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 12-47.1-102, C.R.S., 12-47.1-103, C.R.S., 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. *Amended 1/14/15*

RULE 3 APPLICATIONS, INVESTIGATIONS AND LICENSURE

47.1-301 Qualifications for licensure.

To qualify for licensure an applicant must:

(1) Be at least 21 years of age;

(2) Possess a suitable character as determined by the Director or the Commission;

(3) Possess premises to be used for gaming that are deemed suitable by the Commission and that satisfy all health and safety requirements; and

(4) Comply with all specific laws, rules and regulations regulating limited gaming in Colorado, and any other regulatory or taxing authority. *Amended 1/14/15*

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: *Amended 11/30/2012 (numbering only)*

(a) Personal background information;

(b) Financial information;

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

(d) Criminal record information;

(e) Information concerning all pecuniary and equity interests in the applicant; and

(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, associated equipment supplier, operator, and retail license 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 in 24-4-104(7) C.R.S. (47.1-302(2) Perm. 10/30/96) *Amended 2/14/14*

(3) Applicants, licensees, and others who submit documents to the Division or the Commission in connection with any investigation or inquiry are advised to keep a complete and detailed record of all such submissions. Once submitted, the documents become part of the Division's investigative files and work papers, and are presumed to be confidential and protected pursuant to section 12-47.1-527, C.R.S. Because of the inconvenience to the Division in segregating this information from the investigative files, and in filtering confidential materials, disclosure to the person who initially submitted the record is not favored. The Commission may grant such a request only upon a showing of compelling cause. (47.1-302.3 effective 8/30/98)

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	$3,700.00
(2)	Original and renewal Type 2 slot machine manufacturer or distributor license	$7,400.00
(3)	Original and renewal Type 1 associated equipment supplier license	$3,700.00
(4)	Original and renewal Type 2 associated equipment supplier license	$7,400.00
(5)	Original and renewal Type 1 operator license	$3,700.00
(6)	Original and renewal Type 2 operator license	$7,400.00
(7)	Original and renewal Type 1 retail gaming license	$5,500.00
(8)	Original and renewal Type 2 retail gaming license	$8,000.00
(9)	Original key employee license	$275.00
(10)	Original support employee license	$115.00
(11)	Renewal key employee license	$215.00
(12)	Renewal support employee license	$70.00

(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, Amended 11/30/2012, Amended 2/14/14, Amended 7/1/15*

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*

47.1-304 Application fees. [Repealed]

[Repealed effective August 6, 2008] *Eff 08/06/2008*

47.1-305 Investigation fees.

(1) All applicants for licenses and persons seeking approval of variation games of blackjack, poker, craps, roulette, blackjack-poker combination games and table games with electronic betting

terminals, except support licenses, shall pay the costs of investigations into their backgrounds, suitability, and qualifications for licensure. *Eff 04/01/2007 Amended 11/30/2012*

(a) The cost of such investigations shall be at the rate of $70.00 per hour for each hour spent by investigators of the Division, the Colorado Bureau of Investigation, or the Department of Revenue investigating the applicants until the conclusion of the investigation. *Eff 7/1/2011, (47.1-305(a) amended temp. 7/1/16, amended perm. 7/16/16)*

(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 Amended 11/30/2012*

(c) An investigation concludes upon the issuance by the Commission of an initial order concerning the issuance or denial of the license, upon the issuance by either the Commission or the Division of an order approving the withdrawal of the application, or upon the issuance by the Division of an order of denial of the license which is not appealed to the Commission. *Eff 04/01/2007*

(2) Before any such investigations are conducted, each applicant shall pay a deposit by check made out to the Colorado Division of Gaming to the gaming fund as follows: *Eff 04/01/2007*

(a) For each Type 1 original applicant, the deposit shall be $5,000.00. For purposes of the deposit requirement, a Type 1 Applicant consists of either a single person, or an organization where the total number of all officers, directors, general partners, and five percent or more stockholders or equity owners totals 6 or less. In addition, all the aforementioned persons must reside in Colorado. *Eff 04/01/2007*

(b) For each Type 2 original applicant, the deposit shall be $10,000.00. Type 2 Applicants consist of all applicants other than Type 1 Applicants. *Eff 04/01/2007*

