

Legal Notice No.
Republic of Trinidad and Tobago

The Gambling (Gaming and Betting) Control Act, 2015

REGULATIONS

Made by the Minister under section 95 of the Gambling (Gaming and Betting) Control Act, 2015

The Gambling (Gaming and Betting) Control (Amusement Machine Controls) Regulations, 2015

PART ONE – PRELIMINARY

Citation 1. These regulations may be cited as the Gambling (Gaming and Betting) Control (Amusement Machine Controls) Regulations, 2015.

Interpretation 2. In these Regulations,

"Act": The Gambling (Gaming and Betting Control) Act, 2015;

"Adjusted gross receipts" means the gross receipts less winnings paid to wagerers. The value of expired vouchers shall be included in computing adjusted gross receipts.

"Affiliate": An "affiliate of", or person "affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Affiliated entity": An "affiliated entity" of a person is any business entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the person.

"Amusement gaming equipment": Amusement gaming terminals, associated amusement gaming equipment and major components or parts.

"Amusement gaming manager": An employee or owner or designated representative of a licensed amusement gaming location who manages, oversees or is responsible for amusement gaming operations at the location, and coordinates the amusement gaming operations with a terminal operator or the central communications system vendor.

"Amusement gaming operation": As the context requires, the conducting of amusement gaming and all related activities.

"Amusement gaming terminal": Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, or other games as authorized by the Commission utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that is for amusement purposes only.

"Associated amusement gaming equipment": Ticket payout systems and validation procedures; wireless, promotional and bonusing systems; kiosks; gaming-related peripherals; hardware, software and systems; and other gaming devices and equipment for compliance with the laws, regulations and requirements as codified or otherwise set forth in the Act and Commission approved amusement gaming industry standards.

"Attributed interest": A direct or indirect interest in an enterprise deemed to be held by an individual not through the individual's actual holdings but either through the holdings of the individual's relatives or through a third party or parties on behalf of the individual pursuant to a plan, arrangement, agreement or contract.

"Business entity" or "Business": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Control": The possession, direct or indirect, of power to direct or cause the direction of the management and policies of an applicant or licensee through the ownership of voting securities, by contract or otherwise.

"Distributor": An individual, partnership, corporation or limited liability company licensed under the Act to buy, sell, lease or distribute amusement gaming terminals or major components or parts of amusement gaming terminals to or from terminal operators.

"Enforce a security interest": To transfer possession of ownership or title pursuant to a security interest.

"Major components or parts": Components or parts that comprise the inner workings and peripherals of an amusement gaming terminal, including but not limited to the device's hardware, software, human interface devices, interface ports, power supply, ticket payout system, bill validator, printer and any component that affects or could affect the result of a game played on the device.

"Manufacturer": An individual, partnership, corporation or limited liability company that is licensed under the Act and that manufactures or assembles amusement gaming terminals.

"Net terminal income": Money put into an amusement gaming terminal minus credits paid out to players.

"Nominee": Any individual or business entity that holds as owner of record the legal title to tangible or intangible personal or real property, including without limitation any stock, bond

debenture, note, investment contract or real estate on behalf of another individual or business entity, and as such is designated and authorized to act on his, her or its behalf with respect to the property.

"Ownership interest": Includes, but is not limited to, direct, indirect, beneficial or attributed interest, or holder of stock options, convertible debt, warrants or stock appreciation rights, or holder of any beneficial ownership or leasehold interest in a business entity.

"Payout device": A device, approved by the Commission and provided by a supplier or distributor, that redeems for cash tickets dispensed by an amusement gaming terminal in exchange for credits accumulated on an amusement gaming terminal.

"Supplier": An individual, partnership, corporation or limited liability company that is licensed under the Act to supply major devices, components or parts to amusement gaming terminals to licensed terminal operators.

"Terminal operator": An individual, partnership, corporation or limited liability company that is licensed under the Act that owns, services, and maintains amusement gaming terminals for placement in licensed establishments.

"Use agreement": A contractual agreement between a licensed terminal operator and a licensed amusement gaming location establishing terms and conditions for placement and operation of amusement gaming terminals by the licensed terminal operator within the premises of the licensed amusement gaming location, and complying with all of the minimum standards for use agreements contained in the Act.

PART TWO – LICENSING

- 1) The Chief Executive Officer shall identify each person that holds a position or level of influence over or control in each applicant or licensee that is significant to the regulatory concerns and obligations of the Commission for the specified applicant or licensee.
- 2) Each person identified as a person with significant influence or control shall comply with the following:
 - a) Cooperate fully with any investigation conducted by or on behalf of the Commission;
 - b) Comply with the Act and this Part; and
 - c) Submit initial and annual disclosure information on forms provided by the Commission.
- 3) An owner or person with significant influence or control of a terminal operator shall not play any amusement gaming terminal owned or leased by the terminal operator at any operating licensed location for recreational purposes.
- 4) Persons with significant influence or control include, but are not limited, to the following:
 - a) Each person in whose name the liquor license is maintained for each licensed amusement gaming location;
 - b) Each person who, in the opinion of the Chief Executive Officer, has the ability to influence or control the activities of the applicant or licensee or elect a majority of its board of directors, other than a bank or other licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;

