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**Rules of**  
**Department of Public Safety**  
**Division 45—Missouri Gaming Commission**  
**Chapter 5—Conduct of Gaming**

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

**11 CSR 45-5.010 Presumption of the Right  
of Patrons to Participate in Gambling  
Games**

*PURPOSE: This rule establishes the general right of a patron to participate in gambling games unless such patron engages in unlawful or disruptive conduct.*

(1) Unless otherwise authorized by sections 313.800, RSMo et seq., as amended from time-to-time, and 11 CSR 45-1 et seq., as amended from time-to-time (collectively, the “Riverboat Gambling Act and Regulations”), no licensee may deny a patron the right to play a table game that involves playing cards and which is offered to the general public. A patron may be denied such right if the patron engages in unlawful or disruptive conduct. The licensee shall notify a commission agent prior to removing such patron.

*AUTHORITY: sections 313.004 and 313.805, RSMo 1994.\* Original rule filed Dec. 17, 1999, effective Aug. 30, 2000.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1992, 1993, 1994.*

**11 CSR 45-5.020 Posting of Address of  
Commission**

*PURPOSE: This rule requires the posting of the commission’s address.*

(1) Each licensed gaming establishment shall conspicuously post on the premises the address of the commission in a manner prescribed by the commission.

*AUTHORITY: sections 313.004 and 313.805, RSMo Supp. 1993.\* 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.*

*\*Original authority: 313.004, RSMo 1993 and 313.805, RSMo 1991, amended 1993.*

**11 CSR 45-5.030 Participation in Gam-  
bling Games by a Holder of a Class A or  
Supplier License, and the Directors, Offi-  
cers, Key Persons or Employees of Such  
Licensees**

*PURPOSE: This rule establishes standards for participation in games for certain people.*

(1) No holder of a Class A license or any director, officer, key person or any other employee of any licensed riverboat gaming operation shall play or be permitted to play any gambling game in the establishment where the person is so licensed or employed.

(2) No holder of a supplier’s license or any director, officer, key person or any other employee of a supplier licensee shall play or be permitted to play on an excursion gambling boat any gambling game which the supplier licensee provides under the authority of the license.

*AUTHORITY: sections 313.004, 313.805 and 313.807, RSMo 2000.\* 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. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Feb. 26, 2001, effective Sept. 30, 2001.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000; and 313.807, RSMo 1991, amended 1993, 2000.*

**11 CSR 45-5.050 Authorized Games**

*PURPOSE: This rule establishes the list of authorized games.*

(1) No holder of a Class A license shall permit any game to be played other than those approved by the commission. For each game, the holder of a Class A license shall provide a set of game rules to the commission one hundred twenty (120) days in advance of the game’s operation or within a time period as the commission may designate and these games must be approved by the commission. Changes in permissible rules must be submitted in writing and approved by the commission prior to implementation.

*AUTHORITY: sections 313.004 and 313.805, RSMo 1994 and 313.807, RSMo Supp. 1997.\* 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. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994; and 313.807, RSMo 1991, amended 1993, 1994.*

**11 CSR 45-5.051 Minimum Standards for  
Twenty-One (Blackjack)**

*PURPOSE: This rule establishes a set of minimum standards for the game of Twenty-One (Blackjack).*

(1) The following words and terms, when used in this rule, shall have the following meanings unless the context clearly indicates otherwise.

(A) “Bart Carter Shuffle” means the shuffling procedure whereby approximately one deck of cards is shuffled after being dealt, segregated into separate stacks and each stack is inserted into pre-marked locations within the remaining decks contained in the dealing shoe.

(B) “Determinant card” means the first card drawn for each round of play to determine from which side of the two (2)-compartment dealing shoe the cards for that hand shall be dealt.

(C) “Double shoe” means a dealing shoe that has two (2) adjacent compartments in which cards are stacked separately and which permits cards to be dealt from only one (1) compartment at any given time.

(2) A person who, without the assistance of another person or without the use of a physical aid or device of any kind, uses the ability to keep track of the value of cards played in Twenty-One (Blackjack) and uses predictions formed as a result of the tracking information in his/her playing and betting strategy shall not be considered to be cheating.

(3) A Class A licensee may implement any of the following options at a Twenty-One (Blackjack) table provided that the casino licensee complies with the notice requirements contained in 11 CSR 45-5.060:

(A) Persons who have not made a wager on the first round of play may not enter the game on a subsequent round of play until a reshuffle of the cards has occurred;

(B) Persons who have not made a wager on the first round of play may be permitted to

enter the game, but may be limited to wagering only the minimum limit posted at the table until a reshuffle of the cards has occurred;

(C) Persons who, after making a wager on a given round of play, decline to wager on any subsequent round of play may be precluded from placing any further wagers until a reshuffle of the cards has occurred;

(D) Persons who, after making a wager on a given round of play, decline to wager on any subsequent round of play may be permitted to place further wagers, but may be limited to wagering only the minimum limit posted at the table until a reshuffle of the cards has occurred; and

(E) Use a double shoe with a determinate card that selects which shoe to deal from during a particular hand.

(4) If a Class A licensee implements any of the options in section (3) of this rule, the option shall be uniformly applied to all persons at the table; provided, however that if a Class A licensee has implemented either of the options in subsection (3)(C) or (D) of this rule, an exception may be made for a patron who temporarily leaves the table if, at the time the patron leaves, the Class A licensee agrees to reserve the patron's spot until his or her return.

(5) Immediately prior to the commencement of play and after any shuffle of the cards, the dealer shall require that the cards be cut in a manner set forth in the Class A licensee's internal controls as approved by the commission. Such internal controls shall be subject to the following conditions:

(A) If the "Bart Carter Shuffle" is utilized and the cards in the discard rack exceed approximately one (1) deck in number, the dealer shall continue dealing the cards until that round of play is completed after which he shall remove the cards from the discard rack and shuffle those cards so that they are randomly intermixed. After the cards taken from the discard rack are shuffled, they shall be split into three (3) separate stacks and each stack shall be inserted into pre-marked locations within the remaining decks contained in the dealing shoe.

(6) After the cards have been cut and before any cards have been dealt, a floor supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut, at the Class A licensee's option, by the player who last cut the cards, or by the next person entitled to

cut the cards, as determined by the Class A licensee's internal controls.

*AUTHORITY: sections 313.004 and 313.805, RSMo 1994.\* Original rule filed Dec. 17, 1999, effective Aug. 30, 2000.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1992, 1993, 1994.*

### 11 CSR 45-5.053 Policies

*PURPOSE: The commission proposes to divide existing rule 11 CSR 45-5.050 Authorized Games and Policies into separate rules for Authorized Games, 11 CSR 45-5.050 and Policies, 11 CSR 45-5.053.*

(1) A holder of a Class A license shall comply with all federal regulations and requirements for the withholding of taxes from winnings and the filing of currency transaction reports.

(2) It is the policy of the commission to require that all riverboats and gaming conducted on riverboats be operated in a manner suitable to protect the public health, safety, morals, good order and general welfare of Missouri. Responsibility for the employment and maintenance of suitable methods of operation rests with the holder of a operator's license and willful or persistent use or toleration of methods of operation deemed unsuitable will constitute grounds for disciplinary action, up to and including license revocation.

(3) The holder of a Class A license is expressly prohibited from the following activities:

(A) Failing to exercise discretion and good judgment to prevent incidents which might reflect on the repute of the state of Missouri and act as a detriment to the development of the industry, including allowing lewd entertainment on a boat;

(B) Permitting persons who are visibly intoxicated to participate in gaming activity;

(C) Failing to conduct advertising and public relations activities in accordance with decency, dignity, good taste and honest and fair representation;

(D) Failing to comply with or make provision for compliance with all federal, state and local laws and regulations pertaining to the operation of a license, including paying license fees, withholding payroll taxes and violating alcoholic beverage laws or rules;

(E) Catering to, assisting, employing or associating with, either socially or in business affairs, persons of notorious or unsavory

reputation or who have felony police records, or the employing either directly through a contract or other means, of any firm or individual in any capacity where the repute of the state of Missouri or the gaming industry is liable to be damaged because of the unsuitability of the firm or the individual;

(F) Permitting to remain in, or upon any licensed premises, any associated gambling equipment (primarily, but not limited to, cards or dice), which may have in any manner been marked, tampered with or otherwise placed in a condition or operated in a manner which might affect the game and its payouts;

(G) Permitting, if the Class A licensee was aware or should have been aware of, any cheating whatsoever;

(H) Permitting to remain in or upon any licensed premises, any cheating device whatsoever; or conducting, carrying on, operating or dealing any cheating or thieving game or device on the premises;

(I) Permitting to remain in or upon any licensed premises, if the Class A licensee was aware, or should have been aware of, any gambling device which tends to alter the normal random selection of criteria which determines the results of the game or deceives the public in any way;

(J) Failing to conduct gaming operations in accordance with proper standards of custom, decorum and decency; or to permit any type of conduct on the riverboat which reflects negatively on the repute of the state of Missouri or acts as a detriment to the gaming industry;

(K) Denying a commissioner or commission agent, access to, for inspection purposes, any portion or aspect of the riverboat or attendant shore facilities;

(L) Denying a commissioner or commission agent, information concerning any aspect of the riverboat operation;

(M) Failing to report to the commission known or suspected violations of commission rules and applicable law; and

(N) Lending to any person money or any other thing of value for the purpose of permitting that person to wager on any authorized gambling game. Any licensee who violates 11 CSR 45-5.053(3)(N) shall be subject to an administrative penalty of five thousand dollars (\$5,000) for each violation.

(4) No person shall use, or possess with the intent to use, any calculator, computer or other electronic, electrical or mechanical device at any table game that—

(A) Assists in projecting the outcome of a game;

(B) Keeps track of cards that have been dealt;

(C) Keeps track of changing probabilities; or

(D) Keeps track of playing strategies being utilized, except as permitted by the commission.

(5) The holder of a Class A license will insure that a person's maximum loss will be no more than five hundred dollars (\$500) during each gambling excursion.

(6) Wagers may only be made—

(A) By a person present on a licensed gambling boat;

(B) By persons twenty-one (21) years of age or older; and

(C) At the times allowed by the commission.

*AUTHORITY: sections 313.004, 313.805, RSMo 1994 and 313.807, RSMo Supp. 1999.\* Original rule filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Jan. 30, 1999. Amended: Filed March 1, 2000, effective Sept. 30, 2000.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994; and 313.807, RSMo 1991, amended 1993.*

### 11 CSR 45-5.056 Ethical Restrictions

*PURPOSE: This rule establishes ethical restrictions for gambling licensees.*

(1) For purposes of this 11 CSR 45-5.056—

(A) "Affiliate" shall be defined as any entity with a parent company that is a holder of or applicant for a Class A or supplier's license, or any entity that shares a common parent company with a holder of or applicant for a Class A or supplier's license;

(B) "Appointed official" shall be defined as any employee or agent of a governmental entity who holds a position with discretionary authority to take or vote on the following actions:

1. Promulgation of ordinances, rules or regulations with the effect of law that are applicable to the operations of a holder of or applicant for a Class A or supplier's license;

2. Granting of governmental approvals, licenses or certifications to a holder of or applicant for a Class A or supplier's license;

3. Enforcement of statutes or of ordinances, rules or regulations with the effect of law against a holder of or applicant for a Class A or supplier's license or at a riverboat gaming operation; provided that, in the case of law enforcement personnel, such person must a) actually exercise such authority; b) be specifically assigned by the governmental

entity to exercise such authority; or c) hold the power to assign such personnel to exercise such authority; and

4. Entering into any contract or agreement between the governmental entity and a holder of or applicant for a Class A or supplier's license;

(C) "Commission representative" shall be defined as any member, employee or agent of the commission or any employee of the state highway patrol designated by the superintendent of the highway patrol to have direct regulatory authority related to excursion gambling boats or any employee of the state attorney general's office designated by the state attorney general to have direct regulatory authority related to excursion gambling boats;

(D) "Direct gaming activity" shall be defined as the management of a casino, the operation of gambling games, the receipt of wagers as part of such games, the payment of winnings to wagerers involved in such games, and the providing of gaming equipment or supplies;

(E) "Direct ownership interest" shall be defined as any financial interest, equitable interest, beneficial interest, or ownership control held by the government official, or such person's family member related within the second degree of consanguinity or affinity, in an excursion gambling boat operation; in any holder of or applicant for a Class A or supplier's license; or in any holding company or affiliate company of a holder of or applicant for a Class A or supplier's license; provided that a direct ownership interest shall not include any equity interest purchased at fair market value, or equity interest received as consideration for goods and services provided at fair market value, of less than one percent (1%) of the total outstanding shares of stock of any publicly traded corporation or certificates of partnership of any limited partnership which is listed on a regulated stock exchange or automated quotation system;

(F) "Direct regulatory authority" shall be defined as any role in the enforcement of the Riverboat Gambling Act and the regulations promulgated thereunder;

(G) "Employ" shall be defined as any of the following:

1. Hiring a person as an employee;

2. Engaging the services of a person with knowledge or reason to believe that the person's employer provides consideration to the person that is derived from or contingent upon consideration paid to that employer for the services provided; or

3. Engaging the services of an entity controlled by a person with knowledge or reason to believe that the person will receive

consideration that is derived from or contingent upon consideration paid to the entity for the services provided, in which case the controlling person is "employed";

(H) "Ex parte communication" shall be defined as direct or indirect communication by any holder of or applicant for a Class A or supplier's license, or any representative or agent of such license holder or applicant, with any commission member regarding any matters under the jurisdiction of the commission related to the respective holder of or applicant for a Class A or supplier's license, unless such communications take place during an official commission or commission committee meeting, or, if written, are provided to all other commission members within five (5) days of the initial communication and prior to any commission action on the matter. The following shall not be defined as *ex parte* communication:

1. Any written communication addressed and sent to all commission members;

2. Any communication taking place at a meeting of a governmental entity subject to the Missouri Open Meetings Act, including, but not limited to, meetings of the commission or any committee of the commission;

3. Any communication with employees or agents of the commission who are not commission members, including any such communication that may also involve a commission member as a participant, provided that, if a commission member does participate in such communication, this exemption shall apply only if the holder of or applicant for a Class A or supplier's license summarizes, reduces to writing and distributes such writing to all commission members within five (5) days of the communication and prior to any commission action on the matter; and

4. Any communication between a commission member and a government official;

(I) "Government official" shall be defined as any of the following:

1. A commission representative;

2. A member of the General Assembly; or

3. An elected official or an appointed official of the state of Missouri or of any Missouri city or county in which the licensing of excursion gambling boats has been approved in either the city or county or both;

(J) "Parent company" shall be defined as a holding company defined in 11 CSR 45-10.040(7)(B) or as any other entity which, directly or indirectly through one or more intermediaries, possesses the power to direct or cause the direction of the management and

policies of a person, whether through the ownership of voting shares, by contract or otherwise; and

(K) “Representative or agent” of a license holder or applicant shall be defined as a key person or occupational licensee employee of the license holder or applicant or any individual who acts as a common law agent on behalf of the license holder or applicant before the commission, such as an attorney, accountant or lobbyist.