(c) For each person who applies for a key employee license, and who is not an officer, director, general partner or five percent equity owner of an applicant, the deposit shall be $1,000.00. *Eff 04/01/2007*

(d) For each officer, director, general partner or five percent equity owner of an applicant who applies for suitability separate from the original application or a change of ownership application, the deposit shall be $1,000.00. *Eff 04/01/2007*

(e) For each change of ownership application involving more than an aggregate five percent effective ownership change, the deposit shall be $2,500.00. (47.1-305 amended perm. 10/30/99) *Eff 04/01/2007*

(f) For each variation game applicant and table game with electronic betting terminal (EBT) applicant, the deposit shall be $2000.00. The Director may waive the background investigation and accompanying deposit for an applicant who has already been found suitable by the Commission or by the Division. *Eff 1/14/2015*

(3) As expenses are incurred, the Division shall draw upon the respective deposits in the gaming fund. Upon request, a statement of costs, draws upon deposit, and deposit balance shall be sent to the applicant making the request. *Eff 04/01/2007*

(4) When a deposit balance approaches zero dollars, or is forecasted to reach zero dollars due to anticipated or known expenses which will be incurred in the future, the Division may request a

further deposit of an amount sufficient to cover the anticipated expenses and which will prevent the account balance from becoming negative. Until receipt of such further deposit, investigation of the application may cease. *Eff 04/01/2007*

(5) Where an applicant disputes any investigative charges, or the necessity for further deposits, the applicant may request relief from the Commission, by declaratory order or other appropriate motion, regarding the matters in dispute. *Eff 04/01/2007*

(6) No license, finding of suitability, or other approvals sought, shall be issued until payment for the full amount of any negative deposit balance has been received from the applicant. *Eff 04/01/2007, Amended 1/14/2015*

(7) Within ninety days of the conclusion of the investigation, any deposit balance shall be returned to the applicant. A statement of costs, draws upon deposit, and deposit balance shall accompany the return of the deposit balance to the Applicant. *Eff 04/01/2007*

47.1-305.5 Table game review fees

(Paragraphs 47.1-305.5 (1), (2), and (3) relocated to 47.1-325 and renumbered to paragraphs (1), (2), and (4).) *Effective 1/14/2015*

47.1-306 Background checks.

Applicants for licenses, finding of suitability, or other approvals sought, shall provide all information requested by their application forms and all other information which the Division may deem necessary. The Division shall examine the backgrounds, personal history, financial associations, character, record, and reputation of applicants, and persons associated with applicants, to the extent the Division in its discretion determines is necessary to evaluate the qualifications and suitability of applicants for licensure. *Amended 1/14/2015*

47.1-307 Waiver of privilege.

An applicant may claim any privilege afforded by the Constitution of the United States, or of the State of Colorado in refusing to answer questions by the Division and the Commission. However, a claim of privilege with respect to any testimony or evidence pertaining to an application may constitute sufficient grounds for denial of an application or revocation of a license. *Amended 1/14/2015*

47.1-308 Regulation of ownership interests.

The Director may require any person having an interest in a license or an applicant to complete an application requiring background information, source of funding, and a sworn statement that the interested person or applicant is not holding such interest for another party. The Commission may, in its discretion, require any person having an interest in any licensee to undergo a full background investigation. The Commission may further require the licensee to pay for that background investigation under the same terms and conditions as an applicant for a license.

47.1-309 Property report.

(1) Definitions. In addition to the terms defined in the Colorado Limited Gaming Control Act and the rules thereunder, the following definitions shall apply in these rules:

(a) “Lessor” means any person who leases or rents any property, real or personal, to an operating licensee or to a person who, in turn, leases or rents property to a retail licensee; and

(b) "Lease" means any formal or informal, written or oral, contract or understanding or arrangement whereby any operating licensee obtains the use or possession of any property, real or personal, to be used, occupied, or possessed in connection with any gaming establishment. The term "lease" includes, without limitation, payments made to an affiliated, controlled or not controlled, controlling or not controlling, person under a real property lease, a personal property lease, an unsecured note, a deed of trust, a mortgage, or a trust indenture.