- c) Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's amusement gaming operation.
- 5) In addition to considering all other requirements under the Act and this Part, the Commission shall consider, in deciding whether to issue or renew an amusement terminal operator license, whether the issuance or renewal will result in undue economic concentration. No amusement terminal operator license shall be issued or renewed if the Commission determines that the issuance or renewal will result in undue economic concentration in the direct or indirect ownership, control or operation of amusement gaming terminals in Trinidad and Tobago.
- 6) For purposes of this Section, "undue economic concentration" means that an individual or entity, independently or in coordination or aligned combination with one or more individuals or entities, would have such actual or potential domination of amusement gaming in Trinidad and Tobago as to:
 - a) substantially impede or suppress competition among holders of terminal operator licenses;
 - b) adversely impact the economic stability of the gaming industry in Trinidad and Tobago; or
 - c) negatively impact the purposes of the Act, including collection of government revenues and development of the gaming industry in Trinidad and Tobago.
- 7) In determining whether the issuance or renewal of an amusement terminal operator license will result in undue economic concentration, the Commission shall consider the following criteria:
 - a) The percentage share of the market presently owned or controlled by the applicant or licensee in each of the following categories:
 - i) number of licensed amusement gaming locations in Trinidad and Tobago;
 - ii) number of amusement gaming terminals in Trinidad and Tobago;
 - iii) total net terminal income
 - iv) total amount wagered; and
 - v) other factors the Commission deems relevant to the evaluation of the health of the gaming industry and the best interests of the people of Trinidad and Tobago.
 - b) The relative position of other individuals or entities that own or control terminal operator licenses in Trinidad and Tobago, as evidenced by the market shares of each terminal operator license in the categories in subsection (7)(a).
 - c) The current and projected financial condition of the gaming industry.
 - d) Current market conditions, including proximity and level of competition, consumer demand, market concentration, and any other relevant characteristics of the market.
 - e) Whether the amusement terminal operator licensee or applicant has a common or related organizational or financial structure, or common or related assets, obligations, or ownership with other licensees.
 - f) The potential impact on the projected future growth and development of the gaming industry, the local communities in which licenses are located, and the people of Trinidad and Tobago.
 - g) The barriers to entry into the amusement gaming industry, including the licensure requirements of the Act and this Part, and whether the issuance or renewal of an amusement terminal operator license will operate as a barrier to new entities and individuals desiring to enter the market as amusement terminal operators or in any of the other licensed categories under the Act.

- h) Whether the issuance or renewal of the amusement terminal operator license will adversely affect consumer interests, or whether that issuance or renewal is likely to result in enhancing the quality and customer appeal of products and services offered by amusement terminal operators and other licensees under the Act in order to maintain or increase their respective market shares.
 - i) Whether a restriction or denial of the issuance or renewal of an amusement terminal operator license is necessary in order to encourage and preserve competition in amusement gaming operations.
 - j) The current and projected financial condition of the terminal operator.
 - k) Any other information deemed relevant by the Commission.
- 8) The Commission has authority to place any restrictions or qualifications on the terms of an amusement terminal operator license that it deems necessary to prevent or eliminate undue economic concentration, including, but not limited to, setting a limit on the maximum amount of use agreements an amusement terminal operator may have. Any terminal operator licensee shall have the ability to contest a Commission order under the hearing procedures established by the Commission. Any hearing concerning such an order shall be limited to the reasonableness of the restrictions or qualifications placed on the amusement terminal operator license to avert undue economic concentration.
- 9) Applications for licensure or renewal shall be submitted on applications and forms provided by the Commission.
- 10) An applicant or its affiliate may be required to submit forms or materials in addition to an application as required by the Commission.
- 11) Institutional Investor
- a) A business entity that qualifies as an institutional investor may submit an Amusement Gaming Institutional Investor Disclosure Form in lieu of an Amusement Gaming Business Entity Disclosure Form as instructed in an application if the institutional investor:
 - i) submits an Amusement Gaming Institutional Investor Disclosure Form to the Commission within 45 days after the institutional investor individually or jointly with others cumulatively acquires, directly or indirectly, 5% or more but less than 20% of any class of publicly traded securities issued by a corporate applicant, licensee, parent or subsidiary company of an applicant or licensee;
 - ii) holds or controls the publicly traded securities issued by a corporate applicant, licensee, parent or subsidiary company of an applicant or licensee in the ordinary course of business for investment purposes only; and
 - iii) does not exercise or intend to exercise influence or control over the affairs of the issuer of the publicly traded securities issued by a corporate applicant, licensee, parent or subsidiary company of an applicant or licensee or their affiliates.
 - b) An institutional investor's exercise in voting privileges on matters put to the vote of the outstanding security holders shall not be deemed the exercise or intent to exercise influence or control over the affairs of the issuer of those securities.
 - c) If an institutional investor exempt from filing an Amusement Gaming Business Entity Disclosure Form as allowed in this subsection (11) subsequently determines to exercise influence or control over the affairs of the issuer of the publicly traded securities issued by a corporate applicant, licensee, parent or subsidiary company of an applicant or licensee or their affiliates, the institutional investor shall provide not less than 30 days

notice of the intent and shall file with the Commission an Amusement Gaming Business Entity Disclosure Form before taking any action that may influence or control the affairs of the issuer of those securities or their affiliates.

