

SENATE BILL No. 73—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA GAMING CONTROL BOARD)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to mobile gaming.
(BDR 41-343)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ***[omitted material]*** is material to be omitted.

AN ACT relating to gaming; revising the definition of “gaming device” to include mobile gaming; removing or repealing certain provisions relating to mobile gaming; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Nevada Gaming Commission and the Nevada Gaming
2 Control Board to administer state gaming licenses and manufacturer’s, seller’s and
3 distributor’s licenses, and to reform various acts relating to the regulation and
4 control of gaming. (NRS 463.140) Existing law authorizes the Commission, with
5 the advice and assistance of the Board, to adopt regulations governing the operation
6 and licensing of mobile gaming. (NRS 463.730) Existing law defines “mobile
7 gaming” as the conduct of gambling games through communication devices
8 operated solely within certain establishments holding a nonrestricted gaming
9 license that permits a person to transfer information to a computer in order to place
10 a bet or wager, and respective information related to the display of the game, game
11 outcomes or other comparable information. (NRS 463.0176) Existing law defines
12 “gaming device” as any object used remotely or directly in connection with
13 gaming, or any other game that affects the results of a wager by determining win or
14 loss but which does not qualify as associated equipment. (NRS 463.0155) **Section 2**
15 of this bill revises the definition of “gaming device” to include mobile gaming,
16 thereby making mobile gaming subject to the same regulation and control as a
17 gaming device. **Sections 1 and 3-20** of this bill remove or repeal all provisions with
18 individual references to mobile gaming.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 463.0136 is hereby amended to read as
2 follows:

3 463.0136 “Associated equipment” means:

4 1. Any equipment or mechanical, electromechanical or
5 electronic contrivance, component or machine used remotely or
6 directly in connection with gaming, ~~for mobile gaming,~~ any game,
7 race book or sports pool that would not otherwise be classified as a
8 gaming device, including dice, playing cards, links which connect to
9 progressive slot machines, equipment which affects the proper
10 reporting of gross revenue, computerized systems of betting at a
11 race book or sports pool, computerized systems for monitoring slot
12 machines and devices for weighing or counting money; or

13 2. A computerized system for recordation of sales for use in an
14 area subject to the tax imposed pursuant to NRS 368A.200.

15 **Sec. 2.** NRS 463.0155 is hereby amended to read as follows:

16 463.0155 “Gaming device” means any object used remotely or
17 directly in connection with gaming or any game which affects the
18 result of a wager by determining win or loss and which does not
19 otherwise constitute associated equipment. The term includes,
20 without limitation:

21 1. A slot machine.
22 2. **Mobile gaming.**

23 3. A collection of two or more of the following components:

24 (a) An assembled electronic circuit which cannot be reasonably
25 demonstrated to have any use other than in a slot machine;

26 (b) A cabinet with electrical wiring and provisions for mounting
27 a coin, token or currency acceptor and provisions for mounting a
28 dispenser of coins, tokens or anything of value;

29 (c) An assembled mechanical or electromechanical display unit
30 intended for use in gambling; or

31 (d) An assembled mechanical or electromechanical unit which
32 cannot be demonstrated to have any use other than in a slot machine.

33 ~~3.~~ 4. Any object which may be connected to or used with a
34 slot machine to alter the normal criteria of random selection or
35 affect the outcome of a game.

36 ~~4.~~ 5. A system for the accounting or management of any
37 game in which the result of the wager is determined electronically
38 by using any combination of hardware or software for computers.

39 ~~5.~~ 6. A control program.

40 ~~6.~~ 7. Any combination of one of the components set forth in
41 paragraphs (a) to (d), inclusive, of subsection ~~2~~ 3 and any other
42 component which the Commission determines by regulation to be a



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1 machine used directly or remotely in connection with gaming or any
2 game which affects the results of a wager by determining a win or
3 loss.

4 **¶ 8.** Any object that has been determined to be a gaming
5 device pursuant to regulations adopted by the Commission.

6 **¶**

7 9. As used in this section **¶** “**control**”:

8 (a) “**Control**” means any software, source language or
9 executable code which affects the result of a wager by determining
10 win or loss as determined pursuant to regulations adopted by the
11 Commission.

12 (b) *“Mobile gaming” means the conduct of gambling games
13 through communications devices operated solely in an
14 establishment which holds a nonrestricted gaming license and
15 which operates at least 100 slot machines and at least one other
16 game by the use of communications technology that allows a
17 person to transmit information to a computer to assist in the
18 placing of a bet or wager and corresponding information related
19 to the display of the game, game outcomes or other similar
20 information. For the purposes of this paragraph,
21 “communications technology” means any method used and the
22 components employed by an establishment to facilitate the
23 transmission of information, including, without limitation,
24 transmission and reception by systems based on wireless network,
25 wireless fidelity, wire, cable, radio, microwave, light, optics or
26 computer data networks. The term does not include the Internet.*

27 Sec. 3. NRS 463.0157 is hereby amended to read as follows:

28 463.0157 1. “Gaming employee” means any person
29 connected directly with an operator of a slot route, the operator of a
30 pari-mutuel system, the operator of an inter-casino linked system or
31 a manufacturer, distributor or disseminator, or with the operation of
32 a gaming establishment licensed to conduct any game, 16 or more
33 slot machines, a race book, sports pool or pari-mutuel wagering,
34 including:

35 (a) Accounting or internal auditing personnel who are directly
36 involved in any recordkeeping or the examination of records
37 associated with revenue from gaming;

38 (b) Boxpersons;

39 (c) Cashiers;

40 (d) Change personnel;

41 (e) Counting room personnel;

42 (f) Dealers;

