

## PART 5321

### Electronic Gaming Devices and Equipment

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#### § 5321.1. Definitions.

(a) *Dealer-controlled electronic table game* means a table game operated by a live dealer that uses electronics as part of the game's operation in connection with the collection and storage of game outcome, accounting and significant-event data.

(b) *Electronic wagering system* means a computer or server and any related hardware, software or other device that permits wagering to be conducted at a table game.

(c) *Game account* means the funds that are available to a player for use at an electronic table game.

#### § 5321.2. Possession and transportation of gaming devices.

(a) A gaming facility licensee shall possess, maintain or exhibit gaming devices and equipment in accordance with Racing, Pari-Mutuel Wagering and Breeding Law section 1335(2).

(b) Persons seeking to transport gaming devices pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 104(21) shall submit a written request to the commission . Such a request shall be submitted five days before the gaming device is to be transported and contain, at a minimum, the following information:

- (1) the name and address of the entity shipping or moving the gaming device;

- (2) the name and address of the entity who owns the gaming device, if different from the entity shipping or moving the device;
- (3) the method of shipment or movement and the name and address of the common carrier or carriers, if applicable;
- (4) the name and address of the entity to whom the gaming device is being sent and the destination of the gaming device, if different from that address;
- (5) the quantity of gaming devices being shipped or moved and the manufacturer's serial number of each machine;
- (6) the expected date and time of delivery to, or removal from, any authorized location within the State of New York;
- (7) the port of entry, or exit, if any, of the gaming device if the origin or destination of the gaming device is outside the continental United States; and
- (8) the reason for transporting or moving the gaming device.

(c) In addition to the requirements in subdivision (b) of this section, if a gaming facility licensee is shipping gaming devices to or from the gaming facility's approved, off premises storage location, the gaming facility licensee shall comply with the requirements in subdivision (b) of this section and record the movement in the gaming facility licensee's movement log. If a gaming device is being transported to the licensed facility from the licensee's approved, off-premises storage location, the gaming facility licensee shall specify in the notice required under subdivision (b) of this section whether the gaming device will be placed directly onto the gaming floor or stored off the gaming floor in a restricted area within the licensed gaming facility.

(d) Gaming hardware and software shall be transported in separate shipments at all times.

### **§ 5321.3. Gaming device inventory.**

(a) In order to use a gaming device in a gaming facility, a gaming facility licensee shall have first submitted for approval to the commission in writing:

- (1) in the case of a physical gaming device, the unique serial number and the date of manufacture for each copy of the gaming device that the gaming facility licensee intends to use; or
- (2) in the case of software made for a gaming device, the maximum number of instances that the gaming facility licensee intends to use the software at any one time in the gaming facility.

(b) A gaming facility licensee shall ensure that a gaming device complies with conditions set forth in the commission's approval. The commission may at any time inspect any

gaming device and revoke or condition a previously granted approval if such device fails to adhere to commission approved conditions. Prior to revoking or conditioning the approval of a gaming device currently in use, the commission shall allow a licensed manufacturer, distributor or operator of games or gaming devices or gaming facility licensee a reasonable amount of time to bring such device into compliance.

(c) A gaming facility licensee shall promptly inform the commission in writing of any gaming device that is no longer in its possession.

**§ 5321.4. Notice and connection to the central computer system.**

(a) Prior to use for gambling activity, a gaming device on a gaming floor shall be connected or linked to a central control computer system.

(b) To ensure accuracy in the central computer system and the retrieval of real-time meter information from the gaming device in conjunction with the movement of a gaming device, a gaming facility licensee shall provide the commission with written notice of the slot or electronic table game movement, prior to any of the following:

- (1) placement of a gaming device on the gaming floor;
- (2) movement of a gaming device between gaming device locations on the gaming floor; and
- (3) removal of a gaming device from the gaming floor.

**§ 5321.5. Gaming device master lists.**

Prior to the commencement of operations, a gaming facility licensee shall file a gaming floor gaming device master list and a restricted area/off-premises gaming device master list with the commission.

