming Commission  
Chapter 5 – Conduct of Gaming**

**PROPOSED AMENDMENT**

**11 CSR 45-5.190 Minimum Standards for Electronic Gaming Devices.** The commission is amending section (1) by dividing it into three (3) separate sections, and renumbering the remaining sections accordingly; and amending subsection (3)(J) and section (4).

*PURPOSE: This amendment adds the confidence level for payout of wagers, requires the minimum payout percentage to apply to each wagering combination, and changes the class designation.*

(1) Electronic gaming devices *[must]* **shall not be programmed to** pay out *[not]* less than eighty percent (80%) of all wagers, *[during the expected lifetime of the game,]* including bonus games, **within the first ten (10) million handle pulls and thereafter. The minimum payout percentage requirement shall be met regardless of the amount wagered per game.**

(2) Electronic gaming devices that may be affected by player skill must meet *[this standard]* **the minimum payout percentage requirement even** when *[using a method of play that will provide the greatest]* **the skill of the player provides the lowest possible** return to the player *[over a period of continuous play]* **from the skill portion of the game.**

(3) The probability of obtaining the maximum payout on any electronic gaming device shall not be *[greater]* **less** than one (1) in fifty (50) million.

*[(2)]* **(4)** Electronic gaming devices shall—

(A) Be subject to testing prior to implementation within the state and at any time thereafter by the commission or an independent testing laboratory designated by the commission, and subject to review and approval by the commission for adherence to the regulatory and technical standards adopted or approved by the commission;

(B) Be controlled by a microprocessor or the equivalent in such a manner that the game outcome is completely controlled by the microprocessor or equivalent device as approved by the commission;

(C) Utilize a communication protocol that is compatible with and interfaces with the communication protocol used by all online computerized data monitoring, data management, and ticket validation systems approved by the commission for use at licensed gaming establishments. Electronic gaming devices and any peripheral equipment or devices, including the equipment's or device's operating systems and software, shall, prior to approval for use within the state, be tested for interoperability by a commission-approved independent testing laboratory to ensure compliance with this subsection. Once approved, no modifications shall be made to said gaming devices, peripheral equipment, systems, or software that would cause them to be non-compliant with this subsection;

(D) Have a logic area in a separate locked internal enclosure within the device which houses electronic components that have the potential to significantly influence the operation of the gaming device. Electronic components required to be housed within the logic area include computer processor units (CPUs) and all critical program storage media;

(E) After January 1, 2006, clearly and accurately display, via Attendant Menu, the identification number and version, as applicable, of all software and firmware contained within the electronic gaming device and its top box which are involved in game communication or the operation and calculation of game play, game display, or game result determination;

(F) Be able to recover to the state the gaming devices were in immediately prior to the occurrence of a program interruption or power loss and continue a game with no data loss. Upon program resumption, the following procedures must be performed:

1. Any communications to an external device shall not begin until the program resumption routine, including self-tests, is completed successfully;

2. Gaming device control programs test themselves for possible corruption due to failure of the program storage media; and

3. The integrity of all critical memory is checked;

(G) Have game data recall capable of providing all information required to fully reconstruct at least the last five (5) games, retrievable upon the operation of an external key-switch or other secure method not available to the player. The five (5)-game recall shall reflect bonus rounds in their entirety. For games that may have infinite free games, there shall be a minimum of fifty (50) games recallable;

(H) Have a random selection process that must not produce detectable patterns of game elements or detectable dependency upon any previous game outcome, the amount wagered, or upon the style or method of play;

(I) Clearly and accurately display applicable rules of play and the award that will be paid to the player when the player obtains a specific win, including mystery awards. The displays shall clearly indicate whether awards are designated in denominational units, currency, credits or some other unit. All pay-table information must be able to be accessed by a player prior to the player committing to a wager. Pay glass and its corresponding artwork for mechanical displays must be submitted to an independent testing laboratory designated by the commission for review and approval prior to implementation within the state;

(J) Display an accurate representation of each game outcome. After selection of the game outcome, the electronic gaming device must not make a variable secondary decision which affects the result shown to the player;

(K) Have a complete set of nonvolatile meters including amount-in, amount-out, amount dropped, total amount wagered, total amount won, number of games played and jackpots paid, or their equivalent as approved by the commission;

(L) Have available for random selection at the initiation of each play, each possible permutation or combination of game elements which produce winning or losing game outcomes; and

(M) Not automatically alter pay-tables or any function of the electronic gaming device based on internal computation of the hold percentage.

*[(3)]* **(5)** When an electronic gaming device is unable to automatically provide payment of jackpots requiring the payment to be made by the riverboat, jackpot payout tickets must be prepared either by the computerized slot monitoring system or manually by casino personnel containing the following information:

- (A) The location of the electronic gaming device;

- (B) The date;

- (C) The time of day;

- (D) The electronic gaming device number;

- (E) The denomination of the game played;
- (F) The amount of the jackpot payout in written and numeric form;
- (G) Total before taxes and taxes withheld, if applicable;
- (H) Amount to patron;
- (I) Total amount played and game outcome of award, if applicable;
- (J) The signature of a holder of a Class [A] **B** license or the licensee employee making the payment, as approved by the commission; and
- (K) A signature of at least one (1) other riverboat gaming operation employee attesting to the accuracy of the form.