(2) No holder of or applicant for a Class A or supplier’s license may have a contractual relationship involving, as a party or agent of a party, a person who is a government official at the time of the relationship or who has been a government official within (2) two years prior to the relationship, if such contractual relationship is one in which any aspect of direct gaming activity is included in the duties or obligations of the government official, former government official or the party for which he or she acts as an agent.

(3) No holder of or applicant for a Class A or supplier’s license, or any representative or agent of such license holder or applicant, may enter into any contractual relationship with any commission representative in which the commission representative receives consideration that is above fair market value.

(4) No holder of or applicant for a Class A or supplier’s license may employ or offer to employ a person, or the spouse or dependent child of such a person, who is a government official at the time of such employment or offer, or who has been a government official within two (2) years prior to such employment or offer.

(5) No holder of or applicant for a Class A or supplier’s license, or any representative or agent of such license holder or applicant, may attempt to influence any official action of a government official by reason of offering to employ any person; provided that this 11 CSR 45-5.056(5) shall not prohibit offering employment to any person who has been recommended for employment by a government official, if the offer of employment is not an attempt to influence a specific official action of that government official.

(6) No representative or agent of a holder of or applicant for a Class A or supplier’s license, may employ or offer employment to any commission representative.

(7) No holder of or applicant for a Class A or supplier’s license may knowingly offer a direct ownership interest to or allow a direct ownership interest to be held by a person who

is a government official at the time of holding such direct ownership interest or who has been a government official within two (2) years prior to holding such direct ownership interest; provided that knowledge of a broker or transfer agent for a publicly traded license holder or applicant shall not be imputed to such license holder or applicant for purposes of this 11 CSR 45-5.056(7).

(8) No holder of or applicant for a Class A or supplier’s license, or any representative or agent of such license holder or applicant, may offer any gift to any commission representative or to any peace officer of any city or county which has approved gambling games on excursion gambling boats pursuant to section 313.812.10, RSMo.

(9) No holder of or applicant for a Class A or supplier’s license, or any representative or agent of such license holder or applicant, may knowingly engage in *ex parte* communication with any commission member.

(10) No holder of or applicant for a Class A or supplier’s license or any representative or agent of such license holder or applicant, may offer, promise, or give anything of value or benefit to a person who is connected with a Class A licensee including, but not limited to, an officer or employee of a licensee or holder of an occupational license, pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise or gift was made in order to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission.

(11) No holder of or applicant for a Class A or supplier’s license or any representative or agent of such license holder or applicant, may solicit or knowingly accept or receive a promise of anything of value or benefit while the person is connected with an excursion gambling boat including, but not limited to, an officer or employee of a licensee or holder of an occupational license, pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission.

(12) No holder of or applicant for a Class A or supplier’s license or any representative or agent of such license holder or applicant may solicit, suggest, request or recommend to any individual or entity the appointment of any commission representative to any office, place, position or employment.

(13) No holder of or applicant for a Class A or supplier’s license or any representative or agent of such license holder or applicant may hire or utilize the services of a commission representative or a person who has been a commission representative within the previous two (2) years as a representative or agent of the holder of or applicant for a Class A or supplier’s license.

(14) No holder of or applicant for a Class A or supplier’s license may enter into any scheme or arrangement through which one or more of the relationships, transactions or activities prohibited by this 11 CSR 45-5.056 is knowingly effected through an affiliate or parent company of the applicant or license holder in an attempt to circumvent the provisions of this 11 CSR 45-5.056.

(15) Notwithstanding sections 11 CSR 45-5.056(1) through (14), this 11 CSR 45-5.056 shall not prohibit any applicant or licensee from—

(A) Allowing any person to engage in legal gaming activity as a patron of a casino;

(B) Charging an admission fee to any person to enter a gaming establishment; or

(C) Entering into an agreement with the state, any political subdivision of the state or any other governmental entity that is otherwise legal and that has been disclosed to the commission within ten (10) days of consummation; including, but not limited to, agreements for the reimbursement of expenses incurred by a governmental entity for services of agents or employees of that entity acting in their official capacities.

*AUTHORITY: sections 313.800, 313.805, 313.812 and 313.830, RSMo 1994.\* Original rule filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Jan. 30, 1999. Amended: Filed Nov. 12, 1998, effective June 30, 1999.*

*\*Original authority: 313.800, RSMo 1991, amended 1993, 1994; 313.805, RSMo 1991, 1993, 1994; 313.812, RSMo 1991, amended 1993, 1994, 1995; and 313.830, RSMo 1991, amended 1993.*

**11 CSR 45-5.060 Publication of Rules and Payoff Schedules for All Permitted Games**

*PURPOSE: This rule establishes procedures for publication of rules and payoff schedules for all permitted games.*

(1) A holder of a Class A license shall provide in printed form, to all patrons who request one, the rule and accurate payoff schedules for each game in the area in which

the game is played. The license holder(s) shall make payment in strict accordance with the published payoff schedules. Payoff schedules must accurately state actual payoffs applicable to a particular game or device and shall not be worded in a manner so as to mislead the public. Maintenance of any misleading or deceptive matter on any payoff schedule or failure on the part of a Class A licensee to make payment in strict accordance with the published payoff schedules may be deemed an unsuitable method of operation. This form shall be posted in a conspicuous position on the boat.

*AUTHORITY: sections 313.004 and 313.805 RSMo 1994 and 313.807, RSMo Supp. 1997.\* 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. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994; and 313.807, RSMo 1991, amended 1993, 1994.*

#### 11 CSR 45-5.065 Patrons Unlawfully on Excursion Gambling Boat—Not Eligible for Gambling Game Winnings

*PURPOSE: This rule establishes a procedure for denying a patron that is unlawfully on the casino floor from claiming winnings from a gambling game.*

(1) As used in this rule, “gambling game payout” means any money, merchandise or thing of value that, according to the rules of the gambling game that have been approved by the commission, is to be paid to a patron because of a specific combination(s) of characters or symbols on an electronic gaming device or a specific result in a table game.

(2) Patrons that are excluded from excursion gambling boats pursuant to 11 CSR 45-10.115, 11 CSR 45-15 et seq., 11 CSR 45-17 et seq., patrons who are under twenty-one (21) years of age and patrons who are otherwise illegally on the excursion gambling boat are not eligible to claim gambling game payouts.

(3) If, prior to awarding a gambling game payout, a licensee learns that the patron attempting to claim the winnings fits the criteria in section (2) of this rule, the licensee shall immediately notify a commission agent. The commission agent shall require the patron to produce positive photo identifica-

tion. If the commission agent determines that the patron fits the criteria set forth in section (2) of this rule, he shall order the licensee to return the wager to the patron and deny the patron the proceeds of the gambling game payout. The agent shall then escort the patron off the excursion gambling boat and shall take enforcement action as deemed appropriate or as mandated by law. For accounting purposes, the proceeds of the gambling game payout shall be treated as though the wager had not been made.

*AUTHORITY: sections 313.004, 313.805, 313.817 and 313.822, RSMo 2000.\* Original rule filed Dec. 27, 2000, effective July 30, 2001.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000; 313.817, RSMo 1991, amended 1993, 2000; 313.822, RSMo 1991, amended 1993, 2000.*

#### 11 CSR 45-5.070 Payout Percentage for Electronic Gaming Devices

*PURPOSE: This rule establishes the payout percentage for electronic gaming devices.*

(1) A holder of a Class A license shall by the tenth day of each calendar month display at the patron entrance to the gaming floor and on the front of the main cashier cage the actual aggregate payout percentage to the nearest one-tenth (0.1%) percent of all the electronic gaming devices in operation during the previous month. The commission may require that Class A licensees display with the actual aggregate payout percentage a reference to the commission Internet website where additional information will be made available on payout percentages by denomination.

*AUTHORITY: sections 313.004 and 313.805, RSMo 2000.\* 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. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed March 1, 2002, effective Sept. 30, 2002.*

*\*Original authority: 313.004, RSMo 1993, amended 1994 and 313.805, RSMo 1991, amended 1993, 1994, 2000.*

#### 11 CSR 45-5.075 Payout Percentage for Progressive Table Games

*PURPOSE: This rule establishes minimum payout percentages for progressive wagers on table games.*

Table games that include progressive jackpots shall include a progressive meter, visible to the public. No less than seventy percent (70%) of all progressive wagers made shall be distributed to the player and no more than thirty percent (30%) shall be distributed to the Class A licensee. If any part of the distribution to the progressive jackpot(s) is being used to fund a secondary jackpot, visible signage informing players of this supplemental distribution must be placed in the immediate area of the table. The existence of progressive jackpots and the distributions to those jackpots shall be set forth in the “rules of the game” within a licensee’s internal controls for each game having a progressive jackpot(s). Any table game not meeting this distribution requirement shall be deemed an unauthorized gambling game.

*AUTHORITY: sections 313.004, 313.805 and 313.807, RSMo 2000.\* Original rule filed May 10, 2000, effective Nov. 30, 2000. Amended: Filed March 1, 2002, effective Sept. 30, 2002.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000; 313.807, RSMo 1991, amended 1992, 1993, 2000.*

#### 11 CSR 45-5.080 Authorized Suppliers

*PURPOSE: This rule establishes authorized suppliers.*

(1) Chips, tokens, dice, playing cards and electronic gaming devices may only be purchased from a licensed supplier of those items.

*AUTHORITY: sections 313.004, 313.805 and 313.807, RSMo Supp. 1993.\* 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.*

*\*Original authority: 313.004, RSMo 1993 and 313.805 and 313.807, RSMo 1991, amended 1993.*

#### 11 CSR 45-5.090 Submission of Chips for Review and Approval

*PURPOSE: This rule establishes process for submission of chips for review and approval.*

(1) Each holder of a Class A license shall submit to the commission for approval a sample of each denomination of value and non-value chips in its primary and secondary sets and shall not utilize these chips for gaming

purposes until approved in writing by the commission.

(A) In requesting approval of these chips, a holder of a Class A license prior to having the chips manufactured, shall first submit to the commission a detailed schematic of its proposed chips, and a sample chip, which shall show the front, back and edge of each denomination of value chip and each nonvalue chip and the design and wording to be contained on the chip, all of which shall be depicted on the schematic or chip as they will appear, both as to size and location, on the actual chip. Once the design schematics or chip is approved by the commission, no value or nonvalue chip shall be issued or utilized unless and until a sample of each denomination of value chip and each color of nonvalue chip is also submitted to and approved by the commission.

(B) The name and address of the manufacturer shall be provided to the commission.

(C) No holder of a Class A license or other person licensed by the commission shall manufacture for, sell to, distribute to or use in any casino outside of Missouri, any value or nonvalue chips having the same edge design as those approved for use in Missouri.

*AUTHORITY: sections 313.004 and 313.805 RSMo 1994 and 313.807, RSMo Supp 1997.\* 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. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994; and 313.807, RSMo 1991, amended 1993.*

### **11 CSR 45-5.100 Chip Specifications**

*PURPOSE: This rule establishes chip specifications.*

#### **(1) Value Chips.**

(A) Each chip issued by a holder of a Class A license shall be round in shape, have clearly and permanently impressed, engraved or imprinted on it the name of the riverboat and the specific value of the chip, and at least on one (1) side of the chip, the city or other locality and the state where the establishment is located and the manufacturer's name or a distinctive logo or other mark identifying the manufacturer, except that a holder of a Class A license may issue gaming chips without a value impressed, engraved or imprinted on it

for roulette. Chips with a value contained on them shall be known as value chips and chips without a value contained on them shall be known as nonvalue chips.

(B) Unless otherwise authorized by the commission, value chips may be issued by Class A licensees in denominations of fifty cents, one, two and one-half, five, twenty, twenty-five, one hundred and five hundred dollars (50¢, \$1, \$2.50, \$5, \$20, \$25, \$100 and \$500). The licensees shall have the discretion to determine the denominations to be utilized on its riverboat and the amount of each denomination necessary for the conduct of gaming operations.

