



Ohio Administrative Code

Rule 3770:2-5-01 Technology providers; licensing of independent testing.

Effective: December 29, 2011

(A) Licensing of independent test labs. The director shall establish and publish criteria and/or requirements that an interested independent test lab may be required to satisfy, submit or make available to the commission prior to consideration of licensing of independent test labs to provide certification or testing services in connection with video lottery terminals, video lottery games and/or associated equipment. One or more independent test labs may be licensed by the commission for selection by a technology provider or video lottery sales agent. Once licensed, the independent test lab shall be added to the list of licensed independent test labs which shall be published by the commission. The director may remove an independent test lab from the licensed list of independent test labs in accordance with the Ohio Administrative Procedures Act. Any required submissions shall be submitted on a form approved by the director. Such criteria or requirements may include but may not be limited to:

- (1) An interested independent test lab may be required to provide the commission with access to its facility or facilities for inspection and review by the commission.
- (2) An interested independent test lab may be required to agree that its video lottery principals, employees or other persons affiliated with the independent test lab will submit to background checks as required by the director. The results of any required background checks may be a factor in determining whether an independent test lab is eligible to provide certification services in connection with video lottery terminals, video lottery games and/or associated equipment.
- (3) Payment of costs, if any, associated with a request to the commission to be licensed as an independent test lab to provide certification services in connection with video lottery terminals, video lottery games and/or associated equipment.
- (4) Experience in testing video lottery terminals, video lottery games or substantially similar gaming systems and/or associated equipment.



(5) Submission of evidence of any certifications, accreditations or proof of compliance with industry standards as required by the director.

(6) Submission of proof that the independent test lab is not owned or controlled by, or has any interest in, a video lottery terminal manufacturer, distributor or provider or video lottery sales agent, or any other lottery or gaming related entity that the director determines would an unacceptable affiliation.

(7) An agreement by the independent test lab to indemnify and hold the Ohio lottery commission harmless from acts or omissions of the independent test lab.

(B) Selection of approved independent test lab. A technology provider or video lottery sales agent may only utilize those test labs that are licensed and are included on the then current list of licensed independent test labs. The director may determine that the technology provider or video lottery sales agent is required to utilize more than one independent test lab to provide testing and certification services..

(C) Certification. Prior to operation by the public at a video lottery sales agent's facility, all video lottery terminals that are purchased, leased or otherwise acquired from a video lottery technology provider licensee, all video lottery games and all associated equipment shall be certified by an independent test lab licensed by the director to provide testing and certification. In the event that there are modifications or updates to the software or hardware associated with a video lottery terminal, video lottery game or associated equipment, notification to the commission must be provided by the technology provider and/or a video lottery sales agent, and if required by the director, recertification of all or part of the software or hardware for that video lottery terminal, video lottery game or associated equipment will be required prior to continued operation by the public of that video lottery terminal. The director may authorize, without a requirement of recertification, disablement of a feature of the software or hardware for a video lottery terminal, video lottery game or associated equipment that has been modified or updated if certain features are not features available to the public. Testing, certification and recertification of video lottery terminals, video lottery games and associated equipment shall be conducted and provided in accordance with specifications and/or criteria approved by the director. The director may, but is not required to, establish standards for transfer of test results or certifications performed by an independent test lab in



another gaming jurisdiction for a video lottery terminal, video lottery game and/or associated equipment being proposed for approval by the director and/or commission, as applicable. All test results must be submitted to the director by the licensed independent test lab.

(D) Prohibition. A licensed test lab may not be licensed by the lottery as a technology provider to manufacture, distribute, provide, maintain and/or repair video lottery terminals acquired by a video lottery sales agent.