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SENATE BILL 441

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY  
Shannon Robinson

AN ACT

RELATING TO GAMING; AMENDING PROVISIONS OF THE GAMING CONTROL  
ACT TO ENLARGE THE AUTHORITY OF DISTRIBUTORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-2E-30 NMSA 1978 (being Laws 1997,  
Chapter 190, Section 32) is amended to read:

"60-2E-30. LICENSING OF DISTRIBUTORS OF GAMING  
DEVICES.--

A. It is unlawful for any person to operate, carry  
on, conduct or maintain any form of distribution of any gaming  
device for use or play in New Mexico without first obtaining  
and maintaining a distributor's or manufacturer's license.

B. A distributor licensee shall not distribute a  
gaming device or associated equipment for use or play in New  
Mexico unless the device or equipment is manufactured by a  
manufacturer licensee, except that a distributor licensee may

underscored material = new  
~~[bracketed material] = delete~~

1 have a gaming device or associated equipment licensed for use  
2 or play in New Mexico pursuant to Subsection D of this  
3 section, and in that event he may distribute that machine or  
4 equipment without regard to whether or not it is manufactured  
5 by a manufacturer licensee.

6 [B-] C. If the board revokes a distributor's  
7 license:

8 (1) no new gaming device distributed by the  
9 person may be approved;

10 (2) any previously approved gaming device  
11 distributed by the distributor is subject to revocation of  
12 approval if the reasons for the revocation of the license  
13 also apply to that gaming device;

14 (3) no new gaming device or associated  
15 equipment distributed by the distributor may be distributed,  
16 sold, transferred or offered for use or play in New Mexico;  
17 and

18 (4) any association or agreement between the  
19 distributor and a gaming operator licensee shall be  
20 terminated. An agreement between a distributor licensee and  
21 a gaming operator licensee shall be deemed to include a  
22 provision for its termination without liability on the part  
23 of either party upon a finding by the board that the other  
24 party is unsuitable. Failure to include that condition in  
25 the agreement is not a defense in any action brought pursuant  
to this section to terminate the agreement.

[E-] D. The board may inspect every gaming device

underscoring material = new  
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1 or associated equipment that is distributed for use in New  
2 Mexico by a distributor, and a distributor may introduce a  
3 gaming device or associated equipment for use in New Mexico  
4 for licensing and inspection by the board.

5 ~~[D.]~~ E. In addition to all other fees and charges  
6 imposed by the Gaming Control Act, the board may determine,  
7 charge and collect from each distributor an inspection fee,  
8 which shall not exceed the actual cost of inspection and  
9 investigation."

10 Section 2. Section 60-2E-46 NMSA 1978 (being Laws 1997,  
11 Chapter 190, Section 48) is amended to read:

12 "60-2E-46. EXAMINATION OF GAMING DEVICES--COST  
13 ALLOCATION.--

14 A. The board shall examine prototypes of gaming  
15 devices of manufacturers or distributors seeking a license as  
16 required.

17 B. The board by regulation shall require a  
18 manufacturer or distributor to pay the anticipated actual  
19 costs of the examination of a gaming device in advance and,  
20 after the completion of the examination, shall refund  
21 overpayments or charge and collect amounts sufficient to  
22 reimburse the board for underpayment of actual costs.

23 C. The board may contract for the examination of  
24 gaming devices to meet the requirements of this section."  
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