43 (g) Employees of a person required by NRS 464.010 to be
44 licensed to operate an off-track pari-mutuel system;



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1 (h) Employees of a person required by NRS 463.430 to be
2 licensed to disseminate information concerning racing and
3 employees of an affiliate of such a person involved in assisting the
4 person in carrying out the duties of the person in this State;

5 (i) Employees whose duties are directly involved with the
6 manufacture, repair, sale or distribution of gaming devices,
7 associated equipment when the employer is required by NRS
8 463.650 to be licensed, cashless wagering systems ~~{, mobile gaming~~
9 ~~systems, equipment associated with mobile gaming systems}~~ or
10 interactive gaming systems;

11 (j) Employees of operators of slot routes who have keys for slot
12 machines or who accept and transport revenue from the slot drop;

13 (k) Employees of operators of inter-casino linked systems ~~{, mobile gaming systems}~~ or interactive gaming systems whose duties
14 include the operational or supervisory control of the systems or the
15 games that are part of the systems;

16 (l) Employees of operators of call centers who perform, or who
17 supervise the performance of, the function of receiving and
18 transmitting wagering instructions;

19 (m) Employees who have access to the Board's system of
20 records for the purpose of processing the registrations of gaming
21 employees that a licensee is required to perform pursuant to the
22 provisions of this chapter and any regulations adopted pursuant
23 thereto;

24 (n) Floorpersons;

25 (o) Hosts or other persons empowered to extend credit or
26 complimentary services;

27 (p) Keno runners;

28 (q) Keno writers;

29 (r) Machine mechanics;

30 (s) Odds makers and line setters;

31 (t) Security personnel;

32 (u) Shift or pit bosses;

33 (v) Shills;

34 (w) Supervisors or managers;

35 (x) Ticket writers;

36 (y) Employees of a person required by NRS 463.160 to be
37 licensed to operate an information service;

38 (z) Employees of a licensee who have local access and provide
39 management, support, security or disaster recovery services for any
40 hardware or software that is regulated pursuant to the provisions of
41 this chapter and any regulations adopted pursuant thereto; and

42 (aa) Temporary or contract employees hired by a licensee to
43 perform a function related to gaming.



1 2. “Gaming employee” does not include barbacks or bartenders
2 whose duties do not involve gaming activities, cocktail servers or
3 other persons engaged exclusively in preparing or serving food or
4 beverages.

5 3. As used in this section, “local access” means access to
6 hardware or software from within a licensed gaming establishment,
7 hosting center or elsewhere within this State.

8 **Sec. 4.** NRS 463.01715 is hereby amended to read as follows:

9 463.01715 1. “Manufacture” means:

10 (a) To manufacture, produce, program, design, control the
11 design of or make modifications to a gaming device, associated
12 equipment, cashless wagering system ~~[, mobile gaming system]~~ or
13 interactive gaming system for use or play in Nevada;

14 (b) To direct or control the methods and processes used to
15 design, develop, program, assemble, produce, fabricate, compose
16 and combine the components and other tangible objects of any
17 gaming device, associated equipment, cashless wagering system ~~[, mobile gaming system]~~ or interactive gaming system for use or play
18 in Nevada;

19 (c) To assemble, or control the assembly of, a gaming device,
20 associated equipment, cashless wagering system ~~[, mobile gaming~~
21 ~~system]~~ or interactive gaming system for use or play in Nevada; or

22 (d) To assume responsibility for any action described in
23 paragraph (a), (b) or (c).

24 2. As used in this section:

25 (a) “Assume responsibility” means to:

26 (1) Acquire complete control over, or ownership of, the
27 applicable gaming device, associated equipment, cashless wagering
28 system ~~[, mobile gaming system]~~ or interactive gaming system; and

29 (2) Accept continuing legal responsibility for the gaming
30 device, associated equipment, cashless wagering system ~~[, mobile~~
31 ~~gaming system]~~ or interactive gaming system, including, without
32 limitation, any form of manufacture performed by an affiliate or
33 independent contractor.

34 (b) “Independent contractor” means, with respect to a
35 manufacturer, any person who:

36 (1) Is not an employee of the manufacturer; and

37 (2) Pursuant to an agreement with the manufacturer, designs,
38 develops, programs, produces or composes a control program used
39 in the manufacture of a gaming device. As used in this
40 subparagraph, “control program” has the meaning ascribed to it in
41 NRS 463.0155.

42 **Sec. 5.** NRS 463.0177 is hereby amended to read as follows:

43 463.0177 “Nonrestricted license” or “nonrestricted operation”
44 means:



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1 1. A state gaming license for, or an operation consisting of, 16
2 or more slot machines;

3 2. A license for, or operation of, any number of slot machines
4 together with any other game, gaming device, race book or sports
5 pool at one establishment;

6 3. A license for, or the operation of, a slot machine route; **or**

7 4. A license for, or the operation of, an inter-casino linked
8 system. **[, or**

9 **5. A license for, or the operation of, a mobile gaming system.]**

10 **Sec. 6.** NRS 463.160 is hereby amended to read as follows:

11 463.160 1. Except as otherwise provided in subsection 4 and
12 NRS 463.172, it is unlawful for any person, either as owner, lessee
13 or employee, whether for hire or not, either solely or in conjunction
14 with others:

15 (a) To deal, operate, carry on, conduct, maintain or expose for
16 play in the State of Nevada any gambling game, gaming device,
17 inter-casino linked system, **[mobile gaming system,]** slot machine,
18 race book or sports pool;

19 (b) To provide or maintain any information service;

20 (c) To operate a gaming salon;

21 (d) To receive, directly or indirectly, any compensation or
22 reward or any percentage or share of the money or property played,
23 for keeping, running or carrying on any gambling game, slot
24 machine, gaming device, **[mobile gaming system.]** race book or
25 sports pool;

26 (e) To operate as a cash access and wagering instrument service
27 provider; or

28 (f) To operate, carry on, conduct, maintain or expose for play in
29 or from the State of Nevada any interactive gaming system,

30 **↳** without having first procured, and thereafter maintaining in
31 effect, all federal, state, county and municipal gaming licenses as
32 required by statute, regulation or ordinance or by the governing
33 board of any unincorporated town.

