BASIS AND PURPOSE FOR RULE 3

The purpose of Rule 3 is to establish and provide the specific information required on license applications; to establish yearly license fees for each type of license; to establish nonrefundable application fees; to establish investigation fees for certain applicants and deposit procedures for investigation fees; to establish procedures for conducting background checks on applicants and other interested persons and assessing the costs of such background checks; to require certain information regarding the premises the applicant wishes to be licensed, and to provide a procedure for approval of modifications of such premises; and to provide for the issuance of conditional, temporary, and duplicate licenses. The statutory basis for Rule 3 is found in sections 12-47.1-201, C.R.S., 12-47.1-203, C.R.S., 12-47.1-302, C.R.S., and part 5 of article 47.1 of title 12, C.R.S.

RULE 3 APPLICATIONS, INVESTIGATIONS AND LICENSURE

47.1-302 Applications.

(1) An applicant for any type of license must apply on forms provided by the Division. Such application forms shall be completed under penalty of perjury. The application forms may include questions concerning the following:

(~~1~~A) Personal background information;

(~~2~~B) Financial information;

(~~3~~C) Participation in legal or illegal activities in Colorado or other jurisdictions, including foreign countries;

(~~4~~D) Criminal record information;

(~~5~~E) Information concerning all pecuniary and equity interests in the applicant; and

(~~6~~F) Other information as required.

The application forms shall be accompanied and supplemented by such documents and information as may be specified or required. Failure to supply the information requested within five days after the request has been made by the Division constitutes grounds for delaying consideration of the application.

(2) Renewal applications for manufacturer-distributor, operator, and retail licenses must be received by the Division 120 days before the expiration of the current license. Renewal applications for support employee and key employee licenses must be received by the Division 30 days before the expiration of the current license. Renewal applicants who fail to submit their completed applications when due shall not be considered to have made a timely and sufficient application for renewal, as such term is used ~~at~~IN 24-4-104(7), C.R.S. (47.1-302(2) Perm. 10/30/96)

47.1-303 License Fees.

A non-refundable license fee for a two-year license must accompany an application for licensure in the following amounts: *Eff 08/06/2008*

(1)	Original and renewal Type 1 slot machine manufacturer or distributor license~~,~~	$3,000.00~~;~~
(2)	Original and renewal Type 2 slot machine manufacturer or distributor license~~,~~	$6,000.00~~;~~

(3)	Original and renewal Type 1 operator license~~,~~	$3,000.00~~;~~
(4)	Original and renewal Type 2 operator license~~,~~	$6,000.00~~;~~
(5)	Original and renewal Type 1 retail gaming license~~,~~	$4,500.00~~;~~
(6)	Original and renewal Type 2 retail gaming license~~,~~	$6,500.00~~;~~
(7)	Original key employee license~~,~~	$250.00~~;~~
(8)	Original support employee license~~,~~	$100.00~~;~~
(9)	Renewal key employee license~~,~~	$200.00~~; and~~
(10)	Renewal support employee license~~,~~	$60.00

(47.1-303(6 & 7) temp. 06/21/95, perm. 10/30/95) (47.1-303 temp. 7/1/96 perm. September 30, 1996, 47.1-303 (5 & 7) amended temp 07/01/00 perm 07/30/00) *Eff 08/06/2008*

When a key employee license or support employee license expires prior to renewal, the applicant for re-licensure shall file an original license application and shall pay the fee for an original application, and the Division shall process the application as an original license application. *Eff 08/06/2008*

The license fee may be pro-rated for any license issued for a term shorter than two years. *Eff 08/06/2008*

The terms "Type 1" and "Type 2" shall have the same meaning as provided in Regulation 47.1-305. *Eff 08/06/2008*

47.1-305 Investigation fees.

(1) All applicants for licenses and persons seeking approval of VARIATION GAMES of ~~a~~ blackjack, ~~or~~ poker, CRAPS, ROULETTE, BLACKJACK-POKER COMBINATION GAMES AND TABLE GAMES WITH ELECTRONIC BETTING TERMINALS ~~variation game~~, except support licenses, shall pay the costs of investigations into their backgrounds, suitability, and qualifications for licensure. *Eff 04/01/2007*

(b) All such applicants shall also pay the Division for the following actual costs incurred in conducting the background investigations: transportation; lodging; meals, and other expenses associated with traveling; significant office expense; document reproduction costs; preparation time~~,~~; time necessary for administration of the investigation (including additional staffing on a temporary basis)~~,~~; and other similar expenses incurred until the conclusion of the investigation. *Eff 04/01/2007*

47.1-305.5 Table Game Review Fees

(2) The Director may authorize a brief review of each application for approval of a VARIATION GAME OF POKER, BLACKJACK, CRAPS, ROULETTE, BLACKJACK-POKER COMBINATION GAMES AND TABLE GAMES WITH ELECTRONIC BETTING TERMINALS ~~blackjack or poker variation game~~ to be conducted, at no cost to the applicant, to determine whether or not it is likely that the proposed game could lawfully be played in this state. After such determination has been made, the applicant shall be advised of the finding, which shall not be binding o~~f~~N the Director or the Commission. The applicant shall TH~~A~~EN be required to submit the required fee to the Division before the Division conducts any further review of the application.