(a) A gaming floor gaming device master list shall list all gaming devices located on the gaming floor in consecutive order by the gaming device location number and include the following:

- (1) list preparation date; and
- (2) a description of each gaming device including:
  - (i) zone/location number;
  - (ii) asset number;
  - (iii) manufacturer's serial number;
  - (iv) base denomination, or if configured for multiple denominations, a list of the denominations;

- (v) game software/program ID;
- (vi) operating system/base ROM;
- (vii) manufacturer name;
- (viii) gaming-device model;
- (ix) model type (reel or video);
- (x) game theme/description;
- (xi) minimum payout percentage;
- (xii) machine-displayed payout percentage;
- (xiii) pay-table ID;
- (xiv) if the gaming device is a progressive, the type of progressive, the progressive controller type and the progressive software; and
- (xv) fund transfer/voucher system software.

(b) If a gaming device is configured to allow a patron to select from multiple game themes, each game theme, minimum and machine-displayed payout percentages and pay-table ID shall be listed in the gaming floor gaming device master list. Instead of listing each game theme, minimum and machine displayed payout percentage and pay-table ID for a gaming device configured to offer multiple game themes with the gaming device, a gaming facility licensee may use a unique generic code for the game theme and attach an appendix that lists the game themes, minimum and machine-displayed payout percentages and pay-table IDs that correspond to each unique generic game theme code.

(c) A restricted area/off-premises gaming device master list shall include all gaming devices located off the gaming floor in a restricted area within the licensed gaming facility, or in storage locations in the State of New York off the premises of the licensed facility, grouped by the location where the gaming devices are located. A restricted area/off-premises gaming device master list shall include the following information:

- (1) list preparation date; and
- (2) a description of each gaming device including:
  - (i) location of the gaming device;
  - (ii) asset number;
  - (iii) manufacturer's serial number;

- (iv) game software/program ID;
- (v) operating system/base ROM;
- (vi) game theme/description;
- (vii) manufacturer name;
- (viii) gaming device model; and
- (ix) model type (reel or video).

(d) Once a gaming device has been placed in an authorized location on the gaming floor, stored in a restricted area off the gaming floor within the licensed facility or in a location in the State of New York off the premises of the licensed gaming facility, all subsequent movements of such gaming device shall be recorded in a gaming device movement log that includes:

- (1) asset number and model and manufacturer's serial number of the moved gaming device;
- (2) date and time of movement;
- (3) location from which the gaming device was moved;
- (4) location to which the gaming device was moved;
- (5) date and time of any required notice to the commission in connection with activation or disabling of the gaming device in the central control computer system; and
- (6) signature of the employee responsible for verifying the movement of the gaming device

(e) Documentation summarizing gaming device movements, as described in subdivision (d) of this section, shall be submitted to the commission in writing.

(f) On the first of each month a gaming facility licensee shall file an updated gaming floor gaming device master list and an updated restricted area/off-premises gaming device master list containing the information required under subdivisions (b) through (d) of this section. The gaming floor gaming device master list and the restricted area/off-premises gaming device master list shall be filed with the commission.

**§ 5321.6. Off-premises storage.**

(a) A gaming facility licensee shall not store gaming devices off the premises of a licensed facility without prior approval from the commission.

(b) A gaming facility licensee seeking to store gaming devices off the premises of a licensed facility shall submit a written request to the commission for off-premise storage. Such written request shall include:

- (1) the location and a physical description of the proposed storage facility;
- (2) a description of the type of surveillance system that has been or will be installed at the proposed storage facility;
- (3) the plan to provide 24-hour surveillance;
- (4) the anticipated number of gaming devices that may be stored at the proposed storage facility; and
- (5) the manufacturer's serial number of each machine.

(c) Before the commission approves a request for off-premise storage of gaming devices, the commission may request to inspect the proposed storage facility.

(d) The commission shall approve or disapprove requests within 60 days. Approvals by the commission may be subject to specific terms and conditions.

**§ 5321.7. Slot area.**

(a) Slot machines used in the conduct of gaming shall be located and arranged in such a manner so as to advance the interests as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1335(8)(d)(1) through (5).

(b) Each gaming facility licensee shall be permitted to install and operate one slot machine for every 10 square feet of its gaming floor space that may be allotted to slot area, as determined in accordance with subdivision (d) of this section.

(c) The total amount of gaming floor space that a gaming facility licensee may use for slot machines, the walkways between them and other structures or areas that are reasonably related to the use of slot machines, such as slot booths, change booths, change machines, slot carousels, walls, columns or other architectural structures, and any other structures or areas that are reasonably related to, and contained within gaming floor space that is dedicated to, the use of slot machines, shall not exceed 90 percent of the total amount of gaming floor space.