- d) The Amusement Gaming Institutional Investor Disclosure Form shall not be construed to preclude the Commission from requiring an institutional investor to submit a Amusement Gaming Business Entity Disclosure Form if the Commission determines that the submission is proper and in furtherance of the Act and this Part.
- e) An institutional investor exempt from filing a Amusement Gaming Business Entity Disclosure Form as allowed in this subsection (11) shall certify in writing to be bound by and comply with the Act and this Part.

12) Application Procedures

- a) An applicant is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism or other action, or financial loss that may occur in connection with the application process.
- b) Any misrepresentation or omission made with respect to an application may be grounds for denial of the application.
- c) Applications, forms, and requested materials shall be submitted according to the instructions included with the application.
- d) Individuals required to submit Amusement Gaming Personal Disclosure Forms, individuals with 5% or more direct or indirect interest in a licensed amusement gaming location, managers of a licensed amusement gaming location, and licensed technician or licensed terminal handler applicants shall be photographed and fingerprinted at a place and time designated by the Commission.
- e) An application shall be deemed filed when the completed application form, including all required documents and materials, and the application fee have been submitted.

13) Amendments and Incorporation by Reference

- a) An application may be amended with approval by the Chief Executive Officer.
- b) The Chief Executive Officer may allow information, documents, or other materials submitted by an applicant to be incorporated by reference into a subsequent application.

14) All applicants for a license issued by the Commission shall pay the following application fees, as applicable, at the time of filing their application:

- a) Manufacturer – \$30,000
- b) Distributor – \$30,000
- c) Terminal Operator – \$30,000
- d) Supplier – \$25,000
- e) Technician – \$650
- f) Terminal Handler – \$300

15) Only complete applications will be considered for licensure. Applications are complete when the applicant has submitted:

- a) All information required by the Act and this Part;
- b) All information required or requested by the Commission; and
- c) Payment of the application fee.

16) An application for licensure under the Act may be withdrawn without leave of the Commission if written notification of withdrawal is received prior to Commission action on licensure and unless the intended withdrawal is objected to by the Chief Executive Officer.

- 17) A license granted by the Commission under the Act may be surrendered without leave of the Commission if written notification of surrender is received, unless the intended surrender is objected to by the Chief Executive Officer.
- 18) If the Chief Executive Officer objects to withdrawal of an application for licensure or the surrender of a license issued under the Act, leave of the Commission is required.
- 19) If an application for licensure is withdrawn or a license is surrendered, the applicant may not reapply for a license within one year from the date withdrawal is granted or the date of surrender, without leave of the Commission.
- 20) The Commission may only issue a license after the background investigation is complete, the Commission determines the applicant is suitable for licensure and the applicant has paid the required application fee.
- 21) If an applicant is denied a license, the applicant may not reapply for a license within one year from the date on which the final order of denial was voted upon by the Commission, without leave of the Commission.
- 22) The Commission may only renew a license upon receipt of the applicable renewal fee and any renewal forms provided by the Commission.
- 23) The Commission may only renew a license if the licensee continues to meet all qualifications for licensure set forth in the Act and this Part.
- 24) A license shall expire if the renewal fee is not received by the Commission prior to the expiration of the license.
- 25) If a licensed amusement gaming location license, licensed technician license or licensed terminal handler license has expired due to the non-payment of the renewal fee, and the Commission receives the licensee's renewal fee within 10 business days following expiration of the license, the Commission may renew the license without requiring reapplication provided the licensee continues to meet all qualifications for licensure set forth in the Act and this Part.
- 26) Licenses granted by the Commission do not constitute property, shall not be subject to attachment, and shall not be alienable or transferable. Licenses granted by the Commission shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee, provided that executors or Chief Executive Officers of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, may continue the amusement gaming location operation under order of the appropriate court and the approval of the Chief Executive Officer of the Commission, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death or the decent, or the insolvency or bankruptcy until the expiration of the license, but no longer than six months after the death, bankruptcy or insolvency of the licensee. Approval of the Chief Executive Officer to continue the amusement gaming location operation may only be granted following the approval of a designated amusement gaming manager for the amusement gaming location.
- 27) Change of Ownership of Licensed Amusement Gaming Location
 - a) In addition to the disclosure requirements set forth in the Act, each amusement gaming location licensee shall notify the Commission in writing prior to a proposed sale or transfer of a licensed amusement gaming location.
 - b) When a licensed amusement gaming location is sold or transferred, the amusement gaming terminals may be allowed to continue to operate under the old license if:

- i) the new owner has submitted all required and applicable application materials for a new or amended amusement gaming location license application, and included copies of all sale or transfer documentation;
 - ii) the new owner has completed the required criminal record check via fingerprint examination;
 - iii) the new owner is issued all required liquor licenses to draw, pour, mix or otherwise serve alcohol for consumption on the premises; and
 - iv) the selling or transferring license holder agrees to be bound to all obligations and duties imposed upon it for operating a licensed amusement gaming location by the Act and this Part until the Commission approves the sale or transfer and until the consummation of the closing of the sale or transfer.
- c) When a licensed amusement gaming location is sold or transferred, the amusement gaming terminals may be allowed to continue to operate under the old license only until:
- i) The issuance of a amusement gaming location license in the name of the new owner;
 - ii) A determination by the Commission that the new applicant, new owner and/or new person with significant interest or control is unsuitable; or
 - iii) Denial of the new license application.