(2) The applicant or licensee shall report to the Division or Commission all leases to which it is a party not later than 30 days after the effective date of the lease and shall include the following information:

(a) The name, address, and a brief statement of the nature of the business of the lessor;

(b) A brief description of the material terms of the lease;

(c) A brief description of any business relationships between the operating licensee and the lessor other than by the lease; and

(d) A copy of the lease.

(3) Every person who is a party to any lease with an applicant for a license, or with a licensee, upon request of the Commission or the Director shall promptly provide all information requested. Information which any such persons are required to provide includes information concerning financial history; financial holdings; real and personal property ownership; interests in other companies; criminal history; personal history and associations; character; reputation in the community; and all other information which might be relevant to a determination of whether such persons would be suitable for licensing by the Commission.

(4) Failure to provide all information requested, as provided in subparagraph (3) above, shall constitute sufficient grounds, without more, for the Commission or the Director to require a licensee or applicant to terminate its lease with any person who failed to provide the information requested.

(5) Every licensee or applicant requested by the Commission or Director to terminate its lease with any person pursuant to this regulation must immediately terminate its lease and may not enter into a new lease with such person, or anyone affiliated with such person, without the approval of the Commission or Director.

(6) Periodic reports. The applicant or licensee shall report to the Division changes in any lease within 30 days after such changes occur.

47.1-310 Gaming contracts.

(1) An applicant for licensing or a licensee, upon the request of the Commission or the Director, must submit copies of all written gaming contracts and summaries of all oral gaming contracts to which it is a party or intends to become a party. The Director or the Commission may review the contracts and require changes in the contracts before an application is approved or participation in the contract is allowed. The Commission or Director may require a licensee to end the licensee's participation in a gaming contract.

(2) Every person who is a party to any gaming contract with an applicant for a license, or with a licensee, upon request of the Commission or the Director shall promptly provide to the Director all information which may be requested concerning: financial history; financial holdings; real and personal property ownership; interests in other companies; criminal history; personal history and

associations; character; reputation in the community; and all other information which might be relevant to a determination whether a person would be suitable for licensing by the Commission.

(3) Failure to provide all information requested, as provided in subparagraph (2) above, shall constitute sufficient grounds, without more, for the Commission or the Director to require a licensee or applicant to terminate its gaming contract with any person who failed to provide the information requested.

(4) Every licensee or applicant requested by the Commission or Director to terminate its gaming contract with any person pursuant to this regulation must immediately terminate its gaming contract and may not enter into a new gaming contract with such person, or anyone affiliated with such person, without the approval of the Commission or Director.

47.1-311 Untrue statements.

The Commission or the Director may refuse to grant a license to an applicant who makes deliberate misstatements, deliberate omissions, misrepresentations, or untruths in the application or in connection with the applicant's background investigation. Such conduct may also form the basis for criminal charges against the applicant.

47.1-312 Qualifying licensee, manager, or agent.

A license may not be granted unless the applicant designates in the application a person who will be the manager or agent for the licensee. The manager or agent is the person whom the Commission, Division, or their agents may contact on behalf of the licensee.

47.1-313 Licensed premises – location.

(1) Each application for a retail license shall include an 8-1/2 " x 11" drawing to scale of the building, and each floor thereof, in which limited gaming shall be conducted. The application shall include the total square footage of the building. The square footage of a building shall be the gross building area ("GBA"). GBA is the total floor area of a building, excluding unenclosed areas, measured from the exterior of the walls. It includes both the superstructure floor area and the substructure or basement area.

(2) Each application shall include a diagram, outlined in red, of the proposed licensed premises on each floor within the building. No limited gaming shall be conducted or permitted outside of the licensed premises. All persons participating in limited gaming must stand or sit within the licensed premises; and no licensee shall permit any person to conduct or participate in limited gaming who is not within the licensed premises. All slot machines, poker tables, blackjack tables, craps tables and roulette tables offered for use by the public, and all dealers and patrons playing such devices, must be located within the licensed premises. The total square footage comprising the licensed premises:

(a) Shall not exceed 35 percent of the total square footage of the building as determined in subparagraph (1) above; and

(b) Shall not exceed 50 percent of the square footage of any one floor; and

(c) All square footage utilized in the computation of these percentages must be confined to the commercial districts of Central City, Black Hawk or Cripple Creek as defined in Article XVIII, Section 9 (3)(a) of the Colorado Constitution.