34 2. The licensure of an operator of an inter-casino linked system
35 is not required if:

36 (a) A gaming licensee is operating an inter-casino linked system
37 on the premises of an affiliated licensee; or

38 (b) An operator of a slot machine route is operating an inter-
39 casino linked system consisting of slot machines only.

40 3. Except as otherwise provided in subsection 4, it is unlawful
41 for any person knowingly to permit any gambling game, slot
42 machine, gaming device, inter-casino linked system, **[mobile**
43 **gaming system,]** race book or sports pool to be conducted, operated,
44 dealt or carried on in any house or building or other premises owned



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1 by the person, in whole or in part, by a person who is not licensed
2 pursuant to this chapter, or that person's employee.

3 4. The Commission may, by regulation, authorize a person to
4 own or lease gaming devices for the limited purpose of display or
5 use in the person's private residence without procuring a state
6 gaming license.

7 5. For the purposes of this section, the operation of a race book
8 or sports pool includes making the premises available for any of the
9 following purposes:

10 (a) Allowing patrons to establish an account for wagering with
11 the race book or sports pool;

12 (b) Accepting wagers from patrons;

13 (c) Allowing patrons to place wagers;

14 (d) Paying winning wagers to patrons; or

15 (e) Allowing patrons to withdraw cash from an account for
16 wagering or to be issued a ticket, receipt, representation of value or
17 other credit representing a withdrawal from an account for wagering
18 that can be redeemed for cash,

19 ↳ whether by a transaction in person at an establishment or through
20 mechanical means, such as a kiosk or similar device, regardless of
21 whether that device would otherwise be considered associated
22 equipment. A separate license must be obtained for each location at
23 which such an operation is conducted.

24 6. As used in this section, "affiliated licensee" has the meaning
25 ascribed to it in NRS 463.430.

26 **Sec. 7.** NRS 463.1605 is hereby amended to read as follows:

27 463.1605 1. Except as otherwise provided in subsection 3,
28 the Commission shall not approve a nonrestricted license, other than
29 for the operation of a ~~mobile gaming system~~, race book or sports
30 pool at an establishment which holds a nonrestricted license to
31 operate both gaming devices and a gambling game, for an
32 establishment in a county whose population is 100,000 or more
33 unless the establishment is a resort hotel.

34 2. A county, city or town may require resort hotels to meet
35 standards in addition to those required by this chapter as a condition
36 of issuance of a gaming license by the county, city or town.

37 3. The Commission may approve a nonrestricted license for an
38 establishment which is not a resort hotel at a new location if:

39 (a) The establishment was acquired or displaced pursuant to a
40 redevelopment project undertaken by an agency created pursuant to
41 chapter 279 of NRS in accordance with a final order of
42 condemnation entered before June 17, 2005; or

43 (b) The establishment was acquired or displaced pursuant to a
44 redevelopment project undertaken by an agency created pursuant to
45 chapter 279 of NRS in accordance with a final order of



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1 condemnation entered on or after June 17, 2005, and the new
2 location of the establishment is within the same redevelopment area
3 as the former location of the establishment.

4 **Sec. 8.** NRS 463.245 is hereby amended to read as follows:

5 463.245 1. Except as otherwise provided in this section:

6 (a) All licenses issued to the same person, including a wholly
7 owned subsidiary of that person, for the operation of any game,
8 including a sports pool or race book, which authorize gaming at the
9 same establishment must be merged into a single gaming license.

10 (b) A gaming license may not be issued to any person if the
11 issuance would result in more than one licensed operation at a single
12 establishment, whether or not the profits or revenue from gaming
13 are shared between the licensed operations.

14 2. A person who has been issued a nonrestricted gaming
15 license for an operation described in subsection 1 ~~1 or 2 for 5~~ of
16 NRS 463.0177 may establish a sports pool or race book on the
17 premises of the establishment only after obtaining permission from
18 the Commission.

19 3. A person who has been issued a license to operate a sports
20 pool or race book at an establishment may be issued a license to
21 operate a sports pool or race book at a second establishment
22 described in subsection 1 or 2 of NRS 463.0177 only if the second
23 establishment is operated by a person who has been issued a
24 nonrestricted license for that establishment. A person who has been
25 issued a license to operate a race book or sports pool at an
26 establishment is prohibited from operating a race book or sports
27 pool at:

28 (a) An establishment for which a restricted license has been
29 granted; or

30 (b) An establishment at which only a nonrestricted license has
31 been granted for an operation described in subsection 3 or 4 of
32 NRS 463.0177.

33 4. A person who has been issued a license to operate a race
34 book or sports pool shall not enter into an agreement for the sharing
35 of revenue from the operation of the race book or sports pool with
36 another person in consideration for the offering, placing or
37 maintaining of a kiosk or other similar device not physically located
38 on the licensed premises of the race book or sports pool, except:

39 (a) An affiliated licensed race book or sports pool; or

40 (b) The licensee of an establishment at which the race book or
41 sports pool holds or obtains a license to operate pursuant to this
42 section.

43 → This subsection does not prohibit an operator of a race book or
44 sports pool from entering into an agreement with another person for
45 the provision of shared services relating to advertising or marketing.