PART THREE – DUTIES AND RESPONSIBILITIES OF LICENSEES

- 1) The Commission and its agents shall have unrestricted access to enter the premises or motor vehicles of any licensee or applicant where evidence of compliance or noncompliance with the provisions of the Act or this Part may be found.
- 2) In addition to all other duties and obligations required by the Act and this Part, each amusement gaming licensee and applicant for licensure under the Act has an ongoing duty to comply with the following:
 - a) Comply with all local laws and regulations;
 - b) At all times, conduct himself in a professional manner when communicating with the public and the Commission;
 - c) Disclose all ownership interest to the Commission in accordance with the Act and this Part;
 - d) Conduct the licensee's amusement gaming operation in a manner that does not pose a threat to the public health, safety, morals, good order or general welfare of the people of Trinidad and Tobago or its visitors;
 - e) Keep current in all payments and obligations to the government of Trinidad and Tobago and to other licensees with whom amusement gaming business is conducted.
 - f) Identify to the Commission any individual or entity acting on behalf of the licensee, for compensation, with regard to matters under the supervision of the Commission.
 - g) Notify the Commission of any proposed change in ownership or any transaction that requires approval of qualifications in accordance with the Act and this Part on forms supplied or approved by the Commission and containing such information and documents as specified, and at such time as required, by the Chief Executive Officer.
- 3) Licensees and applicants for licensure under the Act and persons with significant influence or control have a continuing duty to promptly report all of the following to the Chief Executive Officer or his or her designee:

- a) A violation of the Act, this Part or any illegal conduct, including, but not limited to, the possession, maintenance, facilitation or use of any illegal gaming device;
 - b) Any fact, event, occurrence, matter or action that may affect the conduct of amusement gaming or the business and financial arrangements incidental to the conduct of amusement gaming, or the ability to conduct the activities for which the licensee is licensed, including, but not limited to, any change or addition in persons identified as having significant influence or control;
 - c) Each arrest, summons, citation or charge for any criminal offense or violation, excluding minor traffic violations;
 - d) Any adverse action taken or nonrenewal relative to a liquor license; and
 - e) Any changes or additions to all material information provided in an application for a amusement gaming license, including but not limited to:
 - i) Use Agreements;
 - ii) Persons who have acted or will act as a sales agent or broker, or otherwise engage in the solicitation of business from current or potential licensed amusement gaming locations; and
 - iii) Agreements with any individual or business entity related to the sharing of, or allotting, any sums of money derived from the operation of amusement gaming.
- 4) In addition to all other duties and obligations required by the Act and this Part, each licensed amusement gaming device manufacturer has an ongoing duty to comply with the following:
- a) Manufacture amusement gaming terminals and associated amusement gaming equipment for placement in Trinidad and Tobago in accordance with the specifications and procedures set forth in the Act, this Part and the technical standards adopted by the Commission;
 - b) Make available the odds of winning for each amusement gaming terminal on the terminal's video monitor, accessible from a clear and conspicuous help button or touch screen icon. The odds of winning, the manner in which they are calculated, and the allowable payout percentages shall be in accordance with the Act and the technical standards adopted by the Commission;
 - c) Maintain and provide inventory of associated amusement gaming equipment for certified amusement gaming terminals sold by the manufacturer for use in Trinidad and Tobago to ensure the timely repair and continued, approved operation and play of those amusement gaming terminals;
 - d) Provide technical assistance and training in accordance with the Act and this Part;
 - e) Obtain all approvals and certifications required by the Act and this Part or as required by the Commission;
 - f) Not own, manage or control a licensed amusement gaming establishment;
 - g) Service, maintain or repair amusement gaming terminals at licensed amusement gaming locations only by licensed technicians or licensed terminal handlers; and
 - h) Promptly notify all terminal operators with which the licensed manufacturer does business if the licensed manufacturer's hardware or software used in the operation of amusement gaming terminals is revoked under any circumstances.
- 5) In addition to all other duties and obligations required by the Act and this Part, each licensed distributor has an ongoing duty to comply with the following:
- a) Buy, sell, distribute, lease or market in Trinidad and Tobago only amusement gaming terminals that have been tested and certified for use in Trinidad and Tobago;