[(4)] **(6)** In addition to the requirements of this rule, all licensees shall comply with Chapter E of the Minimum Internal Control Standards as authorized by 11 CSR 45-9.[030]**105**.

*AUTHORITY: section[s] 313.004, RSMo 2000 and sections 313.800 and 313.805, RSMo Supp. [2006] 2013. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Jan. 30, 2014.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Wednesday, April 9, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11 – DEPARTMENT OF PUBLIC SAFETY  
Division 45 – Missouri Gaming Commission  
Chapter 5 – Conduct of Gaming**

**PROPOSED RULE**

**11 CSR 45-5.225 Request for Gaming Devices and Associated Equipment Approval**

*PURPOSE: This rule establishes the process for requesting approval of gaming equipment for use in Missouri. Suppliers, Class A and Class B licensees are required to provide the documentation listed herein to be considered a valid request. All suppliers and Class A and Class B licensees must receive an authorization letter from the commission for gaming devices and associated equipment and slot accounting systems to be considered approved for use within the state of Missouri.*

(1) Prior to any new technology being certified for the Missouri jurisdiction, the manufacturer shall consult with the commission to assure such new technology would be compliant with Missouri's regulations.

(2) Effective September 30, 2014, the commission will become the sole approval authority for all gaming devices and associated equipment and slot accounting systems. Suppliers, Class A, and Class B licensees must receive an authorization letter from the commission before such gaming equipment and slot accounting systems are considered "approved" for use in the state of Missouri.

(3) Effective September 30, 2014, all existing certifications from independent testing laboratories (ITLs) will be considered valid. Gaming equipment and slot accounting systems currently utilized at Class B licensees' facilities will remain in an approved status. Supplier, Class A, or Class B licensees must notify the commission prior to placing any gaming equipment or slot accounting system into service which has been previously certified by an ITL, but not actively in service on September 30, 2014, to be reviewed for approval by the commission. The commission will issue approval for such request, provided such gaming equipment or slot accounting system does not contain any known malfunctions or anomalies.

(4) The supplier, Class A, or Class B licensee submitting a request for approval of gaming equipment or a slot accounting system shall do so through the commission's electronic portal.

(A) All information in the request shall be complete and accurate. Should such request be determined inaccurate, the commission shall be notified immediately. The request shall include the following:

1. ITL's certification documentation;
2. A complete list of hardware and software modifications requested for approval;
3. Test Script version number used by the ITL for testing;
4. Probability Accounting Report (PAR) sheets, if applicable;
5. Documentation describing the installation and configuration procedures;

6. The applicable functionality being requested; and
7. Any additional supplemental documentation clarifying the technology requested for approval (e.g., white paper).

(B) Additional information may be requested by the commission at any time, including the digital image(s) (critical executable files) of the production version of the device.

(C) The submitting supplier, Class A, or Class B licensee shall digitally sign a statement that the product meets all regulatory requirements.

(5) The commission may make a preliminary, nonbinding determination whether any new gaming equipment or slot accounting system meets the Missouri rules, regulations, and statutes. At the commission's sole discretion, the commission may require any new gaming equipment or slot accounting system to be tested in a field trial environment(s) at a licensed gaming establishment(s). Each field trial shall be conducted for at least sixty (60) calendar days and no more than one hundred eighty (180) calendar days under terms and conditions that the commission may approve or require. The supplier shall submit a report to the commission every thirty (30) days detailing the performance of the product being tested, exception reports outlining any exception codes triggered, a list of customer complaints and inquires regarding the performance, and other items as determined by the commission. A field trial may be terminated at any time, in which case the new gaming equipment or slot accounting system will not be approved as a result of such field trial.

*AUTHORITY: section 313.004, RSMo 2000, and section 313.805, RSMo Supp. 2013. Original rule filed Jan. 30, 2014.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will cost fourteen (14) private entities two hundred thirty-seven thousand, sixty-two dollars (\$237,062).*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Wednesday, April 9, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: 11—DEPARTMENT OF PUBLIC SAFETY  
Division Title: 45---Missouri Gaming Commission  
Chapter Title: 5—Conduct of Gaming**

<b>Rule Number and Title:</b>	<b>11 CSR 45-5.225 Request for Gaming Devices and Associated Equipment Approval</b>
<b>Type of Rulemaking:</b>	<b>Proposed Rule</b>

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by the adoption of the rule:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule annually by the affected entities:</b>
14 Licensed Manufacturers	Manufacturers of Gaming Equipment	\$237,062

**III. WORKSHEET**

1,677 (3 year average of certified components submittals) × 2.33 hours per component submittal × \$60.67 per hour = \$237,062

**IV. ASSUMPTIONS**

This rule will require each manufacturer to submit information to the Commission for each electronic device equipment or gaming system which is submitted for approval to the Commission.

It is estimated that gathering and submitting this information will take on average approximately 2.29 hours per request. This average is based on a weighted average from time estimates submitted by manufacturers. The salaries plus benefits for the individuals performing this work is estimated at \$60.67 per hour based on a weighted average. The weighted average was based on the percentage of submissions per manufacturer. On average the Commission receives 1677 individual components submitted per year. Each submission by a licensed manufacturer will cost \$141.36. The estimated annual cost is \$237,062 for all manufacturers in the aggregate. The Commission anticipates this cost will recur annually for the life of the rule.