(d) The total amount of gaming floor space dedicated to the slot area shall be measured by identifying the perimeter of each such area on the gaming floor plan.

(e) Any gaming floor space that is not used for slot area pursuant to subdivision (e) of this section shall be dedicated to authorized games other than slot machines and related support and circulation space.

**§ 5321.8. Live gaming-floor testing and software installation.**

(a) Prior to the testing of gaming devices, table game devices, associated equipment and displays on a live gaming floor, a gaming facility licensee shall seek approval from the commission to conduct such testing by notifying the commission in writing at least 72 hours prior to the proposed test date. Such notification shall include:

- (1) a detailed narrative description of the type of testing to be conducted, including the reason for the testing, a list of individuals conducting the testing and the gaming facility licensee's procedures for conducting the testing;
- (2) the date, time and approximate duration of the testing;
- (3) the model, gaming device location number and asset number of the gaming device to be tested; and
- (4) the location within the gaming facility where the testing will occur.

(b) A gaming facility licensee shall notify the commission at least 72 hours prior to the installation of any new software or the installation of any change in previously approved software prior to the installation of:

- (1) automated gaming voucher and coupon redemption machines;
- (2) wide-area progressive systems;
- (3) slot-monitoring systems;
- (4) casino-management systems;
- (5) player-tracking systems;
- (6) external-bonusing systems;
- (7) cashless-funds-transfer systems;
- (8) server-supported slot systems;
- (9) server-based slot systems;
- (10) automated-jackpot payout machines;
- (11) electronic table games;
- (12) fully automated electronic table games;
- (13) progressive-table-game systems;
- (14) electronic-wagering systems;

- (15) additional automated bill-breaker machines, automated gaming-voucher and coupon-redemption machines, automated jackpot-payout machines and automated teller machines on the gaming floor;
  - (16) gaming voucher systems; and
  - (17) server-supported slot systems.
- (c) The notification required pursuant to subdivision (b) of this section shall include:
- (1) a description of the reasons for the new installation or change in previously approved software;
  - (2) a list of the current computer components, software identifications or versions that are to be modified or replaced;
  - (3) a list of the proposed computer components, software identifications or versions that will modify or replace the existing components or software;
  - (4) the method to be used to complete the proposed installation;
  - (5) the date and time that the proposed modification will be installed and the estimated time for completion;
  - (6) the name, title and employer of the person or persons performing the installation;
  - (7) the plan to handle disruptions, if any, to the gaming floor;
  - (8) the approximate length of time the gaming floor or systems will be disrupted; and
  - (9) plans for system backup prior to any proposed installation.
- (d) Testing and installation of a multi-site progressive system on the live gaming floor shall meet the certification requirements as set forth in Part 5318 of this Subchapter.

**§ 5321.9. Servicing standards.**

- (a) No electronic gaming device or equipment may be placed into operation at a gaming facility unless such equipment is in a suitable operating condition.
- (b) A gaming facility licensee shall notify the commission's on-site staff about, and remove from operation, any electronic gaming device or equipment that becomes unsuitable for operation.
- (c) Any maintenance, repair or other type of servicing of an electronic gaming device or equipment that is to be or has been placed into operation at a licensed gaming facility shall occur in a secure location approved by the commission, including the gaming floor.

(d) Any maintenance, repair or other type of servicing of an electronic gaming device or equipment that requires breaking a seal or dual-key access shall be conducted in the presence of on-site commission staff.

(e) A gaming facility licensee shall keep a manual entry access log to document every entry into a gaming device or equipment. Such log, at a minimum, shall include:

- (1) name and license or registration number of the person gaining entry;
- (2) date and time of the entry;
- (3) reason for opening;
- (4) the electronic gaming device or equipment's asset number of identification; and
- (5) any other information as required by the commission.

(f) A gaming facility licensee shall keep a log of electronic gaming device or equipment undergoing any maintenance, report or other type of servicing. Such log, at a minimum, shall include the following:

- (1) name and license or registration number of the person involved in the maintenance, repair or other type of servicing;
- (2) date and time of the maintenance, report or other type of servicing;
- (3) areas or components of the equipment accessed;
- (4) the electronic gaming device or equipment's asset number of identification; and
- (5) any other information as required by the commission.

