

§1840. Distributors; records and reports**1. Printers licensed.**

[PL 2017, c. 284, Pt. KKKKK, §28 (RP).]

2. Distributors licensed. A distributor may not sell, lease, market or otherwise distribute gambling apparatus or implements unless licensed by the Gambling Control Unit, except that a license is not required for the sale, marketing or distribution of raffle tickets when the holder of the winning chance receives something of value worth less than \$10,000.

A nonresident manufacturer or distributor of gambling apparatus or implements doing business in the State must have an agent in this State who is licensed as a distributor. A distributor may not sell, market or otherwise distribute gambling apparatus or implements to a person or organization, except to persons or eligible organizations described under section 1832, subsection 2 licensed or registered to operate or conduct games under this chapter or registered to conduct a special raffle under section 1837-A or to eligible organizations and committees registered to conduct a game night under section 1832, subsection 2-B. A distributor may not lease or loan or otherwise distribute free of charge any gambling apparatus or implements to an organization eligible to operate a game under this chapter, except that a distributor may lease gambling apparatus or implements to an agricultural society registered to operate games of chance on the grounds of the agricultural society and during the annual fair of the agricultural society as long as the distributor does not charge the agricultural society an amount in excess of 50% of the gross revenue from any game conducted under this chapter.

A licensee or registrant shall acquire gambling apparatus and implements from a distributor licensed under this section, unless the gambling apparatus or implements are printed, manufactured or constructed by the licensed organization. At no time may any licensee print, manufacture or construct any gambling apparatus or implements for distribution to any other licensee. The applicant for a distributor's license or, if the applicant is a firm, corporation, association or other organization, its resident manager, superintendent or official representative shall file an application with the Gambling Control Unit on a form provided by the Gambling Control Unit. The Gambling Control Unit shall furnish to each applicant a current copy of this chapter and the rules adopted under section 1843 and to each licensee a copy of any changes or additions to this chapter and the rules adopted under section 1843.

[PL 2023, c. 391, §9 (AMD).]

3. Sales agreements. A distributor shall forward to the Gambling Control Unit, prior to delivery of any gambling machine to the purchaser, a copy of all sales agreements, sales contracts or any other agreements involving the sale of any gambling machine. The terms of the sales contract must include, but are not limited to, the name of seller, name of purchaser, address of seller, address of purchaser, description of the gambling machine including serial number and model name and number, total sale price, any arrangement or terms for payments and the date of final payment.

Any change, modification or alteration of these agreements must be reported to the Gambling Control Unit by the purchaser within 6 days of the change, modification or alteration.

[PL 2017, c. 284, Pt. KKKKK, §28 (AMD).]

4. Service agreements. With the sale of any gambling machine involving a service agreement, the distributor shall forward to the Gambling Control Unit a copy of the agreement prior to delivery of the machine. The terms of the service agreements must include, but are not limited to, the name of seller, name of purchaser, address of seller, address of purchaser, description of machine to be serviced including serial number and model name and number and all prices and payments for that service.

Any change, modification or alteration of the agreement must be reported to the Gambling Control Unit by the purchaser within 6 days of the change, modification or alteration.

[PL 2017, c. 284, Pt. KKKKK, §28 (AMD).]

5. Lease agreements. When a gambling apparatus or implement is leased as provided in subsection 2 to an agricultural society or to an eligible organization or committee registered under section 1832, subsection 2-B, the distributor shall forward to the Gambling Control Unit a copy of the lease agreement and shipment approval prior to delivery of the gambling apparatus or implement. The terms of the lease must include, but are not limited to, the name of the lessor; address of the lessor; name of the lessee; address of the lessee; description of the gambling apparatus or implement; serial number, model name or number of the gambling apparatus or implement; and all prices and payments for the lease. Each lease must be for a specific period of time no longer than the duration of the annual fair of that lessee or the game night under section 1832, subsection 2-B, and each gambling apparatus must have its own separate lease. Gambling apparatus or implements leased under this section:

A. May be operated only for the exclusive benefit of an eligible organization or committee under section 1832, subsection 2-B or for the exclusive benefit of the agricultural society, except that the agricultural society may pay a distributor up to 50% of gross gaming revenue in accordance with subsection 2; and [PL 2023, c. 391, §10 (AMD).]

B. Must bear the name and address of the distributor. [PL 2009, c. 487, Pt. A, §2 (NEW).]
[PL 2023, c. 391, §10 (AMD).]

6. Reports. At the end of each calendar month, a distributor shall file with the Gambling Control Unit a report indicating:

A. The names and addresses of all persons or organizations to which the distributor has distributed equipment and the dates of the distribution; [PL 2017, c. 284, Pt. KKKKK, §28 (AMD).]

B. A description of the equipment distributed, including serial number and model name and number; and [PL 2009, c. 487, Pt. A, §2 (NEW).]

C. The quantities of any equipment distributed. [PL 2009, c. 487, Pt. A, §2 (NEW).]
[PL 2017, c. 284, Pt. KKKKK, §28 (AMD).]

7. Retention and inspection of records. A distributor shall maintain and keep for a period of 3 years, on the premises of the distributor, any records that may be necessary to substantiate the reports required by this section or by the rules adopted under this chapter. The records must be open to inspection, and a licensee or registrant may not refuse the Gambling Control Unit permission to inspect or audit the records. Refusal to permit inspection or audit of the records does not constitute a crime under this chapter but constitutes grounds for revocation of license or registration.
[PL 2017, c. 284, Pt. KKKKK, §28 (AMD).]

8. Reports generally. The Gambling Control Unit shall require from any licensed distributor, or from any organization authorized to operate a game under this chapter, whatever reports determined necessary by the unit for the purpose of the administration and enforcement of this chapter.
[PL 2017, c. 284, Pt. KKKKK, §28 (AMD).]

SECTION HISTORY

PL 2009, c. 487, Pt. A, §2 (NEW). PL 2017, c. 284, Pt. KKKKK, §28 (AMD). PL 2023, c. 391, §§9, 10 (AMD).

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