1 5. Nothing in this section limits or prohibits an operator of an
2 inter-casino linked system from placing and operating such a system
3 on the premises of two or more gaming licensees and receiving,
4 either directly or indirectly, any compensation or any percentage or
5 share of the money or property played from the linked games in
6 accordance with the provisions of this chapter and the regulations
7 adopted by the Commission. An inter-casino linked system must not
8 be used to link games other than slot machines, unless such games
9 are located at an establishment that is licensed for games other than
10 slot machines.

11 6. For the purposes of this section, the operation of a race book
12 or sports pool includes making the premises available for any of the
13 following purposes:

14 (a) Allowing patrons to establish an account for wagering with
15 the race book or sports pool;
16 (b) Accepting wagers from patrons;
17 (c) Allowing patrons to place wagers;
18 (d) Paying winning wagers to patrons; or
19 (e) Allowing patrons to withdraw cash from an account for
20 wagering or to be issued a ticket, receipt, representation of value or
21 other credit representing a withdrawal from an account for wagering
22 that can be redeemed for cash,
23 ↳ whether by a transaction in person at an establishment or through
24 mechanical means such as a kiosk or other similar device, regardless
25 of whether that device would otherwise be considered associated
26 equipment.

27 7. The provisions of this section do not apply to a license to
28 operate ~~a mobile gaming system or to operate~~ interactive gaming.

29 **Sec. 9.** NRS 463.305 is hereby amended to read as follows:

30 463.305 1. Any person who operates or maintains in this
31 State any gaming device of a specific model, any gaming device
32 which includes a significant modification ~~, any mobile gaming~~
33 ~~system~~ or any inter-casino linked system which the Board or
34 Commission has not approved for testing or for operation is subject
35 to disciplinary action by the Board or Commission.

36 2. The Board shall maintain a list of approved gaming devices
37 ~~, mobile gaming systems~~ and inter-casino linked systems.

38 3. If the Board suspends or revokes approval of a gaming
39 device pursuant to the regulations adopted pursuant to subsection 4,
40 ~~for suspends or revokes approval of a mobile gaming system~~
41 ~~pursuant to the regulations adopted pursuant to NRS 463.730,~~ the
42 Board may order the removal of the gaming device ~~for mobile~~
43 ~~gaming system~~ from an establishment.



1 4. The Commission shall adopt regulations relating to gaming
2 devices and their significant modification and inter-casino linked
3 systems.

4 **Sec. 10.** NRS 463.3855 is hereby amended to read as follows:

5 463.3855 1. In addition to any other state license fees
6 imposed by this chapter, the Commission shall, before issuing a
7 state gaming license to an operator of a slot machine route ~~[, an~~
8 ~~operator of a mobile gaming system]~~ or an operator of an inter-
9 casino linked system, charge and collect an annual license fee of
10 \$500.

11 2. Each such license must be issued for a calendar year
12 beginning January 1 and ending December 31. If the operation of
13 the licensee is continuing, the Commission shall charge and collect
14 the fee on or before December 31 for the ensuing calendar year.

15 3. Except as otherwise provided in NRS 463.386, the fee to be
16 charged and collected under this section is the full annual fee,
17 without regard to the date of application for or issuance of the
18 license.

19 **Sec. 11.** NRS 463.650 is hereby amended to read as follows:

20 463.650 1. Except as otherwise provided in subsections 2 to
21 7, inclusive, it is unlawful for any person, either as owner, lessee or
22 employee, whether for hire or not, to operate, carry on, conduct or
23 maintain any form of manufacture, selling or distribution of any
24 gaming device, cashless wagering system ~~[, mobile gaming system]~~
25 or interactive gaming system for use or play in Nevada without first
26 procuring and maintaining all required federal, state, county and
27 municipal licenses.

28 2. A lessor who specifically acquires equipment for a capital
29 lease is not required to be licensed under this section.

30 3. The holder of a state gaming license or the holding company
31 of a corporation, partnership, limited partnership, limited-liability
32 company or other business organization holding a license may,
33 within 2 years after cessation of business or upon specific approval
34 by the Board, dispose of by sale in a manner approved by the Board,
35 any or all of its gaming devices, including slot machines ~~[, mobile~~
36 ~~gaming systems]~~ and cashless wagering systems, without a
37 distributor's license. In cases of bankruptcy of a state gaming
38 licensee or foreclosure of a lien by a bank or other person holding a
39 security interest for which gaming devices are security in whole or
40 in part for the lien, the Board may authorize the disposition of the
41 gaming devices without requiring a distributor's license.

42 4. The Commission may, by regulation, authorize a person who
43 owns:

44 (a) Gaming devices for home use in accordance with NRS
45 463.160; or



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1 (b) Antique gaming devices,
2 to sell such devices without procuring a license therefor to
3 residents of jurisdictions wherein ownership of such devices is legal.

4 5. Upon approval by the Board, a gaming device owned by:
5 (a) A law enforcement agency;
6 (b) A court of law; or
7 (c) A gaming device repair school licensed by the Commission
8 on Postsecondary Education,

9 to may be disposed of by sale, in a manner approved by the Board,
10 without a distributor's license. An application for approval must be
11 submitted to the Board in the manner prescribed by the Chair.

12 6. A manufacturer who performs any action described in
13 paragraph (a), (b) or (c) of subsection 1 of NRS 463.01715 is not
14 required to be licensed under the provisions of this section with
15 respect to the performance of that action if another manufacturer
16 who is licensed under the provisions of this section assumes
17 responsibility for the performance of that action.