(C) Each denomination of value chip shall have a different primary color from every other denomination of value chip. Unless otherwise approved by the commission, value chips shall fall within the colors set forth in this subsection when the chips are viewed both in daylight and under incandescent light. In conjunction with these primary colors, each holder of a Class A license shall utilize contrasting secondary colors for the edge spots on each denomination of value chip. Unless otherwise approved by the commission, no holder of a Class A license shall use a secondary color on a specific denomination of chip identical to the secondary color used by another holder of a Class A license on that same denomination of value chip. The primary color to be utilized by each holder of a Class A license for each denomination of value chip shall be—

1.	50¢	Pink
2.	\$ 1	White
3.	\$2.50	Blue
4.	\$ 5	Red
5.	\$ 20	Yellow
6.	\$ 25	Green
7.	\$100	Black
8.	\$500	Fire Orange

(D) Each denomination of value chip utilized by a holder of a Class A license unless otherwise authorized by the commission, shall—

1. Have its center portion impressed, engraved or imprinted with the value of the chip and the riverboat issuing it and utilize a different shape for each denomination;

2. Be designed so as to be able to determine on closed circuit black and white television the specific denomination of a chip when placed in a stack of chips of other denominations; and

3. Be designed, manufactured and constructed so as to prevent, to the greatest extent possible, the counterfeiting of value chips.

#### **(2) Nonvalue Chips.**

(A) Each nonvalue chip utilized by a riverboat shall be issued solely for the purpose of gaming at roulette. The nonvalue chip(s) at each roulette table shall—

1. Have the name of the riverboat issuing it molded into its center;

2. Contain a design, insert or symbol differentiating it from the nonvalue chips being used at every other roulette table in the riverboat;

3. Have "Roulette" impressed on it; and

4. Be designed, manufactured and constructed so as to prevent, to the greatest extent possible, the counterfeiting of these chips.

(B) Nonvalue chips issued at a roulette table shall only be used for gaming at that table and shall not be used for gaming at any other table in the riverboat, nor shall any holder of a Class A license or its employees allow any riverboat patron to remove nonvalue chips permanently from the table from which they were issued.

(C) No person at a roulette table shall be issued or permitted to game with nonvalue chips that are identical in color and design to value chips or to nonvalue chips being used by another person at the same table. When a patron purchases nonvalue chips, a nonvalue chip of the same color shall be placed in a slot or receptacle attached to the outer rim of the roulette wheel. At that time, a marker denoting the value of a stack of twenty (20) chips of that color shall be placed in the slot or receptacle.

(D) Nonvalue chips shall only be presented for redemption at the table from which they were issued and shall not be redeemed or exchanged at any other location in the riverboat gaming operation. When so presented, the dealer at the issuing table shall exchange them for an equivalent amount of value chips which may then be used by the patron in gaming or redeemed as any other value chips.

(E) Each holder of a Class A license shall have the discretion to permit, limit or prohibit the use of value chips in gaming at roulette provided, however, that it shall be the responsibility of the licensee to keep an accurate account of the wagers being made at roulette with value chips so that the wagers made by one player are not confused with those made by another player at the table.

*AUTHORITY: sections 313.004, 313.805 and 313.817, RSMo 2000.\* 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. Amended:*



Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed April 3, 2001, effective Oct. 30, 2001.

\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000; and 313.817, RSMo 1991, amended 1993, 2000.

### 11 CSR 45-5.110 Primary, Secondary and Reserve Sets of Gaming Chips

*PURPOSE:* This rule establishes the process for having primary, secondary and reserve sets of gaming chips.

(1) Unless otherwise authorized by the commission, each riverboat shall have a primary set of value chips, a separate secondary set of value chips and a nonvalue chip reserve which shall conform to the color and design specifications set forth in 11 CSR 45-5.100. An approved secondary set of value chips and reserve nonvalue chips shall be placed into active play whenever the primary set is removed.

(A) The secondary set of value chips shall have different secondary colors than the primary set and shall be required for all denominations.

(B) Each holder of a Class A license shall have a nonvalue chip reserve for each color utilized in the riverboat with a design insert or symbol different from those nonvalue chips comprising the primary set.

(C) The holder of a Class A license shall remove the primary set of gaming chips from active play whenever—

1. A determination is made by the licensee that the riverboat gaming operation is taking on a significant number of counterfeit chips;

2. Any other impropriety or defect in the utilization of the primary set of chips makes removal of the primary set necessary; or

3. The director so directs.

(D) Whenever the primary set of chips is removed from active play, the licensee shall immediately notify a representative of the commission as to the reason for this occurrence.

*AUTHORITY:* sections 313.004, 313.805 and 313.817, RSMo 1994 and 313.807, RSMo Supp. 1997.\* *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. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994; 313.807,

RSMo 1991, amended 1993 and 313.817, RSMo 1991, amended 1993.

### 11 CSR 45-5.120 Issuance and Use of Tokens for Gaming in Electronic Gaming Devices

*PURPOSE:* This rule establishes the procedures for the issuance and use of electronic game tokens.

(1) No holder of a Class A license shall issue or cause to be utilized in the riverboat gaming operation any tokens for gaming in electronic gaming devices unless the tokens are approved by the commission. In requesting approval of the tokens, the licensee shall first submit to the commission a detailed schematic of its proposed token which shall show its front, back and edge, its diameter and thickness and any logo, design or wording to be contained on it, all of which shall be depicted on the schematic as they will appear, both as to size and location, on the actual token. Once the design schematics are approved by the commission, no token shall be issued or utilized until a sample of the token is also submitted and approved by the commission.

(2) A holder of a Class A license with the approval of the commission, shall issue metal tokens designed for gaming in its electronic gaming devices. These tokens shall—

(A) Be round in shape, have clearly and permanently impressed, engraved or imprinted on them the name of the casino and the specific value of the token, and at least on one (1) side of the token, the city or other locality and the state where the establishment is located and the manufacturer's name or a distinctive logo or other mark identifying the manufacturer;

(B) Contain the statement—"Not Legal Tender";

(C) Not be deceptively similar to any current or past coin of the United States or a foreign country;

(D) Not be of a size or shape or have other characteristics which will physically present their use to activate lawful vending machines or other machines designed to be operated by coins of the United States; and

(E) Not be manufactured from a ferromagnetic material or from a three (3)-layered material consisting of a copper-nickel alloy clad on both sides of a pure copper core or from a copper-based alloy, except if the total zinc, nickel, aluminum, magnesium and other alloying metal exceeds twenty-five percent (25%) of the token's weight.

(3) Tokens approved for issuance by a holder of a Class A license shall be—

(A) Issued to a patron upon payment for a token or in accordance with a complimentary distribution program;

(B) Capable of insertion into designated electronic gaming devices operated by the holder of a Class A license for the purpose of activating play;

(C) Available as a payout from the hopper of the electronic gaming devices; and

(D) Redeemable by the patron in accordance with the Act.

*AUTHORITY:* sections 313.004, 313.805 and 313.817, RSMo 1994 and 313.807, RSMo Supp. 1997.\* *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. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994; 313.807, RSMo 1991, amended 1993 and 313.817, RSMo 1991, amended 1993.

### 11 CSR 45-5.130 Exchange of Chips and Tokens

*PURPOSE:* This rule establishes the process for exchange of chips and tokens.

(1) Chips shall be issued to a person only at the request of that person and shall not be given as change in any other transaction. Chips shall be issued to riverboat patrons at cashier's cages, at the live gaming devices, or at stations adjacent to the gaming area if approved by the commission. Chips may be redeemed at cashier's cages or at stations adjacent to the gaming area if approved by the commission.

(2) Tokens shall only be issued upon the request of a patron from a cashier's cage, from employees of the holder of a Class A license at the electronic gaming devices area or at stations adjacent to the gaming area if approved by the commission. Tokens may be redeemed at a cashier's cage or at stations adjacent to the gaming area if approved by the commission.

(3) Chips or tokens shall only be redeemed by a holder of a Class A license for its patrons and shall not be knowingly redeemed from any nonpatron source; provided, however, that nongaming employees of the riverboat may redeem chips or tokens they have received as gratuities.

(4) Each riverboat shall promptly redeem its own chips and tokens by cash or by check dated the day of the redemption on an account of the riverboat as requested by the patron, except when the chips and tokens were obtained or used unlawfully.

(5) Each riverboat may demand the redemption of its chips or tokens from any person in possession of them and that person shall redeem the chips or tokens upon presentation of an equivalent amount of cash by the riverboat.

(6) No riverboat shall knowingly accept, exchange, use or redeem gaming chips or tokens issued by another riverboat.

(7) Each riverboat shall cause to be posted and remain posted in a prominent place—

(A) On the front of a cashier's cage, a sign that reads as follows—"Gaming chips issued by another riverboat may not be used, exchanged or redeemed on this riverboat"; and

(B) On electronic gaming device token redemption booths, a sign that reads—"Tokens issued by another riverboat may not be used, exchanged or redeemed on this riverboat."

*AUTHORITY: sections 313.004, 313.805 and 313.817, RSMo 1994 and 313.807, RSMo Supp. 1997.\* 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. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Jan. 30, 1999.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; and 313.805, RSMo 1991, amended 1993, 1994; 313.807, RSMo 1991, amended 1993; and 313.817, RSMo 1991, amended 1993.*

**11 CSR 45-5.140 Receipt of Gaming Chips or Tokens from Manufacturer**

*PURPOSE: This rule establishes the process for receipt of gaming chips and tokens from manufacturers.*

(1) When chips or tokens are received from the manufacturer, they shall be opened and checked by at least two (2) employees from different departments of the holder of a Class A license. Any deviation between the invoice accompanying the chips or tokens and the actual chips or tokens received or any defects found in the chips or tokens shall be reported promptly to the commission. An agent of the

commission will be notified both by the supplier and the casino manager of the time of delivery of any chips or tokens to the holder of a Class A license.

(2) After checking the chips or tokens received, the holder of a Class A license shall cause to be reported in a chip and token inventory ledger—the denomination of the chips or tokens received, the number of each denomination of chip or token received, the number and description of all nonvalue chips received, the date of receipt and the signature of the individuals who checked the chips or tokens.

(3) If any of the chips received are to be held in reserve and not utilized, either at the gaming tables or at a cashier's cage, they shall be stored in a separate locked compartment either in the vault or in a cashier's cage and shall be recorded in the chip and token inventory ledger as reserve chips.

(4) Any chips received that are part of the secondary set of chips of the riverboat shall be recorded in the chip and token inventory ledger as such and shall be stored in a locked compartment in the riverboat vault separate from the reserve chips.

*AUTHORITY: sections 313.004, 313.805 and 313.817, RSMo 1994 and 313.807, RSMo Supp. 1997.\* 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. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994; 313.807, RSMo 1991, amended 1993 and 313.817, RSMo 1991, amended 1993.*

**11 CSR 45-5.150 Inventory of Chips and Tokens**

*PURPOSE: This rule establishes the process for inventory of chips and tokens.*

(1) In the presence of at least two (2) individuals, chips shall be taken from or returned to either the reserve chip inventory or the secondary set of chips. The denominations, number and amount of chips taken or returned shall be recorded in the chip and token inventory ledger together with the date and signatures of the individuals carrying out this process.

(2) Each holder of a Class A license on a daily basis, shall compute and record the unredeemed liability for each denomination of chips and tokens and cause to be made an inventory of chips and tokens in circulation and cause the result of this inventory to be recorded in the chip and token inventory ledger. On a monthly basis, each holder of a Class A license shall cause an inventory of chips in reserve to be made and cause the result of this inventory to be recorded in the chip and token inventory ledger. The procedures to be utilized to compute the unredeemed liability and to inventory chips and tokens in circulation and reserve shall be submitted to the commission for approval. A physical inventory of chips in reserve shall be required annually if the inventory procedures incorporate the sealing of the locked compartment.

(3) During nongaming hours, all chips and tokens in the possession of the riverboat shall be stored in the chip bank, in the vault, or in a locked compartment in a cashier's cage, except that chips may be locked in a transparent compartment on gaming tables provided that there is adequate security as approved by the commission.

*AUTHORITY: sections 313.004, 313.805 and 313.817, RSMo 1994 and 313.807, RSMo Supp. 1997.\* 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. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994; 313.807, RSMo 1991, amended 1993 and 313.817, RSMo 1991, amended 1993.*

**11 CSR 45-5.160 Destruction of Chips and Tokens**

*PURPOSE: This rule establishes the process for dealing with destruction of chips and tokens.*

(1) Prior to the destruction of chips or tokens, the holder of a Class A license shall notify the commission, in writing, of the date and the location at which the destruction will be performed, the denomination, number and amount of value chips or tokens to be destroyed, the description and number of nonvalue chips to be destroyed and a detailed explanation of the method of destruction. Unless otherwise authorized by the director,

the destruction of chips or tokens shall be carried out in the presence of at least two (2) individuals, one (1) of whom shall be an agent of the commission. The denomination, number and amount of value chips or tokens or, in the case of nonvalue chips, the description and number so destroyed shall be recorded in the chip and token inventory ledger together with the signatures of the individuals carrying out the destruction and the date on which destruction took place.