(3) If the Director determines that it is necessary to conduct an investigation into the background and suitability of a person seeking approval of a ~~blackjack or poker~~ variation game OF POKER, BLACKJACK, CRAPS, ROULETTE, BLACKJACK-POKER COMBINATION GAMES AND TABLE GAMES WITH ELECTRONIC BETTING TERMINALS, such person shall be required to pay the fees specified by Rule 47.1-305. NONE OF THESE ~~blackjack or poker variation~~ gamES shall be approved until payment for the full amount of any negative deposit balance has been received from the person seeking approval of the variation game. (47.1-305.5 perm 10/30.97)

47.1-313 Licensed Premises - Location.

The square footage of a floor in any building shall be the rentable area of a floor. ~~The rentable area of a floor shall be computed by measuring to the inside finished surface of the dominant portion of the permanent outer building walls, excluding any major vertical penetrations of the floor. No deductions shall be made for columns and projections necessary to the building.~~

In calculating the area comprising the licensed premises on any floor, the licensee shall use the rentable area. The rentable area is computed by measuring to the inside finish of permanent outer building walls, or to the glass line if at least 50 percent of the outer building wall is glass, to the office side of corridors and/or permanent partitions, and to the center of partitions that separate the premises from adjoining rentable areas. No deductions can be made for columns and projections necessary to the building.

(3) On each floor of the building in which limited gaming will take place, the licensed premises shall consist of no more than two non-contiguous areas. Within the licensed premises, a licensee may arrange gaming equipment or devices in the discretion of the licensee without notice to the Division. Nothing in this section, however, shall be construed to permit violation of any fire safety, health or building codes by any licensee. The licensed premises must be clearly marked as such so that the patrons of each retail gaming establishment can readily discern the licensed premises.

47.1-318 Licenses Premises-Modification.

Any retail licensee may change the configuration of its licensed premises upon prior approval of the Division. Application to modify the licensed premises must be made on forms furnished by the Division. No application to modify the licensed premises of any licensee shall be approved unless the licensed premises as modified, meets all the requirements of article 47.1 of title 12, C.R.S., and the rules and regulations promulgated thereunder.

47.1-319 Temporary license.

(2) No licensee issued a temporary license pursuant to this article shall be entitled to receive any refund of the ~~annual~~ license fee submitted in connection with the license application.

47.1-325 Approval and field trial of variation games of poker, blackjack, craps, roulette, blackjack-poker combination games and table games with electronic betting terminals.
Amended 3/16/2012

(3) The test period for new variation games shall not exceed 180 days, from THE date offered for public play, during which time the Director or designee may amend the rules of play and may make minor modifications to the trial game. The Director may order termination of the test period at any time prior to the end of 180 days if, in the Director's or designee's discretion, the Director or designee determines:

(3.5) EBTs, when utilized with approved games, are deemed in a field trial status for 90 days from THE date offered for public play. Unless the Director or designee terminates the field trial of such equipment for cause, authorization and approval for use of EBTs shall become effective at the conclusion of field trial. The Division shall determine field trial testing criteria specific to various EBTs or equipment. Where applicable, Colorado Gaming Regulations 47.1-1202 and 47.1-1203 shall apply to EBTs. *Eff/ 3/16/2012*

(6) ~~At the conclusion or termination of the test period, the proposed game shall be removed from play at the trial locations, and play shall not be reinstated until the game has been approved by the Commission, by rule.~~ While a new variation game is in field trial testing, the Division's table games committee shall make a preliminary determination as to the legality of the game, no later than 90 days from when the game is offered for public play. If in the Division's determination the game is lawful, the Division will notice and post rules for A rule making hearing. Any licensee, who agreed to field trial the game, may retain and play the game throughout the rule making hearing and final approval process, not to exceed 180 days. When rules are approved by the ~~Limited Gaming~~ Commission and become effective, only then shall the game become available to all retail licensees to pursue acquisition of rights to offer the game. *Eff. 3/16/2012*