18 7. An independent contractor who designs, develops,
19 programs, produces or composes a control program for use in the
20 manufacture of a gaming device that is for use or play in this State is
21 not required to be licensed under the provisions of this section with
22 respect to the design, development, programming, production or
23 composition of a control program if a manufacturer who is licensed
24 under the provisions of this section assumes responsibility for the
25 design, development, programming, production or composition of
26 the control program.

27 8. Any person who the Commission determines is a suitable
28 person to receive a license under the provisions of this section may
29 be issued a manufacturer's or distributor's license. The burden of
30 proving his or her qualification to receive or hold a license under
31 this section is at all times on the applicant or licensee.

32 9. Every person who must be licensed pursuant to this section
33 is subject to the provisions of NRS 463.482 to 463.645, inclusive,
34 unless exempted from those provisions by the Commission.

35 10. The Commission may exempt, for any purpose, a
36 manufacturer, seller or distributor from the provisions of NRS
37 463.482 to 463.645, inclusive, if the Commission determines that
38 the exemption is consistent with the purposes of this chapter.

39 11. Any person conducting business in Nevada who is not
40 required to be licensed as a manufacturer, seller or distributor
41 pursuant to subsection 1, but who otherwise must register with the
42 Attorney General of the United States pursuant to Title 15 of U.S.C.,
43 must submit to the Board a copy of such registration within 10 days
44 after submission to the Attorney General of the United States.



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1 12. It is unlawful for any person, either as owner, lessee or
2 employee, whether for hire or not, to knowingly distribute any
3 gaming device, cashless wagering system, ~~mobile gaming system,~~
4 interactive gaming system or associated equipment from Nevada to
5 any jurisdiction where the possession, ownership or use of any such
6 device, system or equipment is illegal.

7 13. As used in this section:

8 (a) "Antique gaming device" means a gaming device that was
9 manufactured before 1961.

10 (b) "Assume responsibility" has the meaning ascribed to it in
11 NRS 463.01715.

12 (c) "Control program" has the meaning ascribed to it in
13 NRS 463.0155.

14 (d) "Holding company" has the meaning ascribed to it in
15 NRS 463.485.

16 (e) "Independent contractor" has the meaning ascribed to it in
17 NRS 463.01715.

18 **Sec. 12.** NRS 463.6505 is hereby amended to read as follows:

19 463.6505 1. In addition to any other requirements set forth in
20 this chapter, an applicant for the renewal of a license as a
21 manufacturer, distributor or seller of gaming devices ~~for mobile~~
22 ~~gaming systems~~ must indicate in the application submitted to the
23 Commission whether the applicant has a state business license. If
24 the applicant has a state business license, the applicant must include
25 in the application the business identification number assigned by the
26 Secretary of State upon compliance with the provisions of chapter
27 76 of NRS.

28 2. A license as a manufacturer, distributor or seller of gaming
29 devices ~~for mobile gaming systems~~ may not be renewed by the
30 Commission if:

31 (a) The applicant fails to submit the information required by
32 subsection 1; or

33 (b) The State Controller has informed the Commission pursuant
34 to subsection 5 of NRS 353C.1965 that the applicant owes a debt to
35 an agency that has been assigned to the State Controller for
36 collection and the applicant has not:

37 (1) Satisfied the debt;

38 (2) Entered into an agreement for the payment of the debt
39 pursuant to NRS 353C.130; or

40 (3) Demonstrated that the debt is not valid.

41 3. As used in this section:

42 (a) "Agency" has the meaning ascribed to it in NRS 353C.020.

43 (b) "Debt" has the meaning ascribed to it in NRS 353C.040.



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1 **Sec. 13.** NRS 463.651 is hereby amended to read as follows:

2 463.651 1. A natural person who applies for the issuance or
3 renewal of a license as a manufacturer, distributor or seller of
4 gaming devices ~~for mobile gaming systems~~ shall submit to the
5 Commission the statement prescribed by the Division of Welfare
6 and Supportive Services of the Department of Health and Human
7 Services pursuant to NRS 425.520. The statement must be
8 completed and signed by the applicant.

9 2. The Commission shall include the statement required
10 pursuant to subsection 1 in:

11 (a) The application or any other forms that must be submitted
12 for the issuance or renewal of the license; or

13 (b) A separate form prescribed by the Commission.

14 3. A license as a manufacturer, distributor or seller of gaming
15 devices ~~for mobile gaming systems~~ may not be issued or renewed
16 by the Commission if the applicant is a natural person who:

17 (a) Fails to submit the statement required pursuant to subsection
18 1; or

19 (b) Indicates on the statement submitted pursuant to subsection
20 1 that the applicant is subject to a court order for the support of a
21 child and is not in compliance with the order or a plan approved by
22 the district attorney or other public agency enforcing the order for
23 the repayment of the amount owed pursuant to the order.

24 4. If an applicant indicates on the statement submitted pursuant
25 to subsection 1 that the applicant is subject to a court order for the
26 support of a child and is not in compliance with the order or a plan
27 approved by the district attorney or other public agency enforcing
28 the order for the repayment of the amount owed pursuant to the
29 order, the Commission shall advise the applicant to contact the
30 district attorney or other public agency enforcing the order to
31 determine the actions that the applicant may take to satisfy the
32 arrearage.

33 **Sec. 14.** NRS 463.652 is hereby amended to read as follows:

34 463.652 1. If the Commission receives a copy of a court
35 order issued pursuant to NRS 425.540 that provides for the
36 suspension of all professional, occupational and recreational
37 licenses, certificates and permits issued to a person who is the
38 holder of a license as a manufacturer, distributor or seller of gaming
39 devices, ~~for mobile gaming systems,~~ the Commission shall deem
40 the license issued to that person to be suspended at the end of the
41 30th day after the date on which the court order was issued unless
42 the Commission receives a letter issued to the holder of the license
43 by the district attorney or other public agency pursuant to NRS
44 425.550 stating that the holder of the license has complied with the



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1 subpoena or warrant or has satisfied the arrearage pursuant to
2 NRS 425.560.