*AUTHORITY: sections 313.004, 313.805 and 313.817, RSMo 1994 and 313.807, RSMo Supp. 1997.\* 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. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994; 313.807, RSMo 1991, amended 1993 and 313.817, RSMo 1991, amended 1993.*

#### 11 CSR 45-5.170 Destruction of Counterfeit Chips and Tokens

*PURPOSE: This rule establishes the process for the destruction of counterfeit chips and tokens.*

(1) As used in this rule, counterfeit chips or tokens means any chip- or token-like objects that have not been approved pursuant to this chapter, including objects commonly referred to as slugs, but not including coins of the United States or any other nation.

(2) Unless a peace officer instructs or a court of competent jurisdiction orders otherwise in a particular case, licensees shall destroy or otherwise dispose of counterfeit chips and tokens discovered at their establishments in a manner as their internal controls specify.

(3) Unless a peace officer instructs or a court of competent jurisdiction orders otherwise in a particular case, licensees may dispose of coins of the United States or any other nation discovered to have been unlawfully used at their establishments by including them in their coin inventories or, in the case of foreign coins, by exchanging them for United States currency or coins and including them in their currency or coin inventories, or by disposing of them in any other lawful manner.

(4) Each licensee shall record, in addition to other information that the commission may require—

(A) The number and denominations, actual and purported, of the coins and counterfeit chips and tokens destroyed or otherwise disposed of pursuant to this rule;

(B) The month during which they were discovered;

(C) The date, place and method of destruction or other disposition, including, in the case of foreign coin exchanges, the exchange rate and the identity of the bank, exchange company, or other business or person at which or with whom the coins are exchanged; and

(D) The names of the persons carrying out the destruction or other disposition on behalf of the licensee.

(5) A holder of a Class A license shall maintain each record required by this rule for at least five (5) years, unless the commission approves or requires otherwise.

*AUTHORITY: sections 313.004, 313.805 and 313.817, RSMo 1994 and 313.807, RSMo Supp. 1997.\* 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. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994; 313.807, RSMo 1991, amended 1993 and 313.817, RSMo 1991, amended 1993.*

#### 11 CSR 45-5.180 Tournament Chips, Tokens, and Promotional Coupons

*PURPOSE: This rule establishes the process for the use of promotional and tournament chips and tokens.*

(1) As used in this rule, tournament chip means a chip- or token-like object issued by a licensee for use in tournaments at the licensee's gaming establishment.

(2) Tournament chips must be designed, manufactured, approved and used in accordance with the provisions of rules in this chapter applicable to chips and tokens, except as follows:

(A) Tournament chips must be of a shape and size and have such other specifications so as to be distinguishable from other chips and tokens used in the riverboat operation;

(B) Each side of each tournament chip must conspicuously bear the inscription—"No Cash Value";

(C) Tournament chips must not be used, and licensees shall not permit their use in transactions other than the tournaments for which they are issued; and

(D) The provisions of 11 CSR 45-5.170 shall not apply to tournament chips.

(3) As used in this rule, promotional coupon means a coupon issued by a licensee for use in gambling related licensed gambling games at the licensee's gaming establishment.

(4) Promotional coupons shall be submitted to the commission for approval prior to usage and shall include the following:

(A) The name of the riverboat(s);

(B) The city or other locality and state where establishment is located;

(C) Specific value;

(D) Sequential identification numbers for tracking; and

(E) Expiration dates.

*AUTHORITY: sections 313.004, 313.805 and 313.817, RSMo 1994 and 313.807, RSMo Supp. 1998.\* 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. Amended: Filed Nov. 10, 1997, effective June 30, 1998. Amended: Filed May 6, 1999, effective Dec. 30, 1999.*

*\*Original authority: 313.004, RSMo 1993 amended 1994; 313.805, RSMo 1991, amended 1993, 1994; 313.807, RSMo 1991, amended 1993; and 313.817, RSMo 1991, amended 1993.*

#### 11 CSR 45-5.183 Cards—Specifications

*PURPOSE: This rule establishes minimum standards for cards used for gambling games.*

(1) Unless otherwise approved by the commission, all cards used for gambling games must meet the following specifications:

(A) Cards used to play blackjack, baccarat, pai gow poker, poker, caribbean stud poker, let it ride poker and double down stud shall be in decks of fifty-two (52) cards each with each card identical in size and shape to every other card in such deck. Notwithstanding the foregoing, decks of cards used to play pai gow poker shall include one (1) additional card, a joker, which shall be identical in size and shape to every other card in such deck;

(B) Each deck shall be composed of four (4) suits: diamonds, spades, clubs and hearts;

(C) Each suit shall be composed of thirteen (13) cards: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3, 2. The face of the ace, king, queen, jack and 10 value cards may contain

an additional marking, as approved by the commission, which will permit a dealer, prior to exposing his/her hole card at the game of blackjack, to determine the value of that hole card;

(D) The backs of each card in the deck shall be identical and no card shall contain any marking, symbol or design that will enable a person to know the identity of any element printed on the face of the card or that will in any way differentiate the back of that card from any other card in the deck;

(E) The backs of all cards in the deck shall be designed so as to diminish as far as possible the ability of any person to place concealed markings thereon;

(F) The design to be placed on the backs of cards used by licensees shall contain the name or trade name of the Class A licensee where the cards are to be used and shall be submitted to the commission for approval prior to use of such cards in gaming activity;

(G) Each deck of cards shall be packaged separately through the use of cello or shrink wrap or other similar material as approved by the commission and such packaging shall have a tamper resistant destructive security seal and a tear band. Notwithstanding this requirement, cards used at poker may be packaged and sealed in sets containing two (2) decks of cards;

(H) Nothing in this section shall prohibit decks of cards with one (1) or more jokers contained therein; provided, however, such jokers shall not be used by the Class A licensee in the play of any games other than pai gow poker;

(I) In addition to satisfying the requirements of this section, the cards used by a Class A licensee at poker must—

1. Be visually distinguishable from the cards used by that Class A licensee to play any other table games; and

2. Be made of plastic; and

(J) Each Class A licensee which elects to offer the game of poker shall be required to have and use on a daily basis at least two (2) visually distinguishable card backings for the cards to be used at the game of poker. These card backings may be distinguished, without limitation, by different logos, different colors or different design patterns.

*AUTHORITY: sections 313.004, 313.805, 313.830 and 313.845, RSMo 2000.\* Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed July 3, 2000, effective Feb. 28, 2001. Amended: Filed May 29, 2002, effective Dec. 30, 2002.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000; 313.830, RSMo 1991, amended 1993, 2000; and 313.845, RSMo 1991, amended 1993, 1994, 1995.*

**11 CSR 45-5.184 Cards—Receipt, Storage, Inspections, and Removal from Use**

*PURPOSE: This rule establishes procedures for the handling of cards within the gaming operation.*

(1) When decks of cards are received for use in the licensed facility from the licensed supplier, they shall be placed for storage in a locked cabinet in the cashiers' cage or within a primary or secondary storage area by at least two (2) individuals, one (1) of whom shall be from the casino department and the other from the casino security department or casino accounting department. The cabinet or primary storage area shall be located in the cashiers' cage or in another secure place, the location and physical characteristics of which shall be approved by the commission. Secondary storage areas shall be used for the storage of surplus cards. Cards maintained in secondary storage areas shall not be distributed to gaming pits or tables for use in gaming until the cards have been moved to a primary storage area. All secondary storage areas shall be located in secure areas, the location and physical characteristics of which shall be approved by the commission. Nothing herein shall preclude a licensee from having a separate storage area for the cards to be used at the game of poker; provided, however, the location and physical characteristics of the separate storage area shall be approved by the commission.

(2) All primary, secondary and poker storage areas, other than the cashiers' cage, shall have two (2) separate locks. The casino security department shall maintain one (1) key and the casino department or cashiers' cage shall maintain the other key; provided, however, that no person employed by the casino department below the assistant shift manager in the organizational hierarchy shall have access to the casino department key for the primary and secondary storage areas and no person below the poker shift supervisor in the organizational hierarchy shall have access to the casino department key to the poker storage area. Cards stored in a cabinet within the cashiers' cage shall be secured by a lock, the key to which shall be maintained by an assistant shift manager or casino supervisor thereof.

(3) Immediately prior to the commencement of each gaming day and at other times as may be necessary, the assistant shift manager or casino supervisor thereof shall remove the appropriate number of decks of cards for that gaming day from a primary storage area, and if applicable, the poker shift supervisor or

supervisor thereof shall remove the appropriate number of decks of cards to be used at poker for that gaming day from the poker storage area.

(4) If removed from the primary storage area, the assistant shift manager or casino supervisor thereof and the casino security officer who removed the decks shall distribute sufficient decks to the poker shift supervisor and to the pit boss who shall then distribute the decks to the dealer at each table. If removed from the poker storage area, the decks shall be removed by the poker shift supervisor, in the presence of the casino security officer, and transported to the poker pit stand. Subsequently, the poker shift supervisor shall distribute the decks to the dealer at each poker table either directly or through the floorperson assigned to supervise the dealer.

(A) The poker shift supervisor or pit boss shall place extra decks for card reserve into the pit stand.

(B) Prior to distributing the decks to each table, the poker shift supervisor or floorperson shall examine each package to determine if any replacement cards are necessary pursuant to subsection (14)(E) below. If needed, the poker shift supervisor or floorperson shall place the appropriate replacement cards into the deck from the cards held in reserve at the pit stand. Upon insertion of the replacement cards into the deck, the poker shift supervisor or floorperson shall reexamine the front of each card and the back of each card to ensure a consistent shading pattern and to ensure that the condition of the deck with the inclusion of the replacement cards has sufficient quality in order to maintain the integrity of gaming at poker. If the integrity of gaming at poker would in any way be compromised by the use of the deck with the replacement cards, the entire deck of cards shall be placed in a sealed envelope or container, identified with the date and time and shall be signed by the poker shift supervisor. The poker shift supervisor shall maintain the envelope or container in a secure place within the pit stand until collection by a casino security officer.

(C) Cards in the pit stand shall be placed in a locked compartment, keys to which shall be in the possession of the poker shift supervisor or supervisor thereof or the pit boss or casino supervisor thereof.

(5) All decks shall be inspected by the dealer, and the inspection verified by a floorperson. Card inspection at the gaming table shall require each pack to be used to be sorted into sequence and into suit to assure that all cards are in the deck. The dealer shall also check

the back of each card to assure that it is not flawed, scratched or marked in any way.

(A) If, after checking the cards, the dealer finds that a card is unsuitable for use, a poker shift supervisor or casino supervisor shall bring a substitute card from the card reserve in the pit stand.

(B) The unsuitable card shall be placed in a sealed envelope or container, identified by table number, date, and time and shall be signed by the dealer and floorperson assigned to that table. The poker shift supervisor or casino supervisor shall maintain the envelope or container in a secure place within the pit until collection by a casino security officer.

(6) All envelopes and containers used to hold or transport cards collected by security shall be transparent.

(A) The envelopes or containers and the method used to seal them shall be designed or constructed so that any tampering shall be evident.

(B) The envelopes or containers and seals shall be approved by the commission.

(7) Any cards which have been opened and placed on a gaming table shall be changed at least every twenty-four (24) hours. In addition—

(A) Cards opened for use on a baccarat table shall be changed at least once during the gaming day;

(B) Cards opened for use on a pai gow poker table, caribbean stud poker or let it ride poker table and dealt from a dealing shoe shall be changed at least every eight (8) hours;

(C) Cards opened for use on a pai gow poker table, caribbean stud poker or let it ride poker table and dealt from the dealer's hand shall be changed at least every four (4) hours; and

(D) Cards opened for use on a poker table shall be changed at least every four (4) hours.

(8) Cards damaged during course of play shall be replaced by the dealer who shall request a floorperson or supervisor thereof for the game of poker or casino supervisor for all other games to bring cards in substitution from the pit stand.

(A) The damaged cards shall be placed in a sealed envelope, identified by table number, date and time and shall be signed by the dealer and the individual who brought the replacement card to the table.

(B) The poker shift supervisor or casino supervisor shall maintain the envelopes or containers in a secure place within the pit until collection by a casino security officer.

(9) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee and approved by the commission, and at such other times as may be necessary, the floorperson or supervisor thereof for the game of poker or casino supervisor for all other games shall collect all used cards.

(A) These cards shall be placed in a sealed envelope or container. A label shall be attached to each envelope or container which shall identify the table number, date and time and shall be signed by the dealer and floorperson assigned to the table.

(B) The poker shift supervisor or casino supervisor shall maintain the envelopes or containers in a secure place within the pit until collection by a casino security officer.

(10) The licensee shall remove any cards at any time during the day if there is any indication of tampering, flaws, scratches, marks or other defects that might affect the integrity or fairness of the game, or at the request of the commission.

(11) All extra decks in card reserve with broken seals shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the date and time and is signed by the floorperson or supervisor thereof for poker and the pit boss for all other games.

(12) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee and approved by the commission, and at such other times as may be necessary, a casino security officer shall collect and sign all envelopes or containers with damaged cards, cards used during the gaming day, and all extra decks in card reserve with broken seals and shall return the envelopes or containers to the casino security department.

(13) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee and approved by the commission, and at such other times as may be necessary, an assistant shift manager or casino supervisor thereof may collect all extra decks in card reserve. If the licensee maintains a separate storage area for poker cards, a poker shift supervisor or supervisor thereof may collect all extra decks in card reserve for the game of poker. If collected, all sealed decks shall either be cancelled or destroyed or returned to the storage area.

(14) When the envelopes or containers of used cards and reserve cards with broken

seals are returned to the casino security department, they shall be inspected for tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play.