The square footage of a floor in any building shall be the rentable area of a floor.

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. *Amended 11/30/2012*

47.1-314 Licensed premises – safety requirements.

Each applicant for a retail gaming license shall file with the Division as part of its application the following: a certificate of compliance approved by the local fire and building officials which has been approved, or deemed approved, by the State Division of Fire Safety; a statement by the respective municipal governing body, or its designee, that the building in which limited gaming will take place conforms to the appropriate architectural styles and designs; and a written statement by the appropriate local official that handicapped access to the licensed premises has been provided.

47.1-315 Withdrawal of application.

(1) A request for withdrawal of an application may be made at any time prior to final action upon the application by the Division by filing a written request to withdraw with the Division. Final action by the Division upon an application occurs when the Division forwards its recommendation to the Commission concerning the application.

(2) The Division may, in its discretion, deny the request, or grant the request with or without prejudice.

(3) If a request for withdrawal is granted with prejudice, the applicant is not eligible to apply again for licensing or approval until after expiration of 1 year from the date of such withdrawal.

47.1-316 Notice of meeting.

Notice will be given by the Division to all applicants for slot machine manufacturer or distributor licenses, associated equipment supplier licenses, operator licenses, or retail gaming licenses of the time and place when their applications for gaming licenses will come before the Commission for consideration. Such applicants may attend the meetings of the Commission. The Commission will notify each applicant of the disposition of the application. (47.1-316 temp. 9/30/91, perm. 11/30/91) *Amended 2/14/14, Amended 1/14/2015*

47.1-317 Recommendation and order.

After completion of its investigation respecting application, the Division will issue an order recommending the approval or denial of the application. If the order recommends that an application be denied, the order will be accompanied by written reasons upon which the order is based. All such orders and reasons will be made public, and no recommendation will be secret.

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. *Amended 11/30/2012*

47.1-319 Temporary license.

(1) Except as provided in regulation 47.1-207, the Commission may in its sole discretion issue a temporary license to any applicant for a permanent license. A temporary license may only be issued where the Commission is satisfied that the investigation of the applicant conducted thus far, and the application in its entirety, indicate that the applicant and its gaming business: meet all the requirements of article 47.1 of title 12, C.R.S.; do not present any danger to the public or to the reputation of limited gaming in this state; further investigation most likely will not uncover any derogatory information about the applicant; and issuance of a temporary license is of economic necessity to the licensee and is just under the circumstances.

(2) No licensee issued a temporary license pursuant to this article shall be entitled to receive any refund of the license fee submitted in connection with the license application. *Amended 11/30/2012*

(3) The Commission may change a temporary license into a permanent license where: all investigations into the license application are complete; and the Commission is satisfied the holder of a temporary license qualifies to hold a permanent license.

(4) When the Commission changes a temporary into a permanent license, the date of issuance of the permanent license shall be deemed to be that of the first temporary license.

(5) A temporary license may expire of its own accord, or it may be suspended, revoked, or summarily suspended under the same terms and conditions as a permanent license.

(6) The Commission may issue consecutive temporary licenses in its discretion.

47.1-320 Approval with conditions or for a limited period.

The Commission may grant a license with special conditions or for a limited period, or both.

47.1-321 Approval.

Except as provided in regulation 47.1-207, the Commission shall approve an application for any license that meets all requirements, imposed by article 47.1 of title 12, C.R.S., and the rules and regulations thereunder, including payment of all fees and costs.

47.1-322 Non-transferability of license.

A license issued pursuant to these rules and regulations shall not be assignable or transferable. The Commission reserves the right to terminate any license and revoke the privileges of such license whenever appropriate.

47.1-323 Duplicate licenses.

The fee for the duplicate of a license shall be five dollars. (amend. perm. 04/01/02)

47.1-324 Investigation of conduct of licensees, generally.