3 2. The Commission shall reinstate a license as a manufacturer,
4 distributor or seller of gaming devices ~~for mobile gaming systems~~
5 that has been suspended by a district court pursuant to NRS 425.540
6 if the Commission receives a letter issued by the district attorney or
7 other public agency pursuant to NRS 425.550 to the person whose
8 license was suspended stating that the person whose license was
9 suspended has complied with the subpoena or warrant or has
10 satisfied the arrearage pursuant to NRS 425.560.

11 **Sec. 15.** NRS 463.653 is hereby amended to read as follows:

12 463.653 The application of a natural person who applies for the
13 issuance of a license as a manufacturer, distributor or seller of
14 gaming devices ~~for mobile gaming systems~~ must include the social
15 security number of the applicant.

16 **Sec. 16.** NRS 463.670 is hereby amended to read as follows:

17 463.670 1. The Legislature finds and declares as facts:

18 (a) That the inspection of games, gaming devices, associated
19 equipment, cashless wagering systems, inter-casino linked systems
20 ~~for mobile gaming systems~~ and interactive gaming systems is
21 essential to carry out the provisions of this chapter.

22 (b) That the inspection of games, gaming devices, associated
23 equipment, cashless wagering systems, inter-casino linked systems
24 ~~for mobile gaming systems~~ and interactive gaming systems is greatly
25 facilitated by the opportunity to inspect components before
26 assembly and to examine the methods of manufacture.

27 (c) That the interest of this State in the inspection of games,
28 gaming devices, associated equipment, cashless wagering systems,
29 inter-casino linked systems ~~for mobile gaming systems~~ and
30 interactive gaming systems must be balanced with the interest of
31 this State in maintaining a competitive gaming industry in which
32 games can be efficiently and expeditiously brought to the market.

33 2. The Commission may, with the advice and assistance of the
34 Board, adopt and implement procedures that preserve and enhance
35 the necessary balance between the regulatory and economic interests
36 of this State which are critical to the vitality of the gaming industry
37 of this State.

38 3. The Board may inspect every game or gaming device which
39 is manufactured, sold or distributed:

40 (a) For use in this State, before the game or gaming device is put
41 into play.

42 (b) In this State for use outside this State, before the game or
43 gaming device is shipped out of this State.

44 4. The Board may inspect every game or gaming device which
45 is offered for play within this State by a state gaming licensee.



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1 5. The Board may inspect all associated equipment, every
2 cashless wagering system, every inter-casino linked system ~~[,] every~~
3 ~~mobile gaming system~~ and every interactive gaming system which
4 is manufactured, sold or distributed for use in this State before the
5 equipment or system is installed or used by a state gaming licensee
6 and at any time while the state gaming licensee is using the
7 equipment or system.

8 6. In addition to all other fees and charges imposed by this
9 chapter, the Board may determine, charge and collect an inspection
10 fee from each manufacturer, seller, distributor or independent
11 testing laboratory which must not exceed the actual cost of
12 inspection and investigation.

13 7. The Commission shall adopt regulations which:

14 (a) Provide for the registration of independent testing
15 laboratories and of each person that owns, operates or has
16 significant involvement with an independent testing laboratory,
17 specify the form of the application required for such registration, set
18 forth the qualifications required for such registration and establish
19 the fees required for the application, the investigation of the
20 applicant and the registration of the applicant.

21 (b) Authorize the Board to utilize independent testing
22 laboratories for the inspection and certification of any game, gaming
23 device, associated equipment, cashless wagering system, inter-
24 casino linked system ~~[,] mobile gaming system~~ or interactive
25 gaming system, or any components thereof.

26 (c) Establish uniform protocols and procedures which the Board
27 and independent testing laboratories must follow during an
28 inspection performed pursuant to subsection 3 or 5, and which
29 independent testing laboratories must follow during the certification
30 of any game, gaming device, associated equipment, cashless
31 wagering system, inter-casino linked system ~~[,] mobile gaming~~
32 ~~system~~ or interactive gaming system, or any components thereof,
33 for use in this State or for shipment from this State.

34 (d) Allow an application for the registration of an independent
35 testing laboratory to be granted upon the independent testing
36 laboratory's completion of an inspection performed in compliance
37 with the uniform protocols and procedures established pursuant to
38 paragraph (c) and satisfaction of such other requirements that the
39 Board may establish.

40 (e) Provide the standards and procedures for the revocation of
41 the registration of an independent testing laboratory.

42 (f) Provide the standards and procedures relating to the filing of
43 an application for a finding of suitability pursuant to this section and
44 the remedies should a person be found unsuitable.



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1 (g) Provide any additional provisions which the Commission
2 deems necessary and appropriate to carry out the provisions of this
3 section and which are consistent with the public policy of this State
4 pursuant to NRS 463.0129.

5 8. The Commission shall retain jurisdiction over any person
6 registered pursuant to this section and any regulation adopted
7 thereto, in all matters relating to a game, gaming device, associated
8 equipment, cashless wagering system, inter-casino linked system ~~or~~,
9 ~~mobile gaming system~~ or interactive gaming system, or any
10 component thereof or modification thereto, even if the person ceases
11 to be registered.

12 9. A person registered pursuant to this section is subject to the
13 investigatory and disciplinary proceedings that are set forth in NRS
14 463.310 to 463.318, inclusive, and shall be punished as provided in
15 those sections.