(A) For cards used in blackjack, or baccarat, the licensee shall cause to be inspected either—

1. All decks used during the day; or
2. A sample of decks selected at random or in accordance with an approved stratification plan provided that the procedures for selecting the sample size and for assuring a proper selection of the sample are submitted to and approved by the commission.

(B) The licensee shall also inspect—

1. Any cards which the commission requests the licensee to remove for the purpose of inspection;
2. Any cards the licensee removed for indication of tampering;
3. All cards used for pai gow poker, caribbean stud poker or let it ride poker; and
4. All cards used for poker.

(C) The procedures for inspecting all decks required to be inspected under this subsection, shall, at a minimum, include:

1. The sorting of cards sequentially by suit;
2. The inspection of the backs with an ultraviolet light;
3. The inspection of the sides of the cards for crimps, bends, cuts and shaving; and
4. The inspection of the front and back of all plastic cards for consistent shading and coloring.

(D) If, during the inspection procedures required in subsection (14)(C) above, one (1) or more plastic cards in a deck are determined to be unsuitable for continued use, those cards shall be placed in a sealed envelope or container and a three (3)-part Card Discrepancy Report shall be completed in accordance with subsection (14)(I) below.

(E) Upon completion of the inspection procedures required in subsection (14)(C) above, each deck of plastic cards which is determined suitable for continued use shall be placed in sequential order, repackaged and returned to the primary or poker storage area for subsequent use. If a deck has any missing cards pursuant to subsection (14)(D) above, the individual who repackages the cards shall indicate the need for the appropriate replacement card(s) in a manner approved by the commission.

(F) The licensee shall develop internal control procedures for returning the repackaged cards to the storage area.

(G) The individuals performing said inspection shall complete a work order form which shall detail the procedures performed and list the tables from which the cards were removed and the results of the inspection. The individual shall sign the form upon completion of the inspection procedures.

(H) The licensee shall submit the training procedures for those employees performing the inspection, which shall be approved by the commission.

(I) Evidence of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play discovered at this time, or at any other time, shall be immediately reported to the commission by the completion and delivery of a Card Discrepancy Report.

1. The report shall accompany the cards when delivered to the commission.

2. The cards shall be retained for further inspection by the commission.

3. The commission inspector receiving the cards shall sign the Card Discrepancy Report and retain the original at the commission office.

(15) The licensee shall submit to the commission for approval procedures for—

(A) A card inventory system which shall include, at a minimum, the recordation of the following:

1. The balance of cards on hand;
2. The cards removed from storage;
3. The cards returned to storage or received from the manufacturer;
4. The date of the transaction; and
5. The signatures of the individuals involved;

(B) A reconciliation on a daily basis of the cards distributed, the cards destroyed and cancelled, the cards returned to the storage area and, if any, the cards in card reserve; and

(C) A physical inventory of the cards at least once every three (3) months.

1. This inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of cards on hand required in paragraph (15)(A)1. above.

2. Any discrepancies shall immediately be reported to the commission.

(16) Where cards in an envelope or container are inspected and found to be without any indication of tampering marks, alterations, missing or additional cards or anything that might indicate unfair play, those cards with the exception of plastic cards used at poker which are of sufficient quality for reuse, shall be destroyed or canceled. Once released by

the commission, the cards submitted as evidence shall immediately be destroyed or canceled.

(A) Destruction of cards shall be by shredding.

(B) Cancellation of cards shall be by drilling a circular hole of at least one-fourth of an inch (1/4") in diameter through the center of each card in the deck or by cutting one (1) corner from each card in the deck.

(C) The destruction and cancellation of cards shall take place in a secure place, the location and physical characteristics of which shall be approved by the commission.

(17) If a deck of plastic cards has been reused twelve (12) or more times and the deck has been determined to be suitable for reuse by the individual performing the inspection procedures required by subsection (15)(C) above, before that deck may be reused at a poker table, the deck must be inspected by a poker shift supervisor or floorperson. A satisfactory inspection shall be documented by the poker shift supervisor or floorperson. If the poker shift supervisor or floorperson determines that the deck may not be reused, the deck shall be placed in a sealed envelope or container, with a label attached which identifies the date and time and shall be signed by the poker shift supervisor or floorperson. At the end of the gaming day or at such other times as may be necessary, said envelope or container shall be collected by a casino security officer and be returned to the casino security department for destruction or cancellation pursuant to section (16) above.

*AUTHORITY: sections 313.004, 313.805, 313.830, RSMo 1994 and 313.845, RSMo Supp. 1996.\* Original rule filed Dec. 17, 1996, effective Aug. 30, 1997.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1992, 1993, 1994; 313.830, RSMo 1991, amended 1992, 1993; and 313.845, RSMo 1991, amended 1992, 1993, 1994, 1995.*

**11 CSR 45-5.190 Minimum Standards for Electronic Gaming Devices**

*PURPOSE: This rule establishes the minimum standards for electronic gaming devices.*

(1) Electronic gaming devices must not be set to pay out less than eighty percent (80%) of all wagers. Electronic gaming devices that may be affected by player skill must meet this standard when using a method of play that will provide the greatest return to the player over a period of continuous play.

(2) Electronic gaming devices shall—

(A) Be controlled by a microprocessor or the equivalent;

(B) Be compatible with on-line data monitoring;

(C) Have a separate locked internal enclosure within the device for the circuit board containing the EPROM (erasable, programmable, read-only memory, that is, computer chips that store memory);

(D) Be able to continue a game with no data loss after a power failure;

(E) Have previous and current game data recall;

(F) 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;

(G) Clearly display applicable rules of play and the payout schedule;

(H) 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;

(I) Have a complete set of nonvolatile meters including tokens-in, tokens-out, tokens dropped, total credits wagered, total credits won, number of games played and jackpots paid;

(J) 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

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

(3) When an electronic gaming device is unable to drop sufficient tokens for payment of jackpots requiring the payment to be made by the riverboat, jackpot payout tickets must be prepared 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 amount of the jackpot payout in written and numeric form;

(F) The signature of the holder of a Class A license or the licensee employee making the payment; and

(G) A signature of at least one (1) other riverboat gaming operation employee attesting to the accuracy of the form.

*AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo 1994.\* 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. Amended: Filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed May 13, 1998, effective Oct. 30, 1998.

\*Original authority: 313.004, RSMo 1993, amended 1994; 313.800, RSMo 1991, amended 1993, 1994 and 313.805, RSMo 1991, amended 1993, 1994.

### 11 CSR 45-5.200 Progressive Slot Machines

*PURPOSE:* This rule establishes the process for having progressive slot machines.

(1) As used in this rule—

(A) Base amount means the amount of the progressive jackpot initially offered before it increases;

(B) Incremental amount means the difference between the amount of a progressive jackpot and its base amount;

(C) Progressive jackpot means a slot machine payoff that increases and over time solely as a function of coins played on a machine or group of machines;

(D) Wide-area progressive means a system of slot machines that are linked across telecommunication lines as part of a network connecting separate excursion gambling boats licensed by the commission with an aggregate prize(s); and

(E) “United States Government Agency Securities” means negotiable, senior, non-callable, debt obligations issued by a United States agency that on the date of funding, possesses an issuer credit rating equivalent to the highest investment grade rating given by Standard & Poor’s or Moody’s Investors Service.

(2) A meter that shows the amount of the progressive jackpot must be conspicuously displayed at or near the machines to which the jackpot applies. At least once a day, each licensee shall record the amount shown on each progressive jackpot meter at the licensee’s establishment except for those jackpots that can be paid directly from the machine’s hopper. Explanations for meter reading decreases must be maintained with the progressive meter reading sheets and where the payment of a jackpot is the explanation for a decrease, the operator licensee shall record the jackpot payout form number on the sheet or have the number reasonably available. A holder of a Class A license shall

record the base amount of each progressive jackpot the Class A licensee offers.

(3) A licensee may impose a limit on the jackpot of a progressive slot machine if the limit imposed is greater than the possible maximum jackpot payout on the slot machine at the time the limit is imposed. The licensee must inform the public with a prominently posted notice of progressive slot machines that have limits. Such notice shall clearly state the amount of the limits and must be approved by the commission.

(4) The Class A licensee shall not reduce the amount displayed on a progressive jackpot meter or otherwise reduce or eliminate a progressive jackpot unless—

(A) A player wins the jackpot;

(B) The Class A licensee adjusts the progressive jackpot meter to correct a malfunction or to prevent the display of an amount greater than a limit imposed pursuant to section (3) of this rule and the Class A licensee documents the adjustment and the reasons for it;

(C) The Class A licensee’s gaming operations at the establishment cease for any reason other than a temporary closure where the same licensee resumes gaming operations at the same establishment within a month; and

(D) The licensee distributes the incremental amount to another progressive jackpot at the Class A licensee’s establishment and—

1. The Class A licensee documents the distribution;

2. Any machine offering the jackpot to which the Class A licensee distributes the incremental amount does not require that more money be played on a single play to win the jackpot than the machine from which the incremental amount is distributed;

3. Any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of 11 CSR 45-5.190(1);

4. The distribution is completed within thirty (30) days after the progressive jackpot is removed from play or within a longer period as the commission for good cause may approve; or

5. The commission for good cause approves a reduction, elimination, distribution, or procedure not otherwise described in this section, which approval is confirmed in writing.

(5) The operation of wide-area progressive slot machines is allowed subject to the following conditions:

(A) The wide-area system must have the ability to monitor entry into the front door of each networked slot machine as well as the

logic area of each networked slot machine and report it to the central system immediately;

(B) A licensee utilizing a wide-area progressive system must suspend play on the system if a communication failure in the system cannot be corrected within a period of time approved by the commission prior to the commencement of play on the wide-area progressive system. If a communication failure occurs in a wide-area progressive system, the Class A licensee of the system must take a reading during the time the system is down to make sure that the jackpot amount is the same at all excursion gambling boats connected to the system before bringing the system that failed back online;

(C) The licensee authorized to provide a wide-area system must keep a hard copy log of all events for a period of at least sixty (60) days;

(D) Jackpot verification procedures must include the following:

1. When a jackpot is won, the licensee authorized to provide the wide-area system may inspect the machine when accompanied by a gaming agent. The inspection may include examining the EPROM, the error events received by the central system, and any other data which could reasonably be used to ascertain the validity of the jackpot;

2. The central system shall produce reports that will clearly demonstrate the method of arriving at the payoff amount. This shall include the coins contributed beginning at the polling cycle immediately following the previous jackpot and will include all coins contributed up to, and including, the polling cycle, which includes the jackpot signal. Coins contributed to the system before the jackpot message is received will be deemed to have been contributed to the progressive amount prior to the current jackpot. Coins contributed to the system subsequent to the jackpot message being received will be deemed to have been contributed to the progressive amount of the next jackpot;

3. The jackpot may be paid in installments as long as each machine clearly displays the fact that the jackpot will be paid in installments. In addition, the number of installments and time between installments must be clearly displayed on the face of the machine in a non-misleading manner that is approved by the commission; and

4. Two (2) jackpots that occur in the same polling cycle will be deemed to have occurred simultaneously and therefore, each “winner” shall receive the full amount shown on the meter unless another method of operation has been approved in advance by the commission;



(E) Approval by the commission of any wide-area progressive system shall occur in two (2) phases—

1. The “initial approval” stage, wherein the underlying gaming devices and communication hardware are tested and approved by the commission; and

2. The “on-site testing” phase, wherein a field inspection is conducted at the central computer site as well as multiple field sites to ensure compliance with these rules. Operation of the system will be authorized only after the commission is satisfied that the system meets both the Phase I and Phase II testing requirements, as well as any other requirements that the commission may impose to assure the integrity, security and legal operation of the wide-area progressive system;

(F) Any licensee authorized to provide a wide-area progressive system, must supply reports to the commission which support and verify the economic activity on the system;

(G) Any licensee authorized to provide a wide-area progressive system, must supply, as requested, reports and information to the commission indicating the amount of, and basis for, the current jackpot amount (the amount currently in play). Such reports shall include an “aggregate report” and a “detail report.” The “aggregate report” shall show only the balancing of the system with regard to system-wide totals. The “detail report” shall be in such form as to indicate for each machine, summarized by location, the coin-in and coin-out totals as such terms are commonly understood in the industry. In addition, upon the invoicing of any licensee participating in a wide-area progressive system, each such licensee must be given a printout of each machine linked to the system, the coins contributed by each machine to the jackpot for the period for which an invoice is remitted, and any other information required by the commission to confirm the validity of the licensee’s contributions to the jackpot amount;

(H) The licensee authorized to provide a wide-area progressive system, must obtain approval from the commission as to the methods of funding the progressive prize pool and calculating and receiving payments from participating licensees for the provision of equipment and services associated with the wide-area progressive system;

(I) In calculating Adjusted Gross Receipts, a licensee may deduct its *pro rata* share of the present value of any progressive jackpots awarded during the month. The deducted amount shall be listed on the detailed accounting records provided by the person authorized to provide the wide-area progres-

sive system. A licensee’s contribution is based on the number of coins in from that licensee’s machines on the wide-area progressive system, compared to the total amount of coins in on the whole system for the time period(s) between jackpot(s) awarded;

(J) The right to receive the jackpot payments may not be encumbered, assigned, or otherwise transferred in any way by any winner, estate, or heir(s) of a deceased winner, except to the estate or heir(s) of such person upon his/her death and that any attempt to make a prohibited transfer may result in such person forfeiting the right to receive future payments;

(K) In the event a licensee ceases operations and a progressive jackpot is awarded subsequent to the last day of the final month of operation, the licensee may not file an amended tax return or make claim for a gaming tax refund based on its contributions to that particular progressive prize pool;

(L) The central monitoring system for the wide-area progressive must be located within the state of Missouri. The office containing the central monitoring system shall be equipped with a surveillance system that has been approved by the commission. The licensee authorized to provide a wide-area progressive system shall be required to keep and maintain an entry and exit log for the office in a manner approved by the commission. The commission shall at all times have the right to immediate access to the office containing the central monitoring system and the system itself;

(M) The provider of the wide-area progressive system may not allow any agent or employee to work on any component of the system until that person has obtained a level II occupational license from the commission, however, the commission may require any agent or employee of the licensee to obtain a level I occupation license;

(N) The licensee authorized to provide a wide-area progressive system, must supply a copy of all lease and contractual agreements relating to the wide-area progressive system to the commission;

(O) The wide-area progressive system prize fund (the amount of money contributed by the participating licensees) must be audited, in accordance with generally accepted auditing standards, on the fiscal year of the licensee authorized to provide the system, by an independent accountant licensed by the Missouri State Board of Accountancy pursuant to Chapter 326, RSMo. Two (2) copies of this report must be submitted to the commission upon completion of the audit or ninety (90) days after the conclusion of the

licensee’s fiscal year, whichever occurs first. The cost of the audit shall be paid by the licensee providing the wide-area progressive system; and

(P) Gaming devices connected to a common wide-area progressive system shall:

1. All require the same maximum wager; or

2. If requiring different maximum wagers, utilize the expected value of winning the top award by setting the odds of winning the top award in proportion to the amount wagered. The method of equalizing the expected value of winning the top award shall be conspicuously displayed on each device connected to the system.

