

## **NEW RULE 24 AND AMENDMENT TO RULE 12**

### **RULE 12 SALE AND USE OF BINGO CARDS, PACKS, AND SHEETS**

2) All cards, packs, and sheets shall be sold at a set price. Any charge for the purchase, lease, or use of an electronic player aid device shall be at a set price. The price of each type of card, pack, or sheet and the charge, if any, for the purchase, lease, or use of each type of electronic player aid device that will be offered for use at a bingo occasion shall be posted on the premises at the time of the occasion, in advance of any player purchasing any card, pack, or sheet or paying any such charges for an electronic bingo player aid device.

### **RULE 24 ELECTRONIC DEVICES USED AS BINGO AIDS AND BINGO AID COMPUTER SYSTEMS**

1) Any Colorado licensed manufacturer of an electronic bingo aid device and computer system may apply for a letter ruling pursuant to C.R.S. 12-9-103(1)(d) by means of a request in writing. The request shall include the manufacturer's name, license number, address, telephone/fax number(s), and e-mail address, if any; the make, model, and description of the bingo aid device and computer system for which approval is sought, and the name and specific contact information for at least one representative of the manufacturer who is available to the licensing authority as an expert on the construction, programming, and operation of the device and system for which approval is sought. Letter ruling requests shall be accompanied by:

- a. Complete user's manual(s) and prototype(s) of the bingo aid device/system for which approval is sought;
- b. An affirmation from the manufacturer stating that the manual(s) and prototype(s) submitted do not differ materially from the manual(s), device(s) and system(s) that will be distributed in Colorado after approval of the prototype(s);
- c. In the case of a bingo aid device, a verified certificate from the manufacturer stating that the device meets all the standards set forth at C.R.S. 12-9-107(29)(a)(II)(A) through (D) and that the device is or can be restricted to allow the play of no more than thirty-six bingo cards per game of bingo, and will be so restricted for Colorado distribution, in accord with C.R.S. 12-9-107(28)(c); and

- d. In the case of a bingo aid computer system, a verified manufacturer's certificate stating that the system meets all the requirements set forth at C.R.S. 12-9-107(30) (a) through (c), and that the system, if constructed or intended for more than one user, is capable of segregating and securing each user's data in such a manner that each user has unique access to its own data but no user has access on any level to another user's data.
- 2) The licensing authority shall issue a letter ruling regarding an electronic bingo aid device or bingo aid computer system within 45 days after submission of the application for such ruling. For the purpose of calculating the time period for a ruling, an application shall not be considered to be submitted unless and until it is filed in the office of the Secretary of State complete with all attachments and accompaniments required by the Bingo and Raffle Law and specified in this Rule 24.
- 3) If an application for a letter ruling regarding an electronic bingo aid device or bingo aid computer system has been filed in the office of the Secretary of State on or before October 1, 2001, and such device or system was in use in Colorado prior to that date, the device or system may continue to be used within this State unless and until the Secretary of State issues an adverse ruling regarding it. Applications submitted before October 1, 2001, shall be deemed for the purposes of this section 3) of Rule 24 to have been filed on October 1, 2001, and the Secretary of State shall issue a letter ruling regarding any such application on or before November 14, 2001.
- 4) No manufacturer shall distribute in Colorado any electronic bingo aid device or bingo aid computer system that differs materially in construction, hardware, software, or operation from a previously approved device or system until such manufacturer has requested and received a letter from the licensing authority approving the differing device or system. Nonfunctional differences in a device or system, including, but not limited to, changes in screen appearance, case color or size, or power supply, shall not be deemed material for purposes of this section 4).
- 5) The distribution and use of electronic bingo aid devices and computer systems shall be subject to the following requirements and conditions.
  - a. A bingo-raffle licensee shall notify the licensing authority in writing of the manufacturer, make, model, and description of any bingo aid device or bingo aid computer system the licensee intends to offer for use or put into play on or after October 1, 2001. In the notification, the licensee shall identify by name, address, and license number the manufacturer or supplier from whom any such device or system has been or is to be obtained. On and after November 30, 2001, no licensee shall use or permit the use of any bingo aid device or bingo aid computer system in connection with its licensed bingo activities

until at least 10 days after such licensee files the notification required by this subsection a.