16 10. The Commission may, upon recommendation of the Board,
17 require the following persons to file an application for a finding of
18 suitability:

19 (a) A registered independent testing laboratory.
20 (b) An employee of a registered independent testing laboratory.
21 (c) An officer, director, partner, principal, manager, member,
22 trustee or direct or beneficial owner of a registered independent
23 testing laboratory or any person that owns or has significant
24 involvement with the activities of a registered independent testing
25 laboratory.

26 11. If a person fails to submit an application for a finding of
27 suitability within 30 days after a demand by the Commission
28 pursuant to this section, the Commission may make a finding of
29 unsuitability. Upon written request, such period may be extended by
30 the Chair of the Commission, at the Chair's sole and absolute
31 discretion.

32 12. As used in this section, unless the context otherwise
33 requires, "independent testing laboratory" means a private
34 laboratory that is registered by the Board to inspect and certify
35 games, gaming devices, associated equipment, cashless wagering
36 systems, inter-casino linked systems ~~or, mobile gaming systems~~ or
37 interactive gaming systems, and any components thereof and
38 modifications thereto, and to perform such other services as the
39 Board and Commission may request.

40 **Sec. 17.** NRS 463.677 is hereby amended to read as follows:

41 463.677 1. The Legislature finds that:

42 (a) Technological advances have evolved which allow licensed
43 gaming establishments to expose games, including, without
44 limitation, system-based and system-supported games, gaming
45 devices, ~~mobile gaming systems,~~ interactive gaming, cashless



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1 wagering systems or race books and sports pools, and to be assisted
2 by a service provider who provides important services to the public
3 with regard to the conduct and exposure of such games.

4 (b) To protect and promote the health, safety, morals, good
5 order and general welfare of the inhabitants of this State, and to
6 carry out the public policy declared in NRS 463.0129, it is necessary
7 that the Board and Commission have the ability to license service
8 providers by maintaining strict regulation and control of the
9 operation of such service providers and all persons and locations
10 associated therewith.

11 2. Except as otherwise provided in subsection 3, the
12 Commission may, with the advice and assistance of the Board,
13 provide by regulation for the licensing and operation of a service
14 provider and all persons, locations and matters associated therewith.
15 Such regulations may include, without limitation:

16 (a) Provisions requiring the service provider to meet the
17 qualifications for licensing pursuant to NRS 463.170, in addition to
18 any other qualifications established by the Commission, and to be
19 licensed regardless of whether the service provider holds any other
20 license.

21 (b) Criteria regarding the location from which the service
22 provider conducts its operations, including, without limitation,
23 minimum internal and operational control standards established by
24 the Commission.

25 (c) Provisions relating to the licensing of persons owning or
26 operating a service provider, and any persons having a significant
27 involvement therewith, as determined by the Commission.

28 (d) A provision that a person owning, operating or having
29 significant involvement with a service provider, as determined by
30 the Commission, may be required by the Commission to be found
31 suitable to be associated with licensed gaming, including race book
32 or sports pool operations.

33 (e) Additional matters which the Commission deems necessary
34 and appropriate to carry out the provisions of this section and which
35 are consistent with the public policy of this State pursuant to NRS
36 463.0129, including that a service provider must be liable to the
37 licensee on whose behalf the services are provided for the service
38 provider's proportionate share of the fees and taxes paid by the
39 licensee.

40 3. The Commission may not adopt regulations pursuant to this
41 section until the Commission first determines that service providers
42 are secure and reliable, do not pose a threat to the integrity of
43 gaming and are consistent with the public policy of this State
44 pursuant to NRS 463.0129.



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1 4. Regulations adopted by the Commission pursuant to this
2 section must provide that the premises on which a service provider
3 conducts its operations are subject to the power and authority of the
4 Board and Commission pursuant to NRS 463.140, as though the
5 premises are where gaming is conducted and the service provider is
6 a gaming licensee.

7 5. As used in this section:

8 (a) “Interactive gaming service provider” means a person who
9 acts on behalf of an establishment licensed to operate interactive
10 gaming and:

11 (1) Manages, administers or controls wagers that are
12 initiated, received or made on an interactive gaming system;

13 (2) Manages, administers or controls the games with which
14 wagers that are initiated, received or made on an interactive gaming
15 system are associated;

16 (3) Maintains or operates the software or hardware of an
17 interactive gaming system; or

18 (4) Provides products, services, information or assets to an
19 establishment licensed to operate interactive gaming and receives
20 therefor a percentage of gaming revenue from the establishment’s
21 interactive gaming system.

22 (b) “Service provider” means a person who:

23 (1) Acts on behalf of another licensed person who conducts
24 nonrestricted gaming operations, and who assists, manages,
25 administers or controls wagers or games, or maintains or operates
26 the software or hardware of games on behalf of such a licensed
27 person, and is authorized to share in the revenue from games
28 without being licensed to conduct gaming at an establishment;

29 (2) Is an interactive gaming service provider;

30 (3) Is a cash access and wagering instrument service
31 provider; or

32 (4) Meets such other or additional criteria as the Commission
33 may establish by regulation.

34 **Sec. 18.** NRS 465.070 is hereby amended to read as follows:

35 465.070 It is unlawful for any person:

36 1. To alter or misrepresent the outcome of a game or other
37 event on which wagers have been made after the outcome is made
38 sure but before it is revealed to the players.

39 2. To place, increase or decrease a bet or to determine the
40 course of play after acquiring knowledge, not available to all
41 players, of the outcome of the game or any event that affects the
42 outcome of the game or which is the subject of the bet or to aid
43 anyone in acquiring such knowledge for the purpose of placing,
44 increasing or decreasing a bet or determining the course of play
45 contingent upon that event or outcome.