(6) Class A licensees shall preserve the records required by this rule for at least five (5) years after they are made unless the commission approves otherwise in writing. The records should be stored in a location acceptable to the commission.

(7) During the normal mode of progressive slot machines, the progressive controller, or other approved device must continuously monitor each machine on the link for inserted coins and must multiply the accepted coins by the rate of progression and denomination in order to determine the correct amounts to apply to the progressive jackpot. The progressive display must be constantly updated, in a manner approved by the commission, as play on the link is continued.

(8) Each progressive controller linking one (1) or more wide-area progressive slot machines must be housed in a double-keyed compartment. A gaming agent must be in possession of one (1) of the keys. No person may have access to a controller without notice to a gaming agent. All progressive slot machines must have a progressive entry authorization log within each controller and the log must be completed by any person gaining entrance to the controller. The log must be entered on a form provided by the commission.

(9) If this rule prescribes multiple items of information to be displayed on a slot machine, it is sufficient to have the information displayed in an alternating fashion.

(10) In addition to the metering requirements provided for in the minimum internal control standards (MICS), each slot machine attached to one (1) or more wide-area progressive slot machine meters must have a separate software meter that counts the number of times each primary progressive meter is activated.





(11) Each machine must have a separate key and key switch to reset the progressive meter or meters or another reset mechanism that has the approval of the director.

(12) Unless the commission has approved the payment of prizes by installments, a licensee who has a progressive slot machine must maintain minimum cash reserves in accordance with 11 CSR 45-8.150. The commission must approve all such cash reserves. Notwithstanding the provisions of 11 CSR 45-5.240 Periodic Payments, to the contrary, the commission shall require that the licensee authorized to provide a wide-area progressive system—

(A) Maintain in a restricted account a reserve consisting of cash, United States Government Treasury Securities, United States Government Agency Securities and/or Missouri state debt instruments of not less than the sum of the following amounts:

1. The present value of the aggregate remaining balances owed on all jackpots previously won by patrons through the wide-area progressive system; and

2. An amount sufficient to fully fund the present value of all amounts currently reflected on the progressive meters of the wide-area progressive systems; and

(B) In addition, the licensee authorized to provide the wide-area system shall at all times satisfy and be in compliance with the following ratios and tests:

1. An interest coverage ratio of not less than three to one (3:1); and

2. Debt to EBITDA (earnings before interest, taxes, depreciation and amortization) of not more than four to one (4:1); and

3. Satisfaction of one (1) of the following ratios and tests:

A. A current ratio of not less than two to one (2:1); or

B. Working capital that is greater than twenty percent (20%) of the licensee's total jackpot liability;

C. Working capital in excess of one hundred (100) million dollars and a credit rating from at least two (2) of the following credit rating organization equal to or higher than the following:

(I) Standard & Poor's Corporate BBB;

(II) Moody's Long-Term Baa3; or

(III) Fitch Corporate BBB

(13) In addition to the requirements of this rule, all licensees shall comply with Section E of the Minimum Internal Control Standards as authorized by 11 CSR 45-9.030.

*AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo 2000.\* Emergency rule filed*

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*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.800, RSMo 1991, amended 1993, 1994 and 313.805, RSMo 1991, amended 1993, 1994, 2000.*

### 11 CSR 45-5.210 Integrity of Electronic Gaming Devices

*PURPOSE: This rule establishes the standards for the integrity of electronic gaming devices.*

(1) Electronic gaming devices shall—

(A) Be cashless in operation, and as such, must accept only electronic cards or tokens as wagers;

(B) Be electronic in design and operation and not be electromechanical or mechanical in operation;

(C) Not subject a player to physical hazards;

(D) Contain a surge protector on the line that feeds power to the electronic gaming device. The battery backup or an equivalent for the electronic meters must be capable of accurately maintaining all information required for one hundred eighty (180) days after power is discontinued from the electronic gaming device. The battery backup shall be kept within the locked circuit board compartment;

(E) Have a secure and dedicated data protocol link to any central computer monitoring system, which shall be a closed system inaccessible to communication with any other computer, device or mode of telecommunication;

(F) Have an on/off switch that controls the electrical current used in the operation of the electronic gaming device and any associated equipment which shall be located in an accessible place within its interior;

(G) Be designed so that it shall not be adversely affected by static discharge or other electromagnetic interference;

(H) Have at least one (1) electronic token acceptor. Token acceptors must be designed to accept designated tokens and reject others. The token receiver on an electronic gaming device must be designed to prevent the use of

cheating methods such as slugging, stringing or spooning. All token acceptors are subject to approval by the commission. Tokens accepted but which are inappropriate token-ins must be returned to the player by activation of the hopper or credited toward the next play of the electronic gaming device. The electronic gaming device control program must be capable of handling rapidly fed tokens so that occurrences of inappropriate token-ins are prevented;

(I) Not be designed so the internal space of the electronic gaming device is readily accessible when the front door is both closed and locked;

(J) Have circuit boards, EPROMS (erasable, programmable, read-only memory) and battery backup in a locked area within the electronic gaming device, which is to be sealed with evidence tape. The evidence tape must be affixed by an authorized commission agent and must include the date, signature and identification number of the agent. This tape may only be removed by an authorized commission agent;

(K) Have a token compartment contained in a locked area within or attached to the electronic gaming device;

(L) Not contain any hardware switches that alter the pay-tables or payout percentages in its operation. Hardware switches may be installed to control graphic routines, speed of play, and sound;

(M) Contain an unremovable identification plate with the following information appearing on the exterior of the electronic gaming device:

1. Manufacturer;
2. Serial Number; and
3. Model Number;

(N) Contain the rules of play for each electronic gaming device displayed on the face or screen. No rules shall be incomplete, confusing or misleading. Each electronic gaming device must also display the credits wagered and the credits awarded for the occurrence of each possible winning combination based on the number of credits wagered. All information required by this subsection must be kept under glass or another transparent substance and at no time may stickers or other removable items be placed over this information;

(O) Have equipment that enables the electronic gaming device to communicate with a central computer system accessible to the commission, using an industry standard data protocol format approved by the commission;

(P) Be capable of continuing the current game with all current game features after a malfunction is cleared. This rule does not apply if an electronic gaming device is ren-



dered totally inoperable. The current wager and all credits appearing on the screen prior to the malfunction shall be returned to the patron;

(Q) Have attached a drop bucket housed in a locked compartment separate from any other compartment of the electronic gaming device;

(R) Be capable of detecting and displaying the following error conditions which an attendant may clear:

1. Token-in jam;
2. Token-out jam;
3. Hopper empty or time-out;
4. Program error;
5. Hopper runaway or extra token paid out;
6. Reverse token-in;
7. Reel error; and
8. Door open;

(S) Use a data communication protocol which ensures that erroneous data or signals will not adversely affect the operation of the electronic gaming device;

(T) Display a Missouri Gaming Commission registration number permanently imprinted, affixed or impressed on the outside of each electronic gaming device;

(U) Have the capacity to display on the front of each electronic gaming device its rules of play, character combinations requiring payouts and the amount of the related payouts. In addition, the holder of a Class A license shall display on each electronic gaming device either—

1. A clear description of any merchandise or thing of value offered as a payout, including the cash equivalent value of the merchandise or thing of value offered, the dates the merchandise or thing of value will be offered if the holder of a Class A license establishes a time limit upon initially offering the merchandise or thing of value and the availability or unavailability to the patron of the optional cash equivalent value; or

2. The name or a brief description of the merchandise or thing of value offered; provided, however, a sign containing the information specified in paragraph (1)(U)1. of this subsection shall be displayed in a prominent location approved by the commission near the electronic gaming device;

(V) Have a mechanical, electromechanical or electronic device that automatically precludes a player from operating the electronic gaming device after a jackpot requiring a manual payout and requires an attendant to reactivate the electronic gaming device; and

(W) Be designed in such a manner that the microprocessor or equivalent which operates the electronic gaming device is assigned a unique identification code, and that the

EPROM code is subject to comparison via cobotron analysis or other method.

*AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo Supp. 1994. \* 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. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.800, RSMo 1991, amended 1993, 1994 and 313.805, RSMo 1991, amended 1993, 1994.*

**11 CSR 45-5.220 Computer Monitoring Requirements of Electronic Gaming Devices**

*PURPOSE: This rule establishes computer monitoring of electronic gaming devices.*

(1) The holder of a Class A license must have a computer connected to all electronic gaming devices in the riverboat to record and monitor the activities of these devices. Unless otherwise approved by the commission, electronic gaming devices shall be operated on-line and in communications with a computer monitoring system approved by the commission. This computer monitoring system shall provide on-line, real-time monitoring and data acquisition capability in the format and media approved by the commission.

(2) The computer permitted by section (1) of this rule shall be designed and operated to automatically perform and report functions relating to electronic gaming device meters, and other exceptional functions and reports in the riverboat as follows:

(A) Record the number and total value of tokens placed in the electronic gaming device for the purpose of activating play;

(B) Record the number and total value of tokens deposited in the drop bucket of the electronic gaming device;

(C) Record the number and total value of tokens automatically paid by the electronic gaming device as the result of a jackpot;

(D) Record the number and total value of tokens to be paid manually as the result of a jackpot;

(E) Have an on-line computer alert and alarm monitoring capability to insure direct scrutiny of any device malfunction, tampering, or any open door to the electronic gaming device or drop area. In addition, any person opening the electronic gaming device or drop area shall make an entry to that effect in the machine entry authorization log and the

entry shall include the time, date, machine identity and reason for entry;

(F) Be capable of logging in and reporting any revenue transactions not directly monitored by token meter, such as tokens placed in the electronic gaming device as a result of a fill and any tokens removed from the electronic gaming device in the form of a credit;

(G) Identify any electronic gaming device taken off-line or placed on-line with the computer monitoring system, including the date, time and electronic gaming device identification number; and

(H) Not be connected to or accessible by any other computer, device or telecommunications link and possess adequate safeguards to prevent any such access, unless access has specifically been authorized by the commission under conditions that have been specified in the Class A and B licensee's system of internal controls and approved by the commission.

(3) The holder of an operator's license shall store, in machine-readable format, all information required by section (2) of this rule for the period of one (1) year. The holder of an operator's license shall store all information in a secure area and certify that this information is complete and unaltered. This information shall be available in the format and media approved by the commission.

(4) The commission surveillance room for the sole accessibility of commission personnel provided in accordance with these rules shall house a secured dedicated computer monitoring line which provides computer accessibility to commission personnel to review, monitor and record data identical to that specified in this rule.

*AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo 1994. \* 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. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed Dec. 17, 1996, effective July 30, 1997. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.800, RSMo 1991, amended 1993, 1994 and 313.805, RSMo 1991, amended 1993, 1994.*



### 11 CSR 45-5.230 Certification and Registration of Electronic Gaming Devices

*PURPOSE: This rule establishes the certification and registration of electronic gaming devices.*

(1) The commission will review all electronic gaming devices for proper mechanical and electronic functioning. Before certification of an electronic gaming device, the commission may employ the services of an independent electronics laboratory to evaluate the device.

(2) After completing evaluations of the electronic gaming device, the commission may certify the electronic gaming device for registration.

(3) Gaming shall be prohibited with any electronic gaming device which has not been registered with the commission.

(4) The holder of a Class A license shall not operate an electronic gaming device in Missouri unless the electronic gaming device has a commission registration number.

(5) The supplier of the electronic gaming device, after receiving the appropriate documentation, will reimburse the commission for any cost incurred in any evaluation process.

(6) The holder of a Class A license shall not alter the operation of registered electronic gaming devices and shall maintain the electronic gaming devices in a suitable condition. Each holder of a Class A license shall keep a written list of any repairs made to electronic gaming devices offered for play to the public. Repairs include, without limitation, replacement of parts that may affect the game's outcome. The holder of a Class A license shall make the list available for inspection by the commission upon request.