A gaming license is a revocable privilege, and no holder thereof shall be deemed to have acquired any vested rights therein or thereunder. The burden of proving the licensee's qualifications to hold any license rests at all times on the licensee. The Division and the Commission are charged by law with the duty of

observing the conduct of all licensees to the end that licenses shall not be held by unqualified or disqualified persons or unsuitable persons or persons whose operations are conducted in an unsuitable manner.

47.1-325 Variation games of poker, blackjack, craps, roulette, blackjack-poker combination games and table games with electronic betting terminals. *Amended 3/16/2012, Amended 1/14/2015*

(1) Persons requesting approval of variation games of poker, blackjack, craps, roulette, blackjack-poker combination games and table games with EBTs, shall pay a fee of $2,250.00 for costs of inspection, examination, and evaluation of the game and for drafting regulations and Internal Control Minimum Procedures governing play and control of such game. *Amended 3/16/2012, Amended 1/14/2015, Amended 7/1/2015*

(2) The Division will conduct an investigation into the background and suitability of a person seeking approval of a variation game of poker, blackjack, craps, roulette, blackjack-poker combination games and table games with EBTs. Such person shall be required to pay the fees specified by Rule 47.1-305. *Amended 1/14/2015*

(a) The Director may require a periodic re-investigation. *Amended 1/14/2015*

(b) None of these 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) *Amended 11/30/2012, Amended 1/14/2015*

(3) Requests for approval of new variation games of poker, blackjack, craps, roulette, blackjack-poker combination games and table games with EBTs shall be made on such forms and processed in such manner as the Director shall prescribe. *Amended 3/16/2012, Amended 1/14/2015*

The application must be in writing and must include, in addition to such other information as the Director may require:

(a) The name of the game to be used in Colorado, and any other name by which the game is known, marketed, or approved in any other gaming jurisdiction. The name to be used in Colorado must be different than the name of any other game currently approved by the Commission.

(b) Identification information of all persons:

(i) Who developed the game;

(ii) Who hold intellectual property rights or other legal rights to the game;

(iii) Who have, or who will have, the right or privilege to market the game in Colorado; and

(iv) Who have had, who have, or will have, the rights to share in the profits, proceeds, royalties, commissions, or other profits generated by the sale, lease, placement, or distribution of the game in any gaming jurisdiction.

(4) 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 EBTs 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 on the Director or the Commission. The applicant shall then be required to submit the required fee to the Division

before the Division conducts any further review of the application. *Amended 11/30/2012, Amended 1/14/2015*

(5) The Director may approve temporary rules of play and a temporary formula for calculation of adjusted gross proceeds received from the game, and may authorize the proposed game to be field tested by at least one retail licensee. (amended perm. 04/30/04)

(6) 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: *Amended 11/30/2012*

(a) That the game cannot be lawfully played in the State of Colorado;

(b) That further testing will not be of benefit to the Division or the Commission;

(c) That either the developer or distributor of the proposed game, or the retail licensee, has not complied with the terms and conditions of the order authorizing the test; or

(d) For any other cause.

(6.5) 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,* *Amended 11/30/2012*

(7) Retail licensees offering a proposed game during a test period shall be responsible for calculation of adjusted gross proceeds from the game, and shall include such adjusted gross proceeds in their calculation of gaming tax liability.

(8)

(a) At the conclusion or termination of the test period, the Director may:

(i) Deny the proposed game, or may recommend to the Commission that the proposed game not be approved;

(ii) Require or allow the applicant to change, modify, or withdraw the application for approval of the proposed game;

(iii) Require further field testing of the proposed game under similar or different conditions, including, but not limited to: retail location, season of play, surveillance, auditing, or any other condition; or

(iv) Recommend to the Commission that the new game be approved, and if so, shall propose regulations which authorize and describe play of the game.

(b) In the event the applicant disagrees with any determination of the Director pursuant to this paragraph (8), the applicant may petition for review before the Commission pursuant to Rule 47.1-208.

(9) 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 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, Amended 11/30/2012*

(10) If the proposed game is in the public domain, the Director may waive the requirements of paragraphs (1) and (9) above, either in whole or in part. (47.1-325 perm. 10/30/97, amended perm. 4/30/04)