(g) The logs required in subdivisions (e) and (f) of this section shall be maintained for a period of five years and shall be made immediately available to the commission upon request.

(h) Upon completion of any maintenance, repair or other type of servicing of any electronic gaming device or equipment or the determination not to return the equipment to operation at a gaming facility, a gaming facility licensee shall submit a written report to the commission detailing the issue with such device or equipment and describing either how such issue was resolved or why such issue could not be resolved.

**§ 5321.10. Remote system access.**

(a) In emergency situations or as an element of technical support, an employee of a licensed casino vendor enterprise may perform analysis of, or render technical support with regard to, a gaming facility licensee's slot-monitoring system, casino-management

system, player-tracking system, gaming-voucher system or other commission-approved system from a remote location.

(b) In addition to the requirements set forth in section 5313.1 of this Subchapter, a gaming facility licensee shall establish a system of internal controls applicable to remote-system access. The internal control procedures submitted by the gaming facility licensee shall be designed to protect the physical integrity of the systems and related data and be capable of limiting the remote access to the system or systems requiring technical support.

#### **§ 5321.11. RAM clears.**

A gaming facility licensee shall notify the commission at least 48 hours prior to any scheduled RAM clears. When a gaming facility licensee becomes aware of a nonresponsive electronic gaming device and communication between the gaming device and central computer cannot be reestablished, the gaming facility licensee shall immediately notify on-site commission staff. The gaming facility licensee shall not perform any RAM clears until on-site commission staff has recorded or attempted to record the information on the financial meters.

#### **§ 5321.12. Electronic wagering systems.**

(a) Electronic wagering at a table game shall be conducted through the use of an electronic wagering system. When an electronic wagering system is in use at a table game, wagers placed at such table game, or only those wagers that are specified in Part 5318 of this Subchapter, shall be made using the electronic wagering system.

(b) An electronic wagering system shall be a dedicated computer system. The computer or server controlling the system shall be under dual-key control by the gaming facility licensee's accounting or finance department and another authorized department as set forth in the gaming facility's approved system of internal controls or sealed, pursuant to section 5313.11 of this Subchapter.

(c) An electronic table game shall have the ability to authenticate the transmission of data between the various components of the electronic table game system.

(d) All aspects of an electronic wagering system, including the computer or server and any related hardware, software or related devices shall be tested by a licensed independent testing laboratory and approved in accordance with section 5318 of this Subchapter prior to use at a gaming facility.

(e) An electronic wagering system shall:

- (1) credit funds to the game account of a player when a player buys in to a game at a particular table game and debit any remaining funds from the game account when a player cashes out of the game;

(2) permit a player to wager from a game account, collect losing wagers from the game account and pay winning wagers by crediting the amount of the winnings and corresponding wager to the game account;

(3) in player-banked poker games:

(i) debit game accounts and increment pots for wagers placed, and distribute winning pots by crediting the game accounts of the winning players in the appropriate amounts;

(ii) extract the rake from players or pots and debit the game accounts of players in the appropriate amounts; and

(iii) make each player's balance or table stakes visible to all players in the game.

(4) depict the transactions described in paragraphs (1) through (3) of this subdivision through one or more electronic fund displays that are visible to each player;

(5) disclose to each player at all times the current balance in the player's game account;

(6) accurately report and audit the table game's win or loss or player-banked poker revenue; and

(7) be capable of generating reports setting forth, by gaming day, for each table game using the electronic wagering system including:

(i) the total amount deposited into the game account of each player;

(ii) the total amount deposited into game accounts by all players;

(iii) the total amount credited to the game account of each player in payment of winnings;

(iv) the total amount credited to the game accounts of all players in payment of winnings;

(v) the total amount collected from each player as losing wagers;

(vi) the total amount collected from all players as losing wagers;

(vii) for player-banked poker, the total amount deducted from the game account of each player for collection of rake time charges;

(viii) for player-banked poker, the total amount collected from the accounts of all players for collection of rake time charges;

- (ix) for player-banked poker, the total amount collected from poker pots for collection of rake;
  - (x) the total amount withdrawn from game accounts by each player.
  - (xi) the total amount withdrawn from game accounts by all players; and
  - (xii) the table game win or loss or player-banked poker revenue.
- (f) An electronic table game system shall display a signal clearly visible to the surveillance department whenever a door or cabinet at an electronic table game is open, whenever there is a malfunction in the operation of the electronic table game system, or any component thereof, including whenever a printer or currency jam occurs.
- (g) After installation but prior to use at a gaming facility, electronic wagering systems shall be inspected by a licensed independent testing laboratory.