(7) The holder of a Class A license shall keep a written list of the date of each distribution, the serial number of each electronic gaming device and the commission registration number.

(8) The holder of a Class A license shall not dispose of any electronic gaming device without prior written approval of the commission.

*AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo 1994.\* 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. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994;*

*313.800, RSMo 1991, amended 1993, 1994 and 313.805, RSMo 1991, amended 1993, 1994.*

### 11 CSR 45-5.235 Analysis of Questioned Electronic Gaming Devices

*PURPOSE: This rule establishes the process for analysis of questioned electronic gaming devices.*

(1) If the operation of any electronic gaming device is questioned by any holder of a Class A license, patron or commission agent, the questioned device will be examined in the presence of a commission agent and a representative of the holder of a Class A license. If the malfunction cannot be cleared by other means to the mutual satisfaction of the patron and the holder of a Class A license the electronic gaming device will be subjected to an EPROM (erasable, programmable, read-only memory) memory test to verify signature comparison by a commission agent.

(2) In the event that the malfunction cannot be determined and corrected by this testing, the electronic gaming device may be removed from service and secured in a remote, locked compartment. The electronic gaming device may then be transported to an industry-recognized laboratory selected by the commission where the device will be fully analyzed to determine the status and cause of the malfunction. All costs for transportation and analysis will be borne by the holder of a Class A license and the commission will bill the holder of a Class A license.

*AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo 1994.\* 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. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.800, RSMo 1991, amended 1993, 1994 and 313.805, RSMo 1991, amended 1993, 1994.*

### 11 CSR 45-5.237 Shipping of Electronic Gaming Devices

*PURPOSE: This rule requires licensees to notify the Missouri Gaming Commission*

*prior to shipping electronic gaming devices into, out of, or within the state.*

(1) Licensees shipping electronic gaming devices into, out of, or within Missouri, must file on a form specified by the commission notice at least five (5) days prior to such shipment.

(2) The erasable, programmable read-only memory (EPROM), compact disk functioning as a read-only memory (CD-ROM), or other storage medium which contains the main-game program, shall be shipped separately from the electronic gaming devices.

*AUTHORITY: sections 313.004, 313.805 and 313.807.4, RSMo 2000.\* Original rule filed Sept. 2, 1997, effective March 30, 1998. Amended: Filed April 3, 2001, effective Oct. 30, 2001.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000; and 313.807, RSMo 1991, amended 1993, 2000.*

### 11 CSR 45-5.240 Periodic Payments

*PURPOSE: This rule establishes the process of periodic payments.*

(1) Except as provided in this rule, a holder of a Class A license shall remit the total winnings and noncash prizes awarded to a patron as the result of any licensed game, tournament, contest, or promotional activity upon validation of the win.

(2) For the purpose of this rule, the following words have the following meanings:

(A) Independent financial institution means—

1. A financial institution licensed by Missouri or a national institution with an office in Missouri; or

2. An insurance company admitted to transact insurance in Missouri with an A.M. Best Insurance rating of A or another equivalent rating; and

3. One which is not affiliated through common ownership with a gaming licensee;

(B) Periodic payments means a series of payments that are paid at least annually; and

(C) Trust means an irrevocable fiduciary relationship in which one (1) person is the holder of the title to property subject to an equitable obligation to keep or use the property for the benefit of another.

(3) Periodic payments of winnings and non-cash prizes awarded to a patron as a result of any licensed game, tournament, contest or



promotional activity may be made if the method of funding the periodic payments provides these payments to a winning patron by establishing—

(A) An irrevocable surety bond or an irrevocable letter of credit with an independent financial institution which provides periodic payments to a winner should the licensee default for any reason. The written agreement establishing an irrevocable surety bond or the irrevocable letter of credit shall be submitted to the commission for approval;

(B) An irrevocable trust with an independent financial institution in accordance with a written trust agreement approved by the commission, which provides periodic payments from an unallocated pool of assets to winning patrons which must expressly prohibit the winners from encumbering, assigning or otherwise transferring in any way their rights to receive the deferred portion of the winnings except to their estates. The assets of the trust must consist of federal government securities including, but not limited to, treasury bills, treasury bonds, savings bonds or other federally guaranteed securities in an amount sufficient to meet the periodic payment(s) as required; or

(C) Another irrevocable method of providing the periodic payments to a winning patron consistent with the purpose of this rule and which is approved by the commission.

(4) The funding of the periodic payments must be completed within thirty (30) days of the date the patron wins or is awarded a prize.

(5) Periodic payments must not be used for winnings of or noncash prizes worth one hundred thousand dollars (\$100,000) or less. Periodic payments for total amounts won greater than one hundred thousand dollars (\$100,000) shall be paid as follows:

(A) For amounts won greater than one hundred thousand dollars (\$100,000), but less than two hundred thousand dollars (\$200,000), payments must be at least ten thousand dollars (\$10,000) annually;

(B) For amounts won of two hundred thousand dollars (\$200,000) or more, payments must be no less than one-twentieth (1/20) of the total amount annually; and

(C) The first payment must be made upon validation of the win.

(6) Periodic payments of noncash prizes may only be offered if the patron shall have the right to elect whether to receive the noncash prize or cash equivalent of the noncash prize each time a periodic payment is to be made. The cash equivalent shall be the actual cost to the licensee of the noncash prize on the day

the prize is won. The amount of the periodic payments to be funded shall be determined by the present value of the cash equivalent of the noncash prize.

(7) For any licensed game, tournament, contest or promotional activity for which periodic payments are utilized, the licensee must display signs on each gaming device or, if no gaming device is used, then the licensee must display signs in each gaming, promotional, tournament or contest area specifically setting forth either the amount or terms of the payment to be made each time a periodic payment is to be made. The licensee must include in all radio, television or print advertising regarding the activities set forth in this section, the fact that periodic payments are utilized for total amounts offered as a prize to a patron.

(8) Whenever there is an award of winnings to be made by periodic payments, and the Class A licensee fails to fund the periodic payments as required by this rule, the licensee shall immediately notify the commission in writing and shall immediately cease offering any licensed game, tournament, contest or promotional activity for which periodic payments are utilized.

(9) The commission may waive one (1) or more of the requirements of this rule if it makes a written finding that the waiver is consistent with the public policy set forth in the Act.

*AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo 1994.\* 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. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.800, RSMo 1991, amended 1993, 1994 and 313.805, RSMo 1991, amended 1993, 1994.*

**11 CSR 45-5.250 Finder's Fees**

*PURPOSE: This rule establishes a process for finder's fees.*

(1) Except as limited by section (2) of this rule, the term finder's fee means any compensation in money in excess of the sum of ten thousand dollars (\$10,000), or real or personal property valued in excess of the sum of ten thousand dollars (\$10,000) which is paid or transferred or agreed to be paid or

transferred to any person in consideration for the arranging or negotiation of an extension of credit to a holder of a Class A license, a registered company, or applicant for licensing or registration if the proceeds of the extension of credit are intended to be used for any of the following purposes:

(A) To acquire an interest in a gaming establishment or registered company; and

(B) To finance the gaming operations of a licensed gaming establishment.

(2) The term finder's fee shall not include:

(A) Compensation to the person who extends the credit;

(B) Normal and customary payments to employees of the person to whom the credit is extended if the arranging or negotiation of credit is part of their normal duties;

(C) Normal and customary payments for bona fide professional services rendered by lawyers, accountants, engineers and appraisers; and

(D) Underwriting discounts paid to a member of the National Association of Securities Dealers, Inc.

(3) It is an unsuitable method of operation for any holder of a Class A license, registered company or applicant for licensing or registration to pay a finder's fee without the prior approval of the commission. An application for approval of payment of a finder's fee shall make a full disclosure of all material facts. The commission may disapprove any such application if the person to whom the finder's fee is proposed to be paid does not demonstrate that s/he is suitable to hold a state gaming license.

*AUTHORITY: sections 313.004 and 313.805, RSMo 1994.\* 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. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993 and 313.805, RSMo 1991, amended 1993, 1994.*

**11 CSR 45-5.260 Dice Specifications**

*PURPOSE: The purpose of this rule is to establish minimum standards for dice used for gambling games.*

(1) Except as otherwise provided in section (2) below, each die used in gaming shall—



(A) Be formed in the shape of a perfect cube and of a size no smaller than .750 of an inch (.750") on each side nor any larger than .775 of an inch (.775") on each side;

(B) Be transparent and made exclusively of cellulose except for the spots, name or trade name of the Class A licensee and serial numbers or letters contained thereon;

(C) Have the surface of each of its sides perfectly flat and the spots contained in each side perfectly flush with the area surrounding them;

(D) Have all edges and corners perfectly square and forming perfect ninety degree (90°) angles;

(E) Have the texture and finish of each side exactly identical to the texture and finish of all other sides;

(F) Have its weight equally distributed throughout the cube and no side of the cube heavier or lighter than any other side of the cube;

(G) Have its six (6) sides bearing white circular spots from one to six (1)–(6) respectively with the diameter of each spot equal to the diameter of every other spot on the die;

(H) Have spots arranged so that the side containing one (1) spot is directly opposite the side containing six (6) spots, the side containing two (2) spots is directly opposite the side containing five (5) spots and the side containing three (3) spots is directly opposite the side containing four (4) spots; each spot shall be placed on the die by drilling into the surface of the cube and filling the drilled out portion with a compound which is equal in weight to the weight of the cellulose drilled out and which forms a permanent bond with the cellulose cube, and shall extend into the cube exactly the same distance as every other spot extends into the cube to an accuracy tolerance of .0004 of an inch (.0004"); and

(I) Have the name or trade name of the Class A licensee in which the die is being used imprinted or impressed thereon.

(2) Each die used in gaming at pai gow poker shall comply with the requirements of section (1) above except as follows:

(A) Each die shall be formed in the shape of a perfect cube nor larger than .8 of an inch (.8") on each side;

(B) Instead of the name or trade name of the Class A licensee, the commission may approve an identifying mark or logo to be imprinted or impressed on each die;

(C) The spots on each die do not have to be equal in diameter;

(D) Edges and corners may be beveled so long as beveling is similar on each edge and each corner; and

(E) Tolerances required by subsection (1)(H) of this regulation as applied to pai gow poker dice shall require accuracy of only .004 of an inch (.004").

*AUTHORITY: sections 313.004, 313.805 and 313.830, RSMo 1994 and 313.845, RSMo Supp. 1997.\* Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Jan. 30, 1999.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994; 313.830, RSMo 1991, amended 1993; and 313.845, RSMo 1991, amended 1993, 1994, 1995.*

### 11 CSR 45-5.265 Dice—Receipt, Storage, Inspections and Removal from Use

*PURPOSE: The purpose of this rule is to establish procedures for the handling of dice within the gambling operation.*

(1) When dice for use in the riverboat gaming operation are received from the licensed supplier, they shall, immediately following receipt, be inspected by a member of the casino security department or casino accounting department and a casino supervisor to assure that the seals on each box are intact, unbroken and free from tampering. Boxes that do not satisfy these criteria shall be inspected at this time to assure that the dice conform to commission standards and are completely in a condition to assure fair play. Boxes satisfying these criteria, together with boxes having unbroken, intact and untampered seals shall then be placed for storage in a locked cabinet in the cashiers' cage or within a primary or secondary storage area. Dice which are to be distributed to gaming pits or tables for use in gaming shall be distributed from a locked cabinet in the cashiers' cage or from another secure primary storage area, the location and physical characteristics of which shall be approved by the commission. Secondary storage areas shall be used for the storage of surplus dice. Dice maintained in secondary storage areas shall not be distributed to gaming pits or tables for use in gaming until the dice have been moved to a primary storage area. All secondary storage areas shall be located in secure areas, the location and physical characteristics of which shall be approved by the commission.

(2) All primary and secondary storage areas, other than the cashiers' cage, shall have two (2) separate locks. The casino security department shall maintain one (1) key and the

casino department or cashiers' cage shall maintain the other key; provided, however, that no person employed by the casino department below the assistant shift manager in the organization hierarchy shall have access to the casino department key. Dice stored in a cabinet within the cashiers' cage shall be secured by a lock, the key to which shall be maintained by an assistant shift manager or casino supervisor thereof.

(3) Immediately prior to the commencement of each gaming day and at such other times as may be necessary, the assistant shift manager or casino supervisor thereof, in the presence of a casino security officer, shall remove the appropriate number of dice for that gaming day from a primary storage area.

(4) All envelopes and containers used to hold or transport preinspected dice to the casino floor or casino simulcasting facility and those collected by security at the end of each shift or gaming day shall be transparent.

(A) The envelopes or containers and the method used to seal them shall be designed or constructed so that any tampering shall be evident.

(B) The envelopes or containers and seals shall be approved by the commission.

(5) All dice shall be inspected and distributed to the gaming tables in accordance with one (1) of the following applicable alternatives:

(A) Alternative No. 1. Distribution to and inspection at craps tables—

1. The assistant shift manager or casino supervisor thereof and the casino security officer who removed the dice from the primary storage area shall distribute sufficient dice directly to the craps supervisor in each craps pit or place them in a locked compartment in the pit stand, keys to which shall be in the possession of the pit boss or a casino supervisor thereof;

2. At the time of receipt, a boxperson at each craps table, in order to ensure that the dice are in a condition to assure fair play and otherwise conform to sections 313.800 to 313.850, RSMo and the rules of the commission, shall, in the presence of the dealer, inspect the dice given to him/her with a micrometer or any other approved instrument which performs the same function, a balancing caliper, a steel set square and a magnet, which instruments shall be kept in a compartment at each craps table or pit stand and shall be at all times readily available for use by the commission upon request; and

3. Following this inspection—



A. The boxperson shall in the presence of the dealer place the dice in a cup on the table for use in gaming, and while the dice are at the table, they shall never be left unattended; and

B. The pit boss shall place extra dice for dice reserve in the pit stand. Dice in the pit stand shall be placed in a locked compartment, keys to which shall be in the possession of the pit boss or a casino supervisor thereof. No dice taken from the reserve shall be used for actual gaming until and unless inspected in accordance with paragraph (5)(A)2. above.