- b) Provide technical assistance and training in accordance with the Act and this Part;
 - c) Not own, manage or control a licensed amusement establishment;
 - d) Service, maintain or repair amusement gaming terminals at licensed amusement gaming locations only by licensed technicians or licensed terminal handlers; and
 - e) Promptly notify all terminal operators with which the licensed distributor does business if the licensed manufacturer's hardware or software used in the operation of that terminal operator's amusement gaming terminals is revoked under any circumstances.
- 6) In addition to all other duties and obligations required by the Act and this Part, each licensed amusement terminal operator has an ongoing duty to comply with the following:
- a) Assume the primary responsibility for the operation and maintenance of amusement gaming terminals and for payment of tax remittance to the Commission as required by the Act;
 - b) Maintain and provide, either directly or through a licensed manufacturer, distributor, supplier, licensed technician, or licensed terminal handler, an inventory of associated amusement gaming equipment to ensure the timely repair and continued, approved operation and play of the amusement gaming terminals it operates;
 - c) Ensure the timely repair and continued, approved operation and play of the amusement gaming terminals it operates;
 - d) Assume responsibility for the payment of valid receipt tickets issued by amusement gaming terminals it operates;
 - e) Maintain at all times an approved method of payout for valid receipt tickets and pay all valid receipt tickets;
 - f) Assume responsibility for terminal and associated amusement gaming equipment malfunctions, including any claim for the payment of credits arising from malfunctions;
 - g) Promptly notify the Commission of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
 - h) Extend no form of deferred payment for amusement gaming terminal play in which an individual receives something of value now and agrees to repay the lender in the future for the purpose of wagering at an amusement gaming terminal;
 - i) Maintain a single bank account for all licensed amusement gaming locations with which it contracts for deposit of aggregate revenues generated from the play of amusement gaming terminals and allow for electronic fund transfers for tax payments;
 - j) Enter into written use agreements with licensed amusement gaming locations that comply with the Act and this Part;
 - k) Obtain and install, at no cost to the government of Trinidad and Tobago and as required by the Commission, all hardware, software and related accessories necessary to connect amusement gaming terminals to a central communications system;
 - l) Offer or provide nothing of value to any licensed amusement gaming location or any agent or representative of any licensed amusement gaming location as an incentive or inducement to locate, keep or maintain amusement gaming terminals at the licensed amusement gaming location;
 - m) Not own, manage or control a licensed amusement gaming establishment;
 - n) Conduct advertising and promotional activities in accordance with this Part and in a manner that does not reflect adversely on or that would discredit or tend to discredit the gaming industry or the Commission;

- o) Respond to service calls within a reasonable time from the time of notification by the amusement gaming location;
 - p) Immediately remove all amusement gaming terminals from the restricted area of play:
 - i) upon order of the Commission or an agent of the Commission, or
 - ii) that have been out of service or otherwise inoperable for more than 72 hours;
 - q) Provide the Commission on a monthly basis a current list of amusement gaming terminals acquired for use in Trinidad and Tobago;
 - r) Provide the Commission on a monthly basis a current list of operational amusement gaming terminals in Trinidad and Tobago;
 - i) total net terminal income
 - ii) total amount wagered; and
 - iii) other factors the Commission deems relevant to the evaluation of the total play of the gaming industry
 - s) Not install, remove or relocate any amusement gaming terminal without prior notification and approval of the Chief Executive Officer or his designee;
 - t) Provide prompt notice of an assignment of a use agreement to the Commission, the affected location, and the central communications system vendor;
 - u) Maintain an amusement gaming terminal access log for each amusement gaming terminal, which must be kept inside the amusement gaming terminal at all times, documenting all access to the amusement gaming terminal. The log format shall provide for the time and date of access, the persons who had access, the license number when applicable and the nature of the service or repair made during the access; and
 - v) Service, maintain or repair amusement gaming terminals at licensed amusement gaming locations only by licensed technicians or licensed terminal handlers.
- 7) In addition to all other duties and obligations required by the Act and this Part, each licensed technician and licensed terminal handler has an ongoing duty to comply with the following:
- a) Promptly notify the Commission of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
 - b) Promptly notify the Commission of any unauthorized or illegal amusement gaming location or any amusement gaming terminal that is in violation of the Act;
 - c) Ensure that every amusement gaming terminal is licensed by the Commission before any service, maintenance or repair is performed;
 - d) Comply with all specifications and technical requirements issued by the Commission;
 - e) Carry and display identification issued by the Commission when working on amusement gaming terminals and associated amusement gaming equipment;
 - f) For each amusement gaming terminal accessed by a licensed terminal handler, record in each amusement gaming terminal access log the time and date of access, the person, and his or her license number, who had access, and the nature of the service or repair made during the access;
 - g) Pay a fee of \$75 to the Commission for any necessary replacement of identification;
 - h) Return identification to the Commission upon resignation or termination of employment; and
 - i) Not play any amusement gaming terminal for recreational purposes.
- 8) In addition to all other duties and obligations required by the Act and this Part, each licensed amusement gaming location has an ongoing duty to comply with the following:

- a) Provide a secure premise for the placement, operation and play of amusement gaming terminals;
- b) Permit no one to tamper with or interfere with the approved operation of any amusement gaming terminal;
- c) Ensure that all connections with the central communications system and associated amusement gaming equipment are at all times maintained and prevent any person from tampering or interfering with the approved, continuing operation of the central communications system;
- d) Accept nothing of value from any amusement terminal operator or any agent or representative of any amusement terminal operator as an incentive or inducement to locate, keep or maintain amusement gaming terminals at the licensed amusement gaming location;
- e) Conduct advertising and promotional activities in accordance with this Part and in a manner that does not reflect adversely on or that would discredit or tend to discredit the Trinidad and Tobago gaming industry or the Commission;
- f) Immediately remove all amusement gaming terminals from the restricted area of play:
 - i) upon order of the Commission or an agent of the Commission; or
 - ii) that have been out of service or otherwise inoperable for more than 72 hours;
- g) Enter written use agreements with licensed amusement terminal operators that comply with this Part;
- h) Ensure that amusement gaming terminals are placed and remain in a designated, approved location;
- i) Prevent access to or play of amusement gaming terminals by persons who are under the age of 18 years or who are visibly intoxicated;
- j) Commit no violations of the laws of Trinidad and Tobago concerning the sale, dispensing or consumption on premises of alcoholic beverages that results in suspension or revocation of any liquor license held by or associated with a licensed amusement gaming location;
- k) Maintain at all times an approved method of payout for valid receipt tickets and redeem for cash each valid receipt ticket dispensed by an amusement gaming terminal that is within its redemption period;
- l) Extend no form of deferred payment for amusement gaming terminal play in which an individual receives something of value now and agrees to repay the lender in the future for the purpose of wagering at a amusement gaming terminal;
- m) Promptly report to the terminal operator:
 - i) all malfunctions of amusement gaming terminals and all out-of-service terminals; and
 - ii) any unlawful or unwarranted entry onto the property or into the licensed amusement gaming location involving or affecting play, mechanism or contents of amusement gaming terminals, redemption devices, or connected equipment;
- n) Promptly report to the Chief Executive Officer (or his or her designee):
 - i) if a terminal operator fails to provide service and repair of amusement gaming terminals and associated equipment within 24 hours after notice to the terminal operator;
 - ii) any unauthorized or illegal amusement gaming terminals or any amusement gaming device that is in violation of the Act;

- iii) any action taken on or related to any liquor license held by the licensed amusement gaming location; and
- iv) any unlawful or unwarranted entry onto the property or into the licensed amusement gaming location involving or affecting play, mechanism or contents of amusement gaming terminals, redemption devices, or connected equipment;
- o) Install, post and display signs as required by the Commission, including signs indicating that amusement gaming terminal play is limited to persons 18 years of age or older;
- p) Exercise control over the licensed amusement gaming location;
- q) Allow maintenance and/or service of amusement gaming terminals and associated amusement gaming equipment only by licensed technicians and licensed terminal handlers possessing valid identification issued by the Commission; and
- r) Ensure that amusement gaming terminals at the location are not played for recreational purposes by an owner, person with significant influence or control, or amusement gaming manager of the location.

PART FOUR – LOCATION AND PLACEMENT OF AMUSEMENT TERMINALS

- 1) All licensed amusement gaming locations and terminal operators shall be responsible for the proper placement, installation, maintenance and oversight of amusement gaming terminals within a licensed amusement gaming location as prescribed by the Act and this Part.
- 2) All amusement gaming terminals must be located in an area restricted to persons over 18 years of age. For all licensed amusement gaming locations that restrict admittance to patrons 18 years of age or older, a separate restricted area is not required. Any licensed amusement gaming location that allows minors to enter where amusement gaming terminals are located shall separate any amusement gaming terminals from the area accessible by minors. In those licensed amusement gaming locations where separation from minors under 18 is required, a physical barrier to the gaming area is required, which may consist of a short partition, gate or rope or other means of separation. No barrier shall visually obscure the entrance to the gaming area from an employee of the licensed amusement gaming location who is over the age of 18.
- 3) When two or more adjacent businesses appear to the Chief Executive Officer to be a single business, or are operated by the same or commingled ownership, then the Chief Executive Officer may limit those businesses to the maximum number of amusement gaming terminals. The maximum will be the number permitted under Trinidad and Tobago law for one business as the total number of amusement gaming terminals authorized for both or more such businesses, where the Chief Executive Officer determines that the limitation would further the intent of the Act and the integrity of gaming in Trinidad and Tobago.
- 4) In the event the Chief Executive Officer decides that two or more adjacent businesses shall be a single business for purposes of determining the maximum number of amusement gaming terminals to which they are entitled, the Chief Executive Officer shall provide the affected businesses with written notice of this decision in accordance with the notice requirements of the Act.
- 5) An applicant that has been deemed to constitute a single business with one or more adjacent businesses for purposes of determining the maximum number of amusement gaming terminals to which it is entitled may submit a request for hearing to the Commission. The hearing procedures shall be those set forth in Subpart.

- 6) The owner, manager or employee of the licensed amusement gaming location who is over 18 years of age shall be present during all hours of operation, and the amusement gaming terminals or the entrance to the amusement gaming terminal area must be within the view of at least one owner, manager or employee.