**§ 5321.13. Electronic table games internal control requirements.**

In addition to the requirements set forth in section 5313.1 of this Subchapter, a gaming facility licensee using an electronic table game system shall include in its system of internal controls:

- (a) procedures to ensure the physical security of the computer or server and related hardware, software and other devices;
- (b) procedures to ensure the integrity and security of all sensitive data and software;
- (c) procedures to ensure that access to sensitive data and software is limited to appropriate personnel only; and
- (d) procedures to ensure the logging of the events and the availability of records to permit an effective audit of the conduct of the system and the reporting of revenue.

**§ 5321.14. Fully automated electronic table games.**

- (a) A fully automated electronic table game shall have software or hardware installed that distinguishes the fully automated electronic table game from a slot machine.
- (b) A fully automated electronic table game shall have the capability to accept currency or gaming vouchers and to issue a gaming voucher to a player for any winnings.
- (c) A fully automated electronic table game shall be equipped with the meters listed in section 5319.52 of this Subchapter.

**§ 5321.15. Dealer-controlled electronic table games.**

(a) All aspects of an electronic-table-game system, including the computer or server and related hardware, software or related devices, shall be tested by a licensed independent testing laboratory, prior to use at a gaming facility.

(b) Dealer-controlled electronic table games shall comply with the requirements set forth in sections 5321.12 and 5321.13 of this Part, except:

(1) the dual key control described in subdivision (b) of section 5321.12 of this Part shall be controlled by the gaming facility licensee's accounting or finance department and another authorized department as set forth in the gaming facility's approved system of internal controls; and

(2) the information required in the game of player-banked poker under paragraph (4) of subdivision (e) of section 5321.12 of this Part shall be visible to the dealer or boxperson.

(c) A dealer-controlled electronic table game shall have the ability to authenticate the transmission of data between the various components of the electronic-table-game system.

(d) A dealer-controlled electronic table game system shall display a signal clearly visible to the surveillance department whenever a door or cabinet at an electronic table game is open and whenever there is a malfunction in the operation of the electronic table game system, or any component thereof, including whenever a printer or currency jam occurs.

(e) An electronic table game that is not a fully automated electronic table game shall be equipped, at minimum with the meters listed in paragraphs (1) through (5), (20) and (21) of subdivision (g) of section 5319.52 of this Subchapter.

**§ 5321.16. Procedures for buying in to and cashing out of a dealer-controlled table game using an electronic wagering system.**

(a) When a dealer-controlled table game is not equipped with a bill validator, a player shall buy into such game using an electronic wagering system by presenting currency or value chips to the dealer or boxperson. When a player presents currency or value chips to a dealer or boxperson, the dealer or boxperson shall credit an equivalent amount of funds to the game account of the player, which shall be registered on the electronic fund display and acknowledged by the player. The dealer or boxperson shall promptly deposit the currency or value chips into the table inventory or drop box.

(b) A player shall cash out a dealer-controlled table game using an electronic wagering system by receiving value chips from the dealer or boxperson from the table inventory container equal in value to the balance in the game account of the player. After cashing

out the player, the dealer or boxperson shall zero out the amount on the electronic fund display of the player.

**§ 5321.17. Waivers.**

(a) The commission may, on its own initiative, waive one or more requirements in this Part or the technical standards applicable to electronic gaming devices and associated equipment upon a determination that nonconforming electronic gaming device or associated equipment or modification as configured meets operational integrity requirements.

(b) A licensed casino vendor enterprise may submit a written request to the commission for a waiver for one or more of the requirements in this section or the technical standards applicable to electronic gaming devices and associated equipment. The request shall:

- (1) include supporting documentation demonstrating how the electronic gaming device or associated equipment for which the waiver has been requested will still meet operational integrity requirements; and
- (2) be approved by the commission.