- b. Any contract or agreement between a bingo-raffle licensee and a manufacturer, supplier, or agent concerning the rental, lease, or use of any bingo aid device or bingo aid computer system that is entered into, renewed, or extended on or after October 1, 2001 shall be subject to the following:
  - i. The initial term and any subsequent term of the contract or agreement shall not exceed one year, and a term may be renewed or extended only by the affirmative consent of the bingo-raffle licensee executed in writing no more than thirty days prior to the expiration of the term; and
  - ii. The contract or agreement shall be terminated if and when the bingo-raffle licensee ceases to conduct bingo, chooses to conduct bingo without the use of electronic bingo aid devices, or changes the location at which it conducts bingo.
- c. No person except the licensed agent or representative of the manufacturer of an electronic bingo aid device or bingo aid computer system shall make or attempt to make any alteration in the construction, programming, or internal operation of such device or system or of the games of chance transaction records stored therein.
- d. The licensing authority shall have access upon request to all bingo aid computer systems in use within the State. The nature of the access shall be such as will enable the licensing authority to audit any system and verify that the system is operated in compliance with the law and rules regulating bingo aid computer systems. The mode of access shall be as approved by the licensing authority and as arranged between or among the licensing authority, the manufacturer of the system, and the bingo-raffle licensee using the system, as appropriate. No system shall be used or put in play at any time when the access described in this subsection c has not been furnished to the licensing authority.
- e. A bingo-raffle licensee that uses a bingo aid computer system to record, track, or process any bingo transaction during a bingo occasion shall use the system to record, track, and process all bingo transactions occurring during that occasion, without regard to whether such transactions involve an electronic bingo player aid device. A bingo-raffle licensee may use a bingo aid computer system without using, leasing, selling, purchasing, or possessing any electronic bingo player aid device, but may not use, allow the use of, or distribute to players any electronic bingo aid device without using a bingo aid computer system to record, track and process its bingo

transactions at the bingo occasion during which the bingo player aid device is used.

- f. A bingo-raffle licensee that uses a bingo aid computer system shall back up and preserve its bingo transaction data, together with the data for any other games of chance transactions recorded in the system during the occasion, at the conclusion of each occasion during which the system is used. The data shall be copied and saved to floppy disk, tape, or other removable medium, and kept by the licensee as a required games of chance record for a period of not less than three years from the date of the occasion.
- g. A bingo-raffle licensee using a bingo aid computer system that is used or intended for use by more than one person or organization shall be uniquely identified for access to the system by means of a user identification and password, smart card or token, or other method approved by the licensing authority. The method of identification and access shall:
  - i. Ensure that the bingo-raffle licensee's data is accessible only to the bearer of the licensee's unique identifier, the licensing authority, and the personnel of the system's manufacturer; and
  - ii. Clearly identify all of and only the licensee's data as belonging to the licensee.
- h. Each licensee's identification for access to a bingo aid computer system shall at all times be in the custody and control of designated games manager(s) or officer(s) of the licensee and shall not be released, made known, or transferred to any other person except upon order of the licensing authority or a duly constituted law enforcement agency. Each licensee shall, by and through its officers and games managers, make every reasonable effort to protect, secure and safeguard its unique system identification from disclosure to or use by any other person, and shall report to the licensing authority immediately upon discovery any known or suspected breach or compromise of such protection. When the security of a licensee's user identification has or may have been compromised, the bingo-raffle licensee shall disable such identification for purposes of system access and issue a new identification.
- i. No bingo-raffle licensee shall access or attempt to access any bingo aid computer system data that such licensee does not own.
- j. No bingo-raffle licensee shall allow a player to use more than one electronic bingo player aid device at any bingo occasion, whether for that player or on behalf of another.
- k. No bingo-raffle licensee shall allow the passive play of any game of bingo by means of an electronic player aid device. Any player using

such a player aid device shall be required to enter called numbers manually into the device in order to track the status of any card by means of the device. A player who is physically unable to use his/her hands shall be exempt from this prohibition. A vision impaired player may use a device equipped with Braille or raised key designation markings, as long as such device does not differ in any other way from those used by other players at a bingo occasion.

1. The licensing authority, in addition to or in lieu of any other penalties or corrective actions may restrict or prohibit the use of any electronic bingo player aid device or computer system by a bingo-raffle licensee that violates any provision of the law or rules regulating such devices and systems.
- 6) A bingo-raffle licensee using a bingo aid computer system shall comply with all of the reporting, accounting, and record keeping requirements imposed by statute or rule on bingo-raffle licensees generally and, in addition, shall produce and attach to its daily bingo occasion records the report capable of being generated by the bingo aid computer system used by such licensee and approved by the licensing authority as the required daily occasion electronic report for such bingo aid computer system. The report shall show at least the following information:
- a. The name of the reporting licensee;
  - b. The date and time of the bingo occasion reported;
  - c. A description of each transaction processed, including all voids and refunds, that shows:
    - i. The time the transaction took place;
    - ii. The quantity, description and price of all cards and sheets, including specials and extras, that were sold, refunded or voided in the course of the transaction; and
    - iii. The charges for any electronic bingo player aid device furnished in connection with the transaction;
  - d. The manufacturer's identification number (serial number) for all cards and sheets sold in conjunction with an electronic bingo aid device; and
  - e. The total number of electronic bingo aid devices sold, leased, or furnished in connection with the occasion reported and the total charges made for such devices.