PART FIVE – SECURITY INTERESTS

- 1) A person may not enforce a security interest in gaming property collateral except as set forth in this Subpart. Any attempt to enforce a security interest is void if the secured party has not complied with the requirements of this Subpart.
- 2) This Subpart does not apply to the enforcement of a security interest in property other than gaming property collateral.
- 3) Compliance with this Subpart does not constitute any of the following:
 - a) a determination by the Commission as to the validity or enforceability of a security interest;
 - b) licensing eligibility;
 - c) approval of any other sale, transfer or other disposition of the gaming property collateral after the enforcement of the security interest.
- 4) A secured party must give prior written notice to the Commission that it intends to enforce a security interest in gaming property collateral using such forms as the Commission may require. The notice must include the following:
 - a) a complete description of the gaming property collateral that is the subject of the security interest;
 - b) copies of the security agreement and documents evidencing the obligation secured by the gaming property collateral;
 - c) a statement by the secured party identifying the act of default by the licensee that is the basis for seeking to enforce the security interest, including notice of default sent to the licensee; and
 - d) any other information requested by the Commission.
- 5) The Chief Executive Officer will investigate the facts and circumstances related to the notice of enforcement of a security interest. The investigation may include the following:
 - a) review of all pertinent documents;
 - b) review of the transaction to determine whether the security interest was given in violation of the Act or this Part or an attempt to evade the requirements of the Act or this Part regarding the sale, assignment, transfer or other disposition of an interest in a gaming operation or in the type of property subject to this Section, including but not limited to amusement gaming terminals; and
 - c) review of any other data or information requested.
- 6) Amusement gaming terminals may only be secured as collateral by a person who is licensed under the Act or who has registered with the Commission on forms provided by the Commission.
- 7) Prior registration or licensure under the Act of the secured party seeking to enforce a security interest is required. The Commission will not approve the enforcement of any security interest in gaming property collateral unless all persons have been either registered or licensed, as applicable.

PART SIX – REGISTRATION, PLACEMENT AND DESTRUCTION OF AMUSEMENT GAMING TERMINALS

- 1) A manufacturer, supplier or distributor shipping or transporting a amusement gaming terminal into Trinidad and Tobago to a terminal operator, manufacturer or distributor shall provide the following information to the Commission not less than 14 calendar days prior to shipment, unless otherwise directed by the Chief Executive Officer, on forms provided by the Commission:
 - a) the full name, address, and Commission license number of the person making the shipment
 - b) the method of shipment and the name of the carrier, if any;
 - c) the manner and method of how the shipment will be secured;
 - d) the full name, address, and Commission license number of the terminal operator, manufacturer or distributor to whom the amusement gaming terminals are being sent and the destination of the shipment, if different from the address;
 - e) the number of amusement gaming terminals in the shipment;
 - f) the model, serial number, and description of each amusement gaming terminal;
 - g) the expected arrival date of the amusement gaming terminals at their destination within the Trinidad and Tobago; and
 - h) such other information as required by the Commission.
- 2) Each amusement gaming terminal transported into Trinidad and Tobago shall be inspected by an agent of the Commission at a location to be determined by the Commission prior to delivery to a licensed amusement gaming location.
- 3) No EPROM, logic board, or non-alterable storage media may be activated prior to signature verification by the Commission or its agent.
- 4) Manufacturers, suppliers, distributors and terminal operators may store and display, and persons licensed pursuant to the Act may repair, service or maintain, amusement gaming terminals only at locations approved in advance by the Chief Executive Officer.
- 5) Any terminal operator that possesses any amusement gaming terminal shall have a registration tag issued by the Commission securely affixed on each terminal.
- 6) Any amusement gaming terminal without a current registration tag shall be subject to seizure. Any agent of the Commission may demand and gain access to any property relating to a licensed amusement gaming location or any location where amusement gaming terminals are stored, sold, distributed or transported, and seize any amusement gaming terminal that does not bear a current registration tag or is operating in a manner that violates any provision of the Act, this Part, or operating procedures established by the Commission by **December 2019**. Amusement gaming terminals so seized shall be subject to confiscation and forfeiture. In the event the Commission seizes amusement gaming terminals in accordance with this Section, the Commission shall notify the terminal operator of the seizure and of the terminal operator's right to a hearing.
- 7) An amusement gaming terminal shall be disposed of only with the Chief Executive Officer's prior approval and only if the manner of disposal makes the amusement gaming terminal incapable of use or operation. Any person seeking to dispose of a amusement gaming terminal shall notify the Chief Executive Officer in writing on forms to be provided by the Commission prior to disposal and provide the following information:

- a) the full name, address, and Commission license number of the person seeking to dispose of the amusement gaming terminal;
 - b) the model, serial number and description of the amusement gaming terminal;
 - c) the manufacturer of the amusement gaming terminal;
 - d) the amusement gaming terminal Commission license number;
 - e) the location of the amusement gaming terminal;
 - f) the proposed manner, time and place of disposal; and
 - g) any other information required by the Commission.
- 8) Disposal of a amusement gaming terminal pursuant to this Section shall take place in the presence of an agent of the Commission.