(B) Alternative No. 2. Distribution to and inspection at the pit stand—

1. The assistant shift manager or casino supervisor thereof and the casino security officer who removed the dice from the primary storage area shall distribute the dice directly to the casino supervisor identified in paragraph (5)(B)2. below who will perform the inspection in each pit;

2. The inspection of dice at the pit stand shall be performed by a craps supervisor in the presence of another craps supervisor, neither of whom shall be a pit boss or a casino supervisor thereof;

3. To ensure that the dice are in a condition to assure fair play and otherwise conform to sections 313.800 to 313.850, RSMo and the rules of the commission, the dice shall be inspected with a micrometer or any other approved instrument which performs the same function, a balancing caliper, a steel set square and a magnet, which instruments shall be kept at the pit stand and shall be at all times readily available for use by the commission upon request. The inspection shall be performed on a flat surface which allows the dice inspection to be observed through closed circuit television cameras and by any persons in the immediate vicinity of the pit stand;

4. After completion of the inspection, the dice shall be distributed as follows. The craps supervisor who inspected the dice shall, in the presence of the other casino supervisor who observed the inspection, distribute such dice to the boxperson at each craps table. The boxperson shall, in the presence of the dealer, place the dice in a cup on the table for use in gaming and while the dice are at the table they shall never be left unattended; and

5. The pit boss shall place extra sets of dice for dice reserve in the pit stand, as follows:

A. Dice in the pit stand shall be placed in a locked compartment, keys to which shall be in the possession of the pit boss or a casino supervisor thereof; and

B. All dice taken from the reserve shall be reinspected by a casino supervisor in the presence of another casino supervisor in accordance with the inspection procedures set forth in paragraphs (5)(B)2. and 3. above, prior to their use for actual gaming; provided, however, that if previously inspected reserve dice are maintained in a locked compartment under dual key control as approved by the commission, the reserve dice may be used for gaming without being reinspected; or

(C) Alternative No. 3. Inspection in primary storage area and distribution to tables—

1. Inspection of dice in an approved primary storage area shall be performed by a craps supervisor, in the presence of an assistant shift manager or casino supervisor thereof, and a casino security officer;

2. The dice shall be inspected with a micrometer or any other approved instrument which performs the same function, a balancing caliper, a steel set square and a magnet to ensure that the dice are in a condition to assure fair play and otherwise conform to sections 313.800 to 313.850, RSMo and the rules of the commission. These instruments shall be maintained in the storage area and shall be at all times readily available for use by the commission upon request;

3. After completion of the inspection, the person performing the inspection shall seal the dice as follows. After each set of at least five (5) dice are inspected, they shall be placed in a sealed envelope or container; provided, however, that reserve dice may be placed in individual sealed envelopes or containers. A label that identifies the date of the inspection and contains the signatures of those responsible for the inspection shall be attached to each envelope or container;

4. At the beginning of each gaming day and at such other times as may be necessary, an assistant shift manager or casino supervisor thereof and a casino security officer shall distribute the dice as follows. The sealed envelopes or containers of dice shall be distributed to a pit boss in each craps pit or placed in a locked compartment in the pit stand by the pit boss. When the sealed dice are distributed to the craps table, a box person, at each craps table, after assuring the seals are intact and free from tampering, shall open the sealed envelope or container, in the presence of the dealer, and place the dice in a cup on the table for use in gaming. While dice are on the table, they shall never be left unattended;

5. When the envelope or container or the seal is damaged, broken or shows indication of tampering, the dice shall not be used for gaming activity unless the dice are reinspected in accordance with the procedures in subsection (5)(A) or (5)(B) above;

6. The pit boss shall place extra sets of dice for dice reserve in the pit stand. Dice in the pit stand shall be placed in a locked compartment, keys to which shall be in the possession of the pit boss or casino supervisor thereof;

7. A micrometer or any other approved instrument which performs the same function, a balancing caliper, a steel set square and a magnet shall also be maintained in a locked compartment in each pit stand, and each such instrument shall be at all times readily available for use by the commission upon request; and

8. Any primary storage area in which dice are inspected in accordance with this alternative, shall be equipped with closed circuit television camera coverage capable of observing the entire inspection procedure.

(6) The casino licensee shall remove any dice at any time of the gaming day if there is any indication of tampering, flaws or other defects that might affect the integrity or fairness of the game, or at the request of the commission.

(7) At the end of each gaming day or at such other times as may be necessary, the casino supervisor identified in subsection (7)(A) below shall visually inspect each die for evidence of tampering. Such evidence discovered at this time or at any other time shall be immediately reported to the commission by the completion and delivery of an approved Dice Discrepancy Report.

(A) The inspection required by this subsection shall be performed by a craps supervisor other than the one who originally inspected the dice.

(B) Any dice showing evidence of tampering shall be placed in a sealed envelope or container.

1. A label shall be attached to each envelope or container which shall identify the table number, date and time and shall be signed by the boxperson and casino supervisor.

2. A casino supervisor or casino security officer responsible for delivering the dice to commission agent located at the gaming facility and shall also sign the label.



3. The commission agent receiving the dice shall sign the original, duplicate and triplicate copy of the Dice Discrepancy Report and retain the original at the commission office. The duplicate copy shall be delivered to the deputy director for enforcement and the triplicate copy shall be returned to the pit and maintained in a secure place within the pit until collection by a casino security officer.

(C) All other dice shall be put into envelopes or containers at this time.

1. A label shall be attached to each envelope or container which shall identify the table number, date and time and shall be signed by the appropriate persons identified in paragraph (7)(B)1. above.

2. The envelope or container shall be appropriately sealed and maintained in a secure place within the pit until collection by a casino security officer.

(8) All extra dice in dice reserve that are to be destroyed or cancelled shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the date and time and is signed by the pit boss.

(9) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the casino licensee and approved by the commission, and at such other times as may be necessary, a casino security officer shall collect and sign all envelopes or containers of used dice and any dice in dice reserve that are to be destroyed or cancelled and shall transport them to the casino security department for cancellation or destruction. The casino security officer shall also collect all triplicate copies of Dice Discrepancy Reports, if any. No dice that have been placed in a cup for use in gaming shall remain on a table for more than twenty-four (24) hours.

(10) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the casino licensee and approved by the commission, and at such other times as may be necessary, an assistant shift manager or casino supervisor thereof may collect all extra dice in dice reserve.

(A) If collected, dice shall be returned to the primary storage area; provided, however, that any dice which have not been inspected and sealed pursuant to the requirements in subsection (5)(C) (Alternative No. 3) above shall, prior to use for actual gaming, be inspected in accordance with the requirements in subsection (5)(A) or (5)(B) above.

(B) If not collected, all dice in dice reserve must be reinspected in accordance with one (1) of the alternatives listed in section (5) above, prior to their use for gaming, except for those dice maintained in a locked compartment pursuant to subparagraph (5)(B)5.B. or paragraph (5)(C)6. above.

(11) The casino licensee shall submit to the commission for approval procedures for—

(A) A dice inventory system which shall include, at a minimum, the recordation of the following:

1. The balance of dice on hand;
2. The dice removed from storage;
3. The dice returned to storage or received from the manufacturer;
4. The date of the transaction; and
5. The signatures of the individuals involved.

(B) A reconciliation on a daily basis of the dice distributed, the dice destroyed and cancelled, the dice returned to the primary storage area and, if any, the dice in dice reserve; and

(C) A physical inventory of the dice at least once every three (3) months.

1. This inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of dice on hand required in paragraph (11)(A)1. above.

2. Any discrepancies shall immediately be reported to the commission.

(12) Destruction and/or Cancellation.

(A) Cancellation shall occur by drilling a circular hole of at least three-sixteenths of one inch (3/16") in diameter through the center of each dice.

(B) Destruction shall occur by shredding.

(C) The destruction and cancellation of dice shall take place in a secure place, the location and physical characteristics of which shall be approved by the commission.

(13) This rule shall not apply to pai gow poker dice.

*AUTHORITY: sections 313.004, 313.805, 313.830, RSMo 1994 and 313.845, RSMo Supp. 1997.\* Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994; 313.830, RSMo 1991, amended 1993; and 313.845, RSMo 1991, amended 1993, 1994, 1995.*

#### **11 CSR 45-5.270 Safety Standards for Electronic Gaming Devices**

*PURPOSE: This rule establishes safety standards for electronic gaming devices.*

(1) All Class A licensees shall be responsible for ensuring that all electronic gaming devices in operation on the excursion gambling boat meet the following safety requirements:

(A) Electrical and mechanical parts and design principles must not subject a player to physical hazards; and

(B) Spilling a conductive liquid on the electronic gaming device must not create a safety hazard or alter the integrity of the electronic gaming device's performance; and

(C) The power supply used in an electronic gaming device must be designed to make minimum leakage of current in the event of an intentional or inadvertent disconnection of the alternate current power ground; and

(D) Electronic gaming devices must be Underwriter's Laboratories approved or equivalent by January 1, 1998.

(2) All Class A licensees are responsible for ensuring that a surge protector is installed on each electronic gaming device that is in operation on the excursion gambling boat.

(A) Surge protection can be internal to the power supply or external.

(3) A battery backup device must be installed and capable of maintaining accuracy of required electronic meter information after power is discontinued from the electronic gaming device. The device must be kept within the locked or sealed logic board compartment and be capable of sustaining stored information for one hundred eighty (180) days.

*AUTHORITY: sections 313.004, 313.800 and 313.850, RSMo 1994.\* Original rule filed Feb. 19, 1997, effective Aug. 30, 1997. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Jan. 5, 1998, effective July 30, 1999.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.800, RSMo 1991, amended 1992, 1993, 1994; and 313.850, RSMo 1993.*

#### **11 CSR 45-5.280 Forfeiture of Illegal Winnings**

*PURPOSE: This rule establishes the procedure under section 313.832, RSMo for the commission to seize winnings won by excluded persons under section 313.805(7), RSMo, including disassociated persons under II CSR 45-17; in exchange for a bribe intended to affect the outcome of a gambling game under 313.832.1(1), RSMo; or in violation of sections 313.800 to 313.840, RSMo.*



(1) Any Class A licensee or other person shall forfeit anything of value, including all traceable proceeds, including but not limited to, real and personal property, moneys, negotiable instruments, securities, and conveyances, if the item was used for any of the following:

(A) In exchange for a bribe intended to affect the outcome of a gambling game; or

(B) In exchange for or to facilitate a violation of sections 313.800 to 313.840, RSMo, including, but not limited to:

1. As amounts wagered by and claimed to be won by excluded persons under section 313.805(7), RSMo, and 11 CSR 45-15;

2. As amounts wagered by and claimed to be won by disassociated persons under sections 313.805(7), RSMo, and 11 CSR 45-17; or

3. As amounts wagered in or claimed to be won from illegal gambling, including, but not limited to, underage gambling as defined in section 313.817.4, RSMo, occurring on excursion gambling boats.

(2) All moneys, coin, and currency found in close proximity of wagers, or of records of wagers are presumed forfeited. The burden of proof is upon the claimant of the property to rebut this presumption.

(3) Seizure may be effected by a law enforcement officer authorized to enforce the criminal laws of this state prior to the filing of a petition and without a writ of seizure if the seizure is incident to a lawful arrest, search, or inspection and the officer has cause to believe the property is subject to forfeiture. Within four (4) days of the date of seizure, such seizure shall be reported by said officer to the attorney general; and if in the opinion of the attorney general forfeiture is warranted, the attorney general shall, within ten (10) days after receiving notice of seizure, file a petition for forfeiture with the circuit court of the county in which the property is located or seized. The petition shall state the date and place of seizure. The burden of proof will be on the commission to prove all allegations contained in the petition.

*AUTHORITY: section 313.832, RSMo 1994. \* Emergency rule filed Nov. 10, 1997, effective Nov. 20, 1997, expired May 18, 1998. Original rule filed Nov. 10, 1997, effective June 30, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.832, RSMo 1991.*

**11 CSR 45-5.290 Bingo Games**

*PURPOSE: This rule prohibits casinos from conducting bingo games on excursion gambling boats.*

(1) The following words and terms, when used in this rule, shall have the following meanings:

(A) “Bingo games,” all games commonly known as bingo as defined in section 313.005(1), RSMo, and including but not limited to promotional bingo games;

(B) “Promotional bingo games,” all bingo games offered by a Class A licensee to their patrons in order to directly or indirectly promote the licensee’s gambling games, whether or not the licensee receives consideration from the patrons playing the bingo games.

(2) Notwithstanding any other provision of this chapter to the contrary, no Class A licensee may conduct bingo games on an excursion gambling boat.

(3) No Class A licensee may lease or donate any part of its premises to another person or organization for the purpose of conducting bingo games.

*AUTHORITY: sections 313.004 and 313.805, RSMo 2000.\* Original rule filed Dec. 7, 2001, effective June 30, 2002.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1992, 1993, 1994, 2000.*