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1 3. To claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gambling game, with intent 2 to defraud, without having made a wager contingent thereon, or to 3 claim, collect or take an amount greater than the amount won.

4 4. Knowingly to entice or induce another to go to any place 5 where a gambling game is being conducted or operated in violation 6 of the provisions of this chapter, with the intent that the other person 7 play or participate in that gambling game.

8 5. To place or increase a bet after acquiring knowledge of the 9 outcome of the game or other event which is the subject of the bet, 10 including past-posting and pressing bets.

11 6. To reduce the amount wagered or cancel the bet after 12 acquiring knowledge of the outcome of the game or other event 13 which is the subject of the bet, including pinching bets.

14 7. To manipulate, with the intent to cheat, any component of a 15 gaming device in a manner contrary to the designed and normal 16 operational purpose for the component, including, but not limited to, 17 varying the pull of the handle of a slot machine, with knowledge 18 that the manipulation affects the outcome of the game or with 19 knowledge of any event that affects the outcome of the game.

20 8. To offer, promise or give anything of value to anyone for the 21 purpose of influencing the outcome of a race, sporting event, contest 22 or game upon which a wager may be made, or to place, increase or 23 decrease a wager after acquiring knowledge, not available to the 24 general public, that anyone has been offered, promised or given 25 anything of value for the purpose of influencing the outcome of the 26 race, sporting event, contest or game upon which the wager is 27 placed, increased or decreased.

28 9. To change or alter the normal outcome of any game played 29 on an interactive gaming system ~~for a mobile gaming system}~~ or the 30 way in which the outcome is reported to any participant in the game.

31 **Sec. 19.** NRS 465.094 is hereby amended to read as follows:

32 465.094 The provisions of NRS 465.092 and 465.093 do not 33 apply to global risk management pursuant to NRS 463.810 and 34 463.820 or to a wager placed by a person for the person's own 35 benefit or, without compensation, for the benefit of another that is 36 accepted or received by, placed with, or sent, transmitted or relayed 37 to:

38 1. A race book or sports pool that is licensed pursuant to 39 chapter 463 of NRS, if the wager is accepted or received within this 40 State and otherwise complies with all other applicable laws and 41 regulations concerning wagering;

42 2. A person who is licensed to engage in off-track pari-mutuel 43 wagering pursuant to chapter 464 of NRS, if the wager is accepted 44 or received within this State and otherwise complies with subsection 45



1 3 of NRS 464.020 and all other applicable laws and regulations
2 concerning wagering;

3 3. ~~A person who is licensed to operate a mobile gaming~~
4 ~~system pursuant to chapter 463 of NRS, if the wager is accepted or~~
5 ~~received within this State and otherwise complies with all other~~
6 ~~applicable laws and regulations concerning wagering;~~

7 ~~4.~~ Any other person or establishment that is licensed to engage
8 in wagering pursuant to title 41 of NRS, if the wager is accepted or
9 received within this State and otherwise complies with all other
10 applicable laws and regulations concerning wagering; or

11 ~~5.~~ 4. Any other person or establishment that is licensed to
12 engage in wagering in another jurisdiction and is permitted to accept
13 or receive a wager from patrons within this State under an
14 agreement entered into by the Governor pursuant to NRS 463.747.

15 **Sec. 20.** NRS 463.0176, 463.730 and 463.735 are hereby
16 repealed.

17 **Sec. 21.** This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTIONS

463.0176 “Mobile gaming” defined. “Mobile gaming” means the conduct of gambling games through communications devices operated solely in an establishment which holds a nonrestricted gaming license and which operates at least 100 slot machines and at least one other game by the use of communications technology that allows a person to transmit information to a computer to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information. For the purposes of this section, “communications technology” means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wireless network, wireless fidelity, wire, cable, radio, microwave, light, optics or computer data networks. The term does not include the Internet.

463.730 License required to operate, manufacture, sell or distribute mobile gaming system or to manufacture equipment associated with mobile gaming; powers and duties of Commission; regulations; conditions.

1. Except as otherwise provided in subsection 2, the Commission may, with the advice and assistance of the Board,



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adopt regulations governing the operation of mobile gaming and the licensing of:

- (a) An operator of a mobile gaming system;
- (b) A manufacturer, seller or distributor of a mobile gaming system; and
- (c) A manufacturer of equipment associated with mobile gaming.

2. The Commission may not adopt regulations pursuant to this section until the Commission first determines that:

(a) Mobile gaming systems are secure and reliable, and provide reasonable assurance that players will be of lawful age and communicating only from areas of licensed gaming establishments that have been approved by the Commission for that purpose; and

(b) Mobile gaming can be operated in a manner which complies with all applicable laws.

3. The regulations adopted by the Commission pursuant to this section must:

(a) Provide that gross revenue received by a licensed gaming establishment or the operator or the manufacturer of a mobile gaming system from the operation of mobile gaming is subject to the same license fee provisions of NRS 463.370 as the other games and gaming devices operated at the licensed gaming establishment.

(b) Provide that a mobile communications device which displays information relating to the game to a participant in the game as part of a mobile gaming system is subject to the same fees and taxes applicable to slot machines as set forth in NRS 463.375 and 463.385.

(c) Set forth standards for the security of the computer system and its location, which may be outside a licensed gaming establishment but must be within this State, and for approval of hardware and software used in connection with mobile gaming.

(d) Define “mobile gaming system,” “operator of a mobile gaming system” and “equipment associated with mobile gaming” as the terms are used in this chapter.

463.735 Enforceability of mobile gaming debts. A debt incurred by a patron in connection with playing a mobile gaming system at a licensed gaming establishment is valid and may be enforced by legal process.