PART SEVEN – PAYOUT DEVICES AND REQUIREMENTS

- 1) Each licensed amusement gaming location at which amusement gaming terminals are available shall have a payout device that complies with technical standards approved by the Commission.
- 2) In addition to the requirement set forth in this Section, each payout device shall conform to the redemption terminal interoperability requirements approved by the Chief Executive Officer and to the amusement gaming payout device standards approved by the Chief Executive Officer. A licensed amusement gaming location shall only use a payout device that has received prior written approval by the Chief Executive Officer. All programming changes or upgrades to an approved payout device shall also receive prior written approval by the Chief Executive Officer.
- 3) A player seeking to redeem a ticket dispensed by an amusement gaming terminal for cash may either:
 - a) submit the ticket for full payment directly to a payout device; or
 - b) submit the ticket for full payment to an authorized employee of the licensed amusement gaming location who is at least 18 years old who shall then submit the ticket into a payout device.
- 4) If an amusement gaming terminal and/or payout device has malfunctioned or is otherwise inoperable and unable to produce a ticket or redeem a ticket, a player shall promptly receive a "facility-pay" from an employee of the licensed amusement gaming location or an employee of the licensed terminal operator who is at least 18 years old.
- 5) All facility payments must be accounted for by the licensed terminal operator and licensed amusement gaming location using Generally Accepted Accounting Principles (GAAP). This shall require, at a minimum, that each licensed amusement gaming location shall record the following for each facility payment:
 - a) date and time of the payment event;
 - b) amount paid;
 - c) amusement gaming terminal license number, payout device number, or amusement gaming ticket number for which payment is made; and
 - d) name of the individual processing the facility payment.
- 6) A payout device may allow for automated teller machine (ATM) functionality for patron cash withdrawals initiated from bank cards and other similar instruments only when the material components of that functionality and any accompanying remote access communication is physically and logically segregated from the functionality for the

amusement gaming ticket payment system. The ATM system and amusement gaming ticket payment system may share a single currency dispenser.

- 7) Each approved payout device shall:
 - a) ensure against manipulation, alteration or change of the approved payout device;
 - b) be operated in such a manner as to cause immediate notification to the central communication system of any malfunction that affects the integrity of the approved payout device;
 - c) provide for on-line real-time monitoring effective three years after the passage of the Act; and
 - d) be subject to testing by an independent laboratory and review by the Commission as deemed necessary or appropriate to ensure the continued integrity of the approved payout device or any of its component parts.
- 8) A terminal operator may sell or otherwise transfer a payout device to another terminal operator only with prior written approval of the Chief Executive Officer.
- 9) If a licensed amusement gaming location changes terminal operator providers, and/or changes ticket payout systems, such that unredeemed tickets issued under the previous terminal operator or ticket payout system are no longer redeemable by the new ticket payout device at the licensed amusement gaming location, the licensed amusement gaming location shall provide facility payments to the patrons for the tickets issued under the previous terminal operator.
- 10) If a licensed amusement gaming location closes or ceases doing business, ceases its amusement gaming operation, changes locations, has its amusement gaming license or liquor license suspended or revoked, or is otherwise unavailable or inaccessible for patrons to redeem unredeemed tickets for more than 10 consecutive days, the licensed amusement gaming location shall:
 - a) place a sign prominently at the location (so long as the amusement gaming location licensee still has possession or control of the location) no less than 60 x 30 centimeters that reasonably informs patrons of the name and phone number of the terminal operator from which patrons can seek payment for unredeemed tickets; and
 - b) prominently post a notice on any internet site, newspaper and/or social media outlet under its operation or control that reasonably informs patrons of the name and phone number of the terminal operator from which patrons can seek payment for unredeemed tickets.
- 11) When patrons cannot redeem outstanding tickets of a terminal operator at the amusement gaming location from which they were issued because of the reasons stated in subsection (9) or (10), the terminal operator shall promptly maintain and secure a list or database of all issued and unredeemed tickets from the amusement gaming location. The list or database must be maintained for no less than one year.

PART EIGHT – NON-PAYMENT OF TAXES

- 1) The first time that a terminal operator is more than 48 hours overdue in remitting taxes pursuant to the Act due to non-sufficient funds, the Chief Executive Officer shall promptly direct the disabling of all amusement gaming terminals operated by the terminal operator until the terminal operator pays the overdue tax remittance by certified funds plus the penalty amount provided under the Act.

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- 2) The second or subsequent time within a one-year period that a terminal operator is more than 48 hours overdue in remitting taxes pursuant to the Act due to non-sufficient funds, the Chief Executive Officer shall promptly direct the disabling of all amusement gaming terminals operated by the terminal operator until each of the following occurs:
 - a) The terminal operator pays the overdue tax remittance by certified funds plus the penalty amount provided by the Act; and
 - b) The terminal operator posts a bond or cash deposit of certified funds required by the Chief Executive Officer as a guarantee of future tax payments. The bond or cash deposit of certified funds shall be in an amount equal to the average net terminal income for a period of one week based on the previous 120 days, excluding any period for which the terminal operator's amusement gaming terminals were disabled for non-payment of taxes.
 - 3) A terminal operator may be subject to disciplinary action by the Commission for an overdue tax remittance.
 - 4) An overdue tax remittance caused by an error of a financial institution shall not be subject to the provisions of this Section.