

# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 69 ]

#### Fishing

The Fish and Boat Commission (Commission) amends Chapter 69 (relating to fishing in Lake Erie and boundary lakes). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. *Effective Date*

The final-form rulemaking will go into effect on January 1, 2011.

#### B. *Contact Person*

For further information on the final-form rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. *Statutory Authority*

The amendment to § 69.31 (relating to seasons) is published under the statutory authority of section 2903 of the code (relating to boat and net licenses for boundary lakes).

#### D. *Purpose and Background*

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the amendment is described in more detail under the summary of change.

#### E. *Summary of Change*

The harvest of Lake Erie walleye and yellow perch is managed through a quota management system. Each Lake Erie jurisdiction on the Lake Erie Committee (the Commonwealth, Ohio, Michigan, New York and Ontario) is allocated a portion of a total lake-wide annual quota, based on the surface area of each jurisdictional water. Jurisdictional Total Allowable Catch (TAC) is the maximum harvest allowed by sport and commercial sources in individual jurisdictional waters.

The Commission's Lake Erie Research Unit generates an internally derived commercial TAC for this Commonwealth's yellow perch and walleye trap net fisheries. The Commission's current regulations provide that the commercial trap net TAC for this Commonwealth will be published annually in the *Pennsylvania Bulletin* by March 1. This date poses two problems: (1) the most recent year's fishery data is still being finalized at that time; and (2) this date precedes announcement of the Lake Erie Committee TAC, which sets the TAC (sport and commercial) permissible in Commonwealth waters. Extending the announcement of the walleye and yellow perch TAC for this Commonwealth until April 15 will allow the Commission's Lake Erie management biologists additional time to review and integrate contemporary

fishing data into the Commonwealth's TAC calculations and provide time for the formal announcement of Lake Erie Committee TAC. This also will ensure that the Commonwealth's trap net harvest limits are aligned with Lake-wide harvest strategies. The Commission has amended § 69.31 to read as set forth in the proposed rulemaking published at 40 Pa.B. 1530 (March 20, 2010).

#### F. *Paperwork*

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. *Fiscal Impact*

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public.

#### H. *Public Involvement*

The proposed rulemaking was published at 40 Pa.B. 1530. The Commission did not receive public comments regarding the proposed rulemaking.

#### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and no public comments were received.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

#### *Order*

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 69, are amended by amending § 69.31 to read as set forth at 40 Pa.B. 1530.

(b) The Executive Director will submit this order and 40 Pa.B. 1530 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 40 Pa.B. 1530 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-218 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 10-1997. Filed for public inspection October 22, 2010, 9:00 a.m.]

**PENNSYLVANIA GAMING CONTROL BOARD**

[ 58 PA. CODE CHS. 401a, 405a, 427a, 429a, 431a, 435a, 437a, 440a, 441a, 451a, 465a AND 481a ]

**Gaming Service Providers and License Term and Renewal**

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1103, 1209(b), 1317(c), 1317.1(c), 1317.2 and 1326, amends Chapters 401a, 405a, 427a, 429a, 431a, 435a, 437a, 440a, 441a, 451a, 465a and 481a to read as set forth in Annex A.

*Omission of Proposed Rulemaking*

The Board, under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), and 1 Pa. Code § 7.4 (relating to omission of notice of proposed rulemaking), finds that notice of proposed rulemaking under these circumstances is unnecessary and impractical and therefore may be omitted. The Board's justification for utilizing the final-omitted rulemaking process is that the only changes being made are those specifically required to bring the Board's regulations into conformity with the act of January 7, 2010 (P. L. 1, No. 1) (Act 1).

Act 1 contained the following provisions: defined "gaming service provider" in 4 Pa.C.S. § 1103 (relating to definitions); codified certification and registration requirements for gaming service providers in 4 Pa.C.S. § 1317.2 (relating to gaming service provider); and amended 4 Pa.C.S. §§ 1209, 1317, 1317.1 and 1326 which set forth the time period for the renewal of a license. The amendments in this final-omitted rulemaking reflect these statutory changes.

*Purpose of the Final-Omitted Rulemaking*

The final-omitted rulemaking amends the term "vendors" to "gaming service provider" and makes licensing amendments to bring the Board's regulations into conformity with Act 1.

*Explanation of Amendments to Chapters 401a, 405a, 427a, 429a, 431a, 435a, 437a, 440a, 441a, 451a, 465a and 481a*

Throughout these chapters, "vendor" is replaced with "gaming service provider" to conform with Act 1.

In § 427a.3 (relating to manufacturer license term and renewal), the time period for which a license is valid has been changed from 1 to 3 years with renewal applications now due 2 months prior to expiration of the license instead of 6 months in advance. These amendments are consistent with 4 Pa.C.S. § 1317.1(c) and (d) (relating to manufacturer licenses).

In §§ 429a.4 and 440a.3 (relating to manufacturer designee license term and renewal; and management company license term and renewal), the term period for which a license is valid has been changed from 1 to 3 years in conformity with 4 Pa.C.S. § 1326 (relating to license renewals).

In § 431a.3 (relating to supplier license term and renewal), the term period for which a license is valid has been changed from 1 year to 3 years. This amendment is consistent with changes to section 1317(c)(1) of the act.

In § 441a.16 (relating to slot machine license term and renewal), the term period for which a license is valid has

been changed from 1 to 3 years which is consistent with 4 Pa.C.S. § 1209 (relating to slot machine license fee).

*Affected Parties*

Gaming service providers, previously vendors, as well as licensees and applicants for licenses were impacted by Act 1 and are similarly impacted by this final-omitted rulemaking.

*Fiscal Impact*

*Commonwealth*

The Board does not anticipate that there will be costs or savings to the Board or other Commonwealth agencies as a result of this final-omitted rulemaking.

*Political subdivisions*

This final-omitted rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

*Private Sector*

As a result of Act 1, applicants for and holders of licenses will experience lower costs. This final-omitted rulemaking, which mirrors the statutory changes, will not result in additional costs or savings.

*General public*

This final-omitted rulemaking will not have fiscal impact on the general public.

*Paperwork Requirements*

The extension of the time period that a license is valid from 1 year to 3 years will result in fewer applications for applicants and entities seeking renewals.

*Effective Date*

The final-omitted rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

*Contact Person*

The contact person for questions about this final-omitted rulemaking is Susan A. Yocum, Assistant Chief Counsel, (717) 265-8356.

*Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)) on August 19, 2010, the Board submitted a copy of the final-form regulations, proposed rulemaking omitted, to the Independent Regulatory Review Commission (IRRC), the Senate Community, Economic and Recreational Development Committee and the House Gaming Oversight Committee (Committees) and the Attorney General. In addition to submitting the final-omitted rulemaking, the Board also provided IRRC, the Committees and the Attorney General with a copy of a detailed Regulatory Analysis Form prepared by the Board.

Under section 5.1(j.1)—(j.3) of the Regulatory Review Act, this final-omitted rulemaking was deemed approved by the Committees on October 6, 2010. IRRC met on October 7, 2010, and approved the regulations in accordance with section 5.1(e) of the Regulatory Review Act.

*Findings*

The Board finds that this final-omitted rulemaking is necessary and appropriate for the administration and enforcement of the authorizing statute. Under section 204 of the CDL, the Board also finds that the proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are unnecessary because it is in the public interest to expedite these amended regulations.

Order

The Board, acting under 4 Pa.C.S. Part II (relating to gaming), orders that:

(a) The regulations of the Board, 58 Pa. Code Chapters 401a, 405a, 427a, 429a, 431a, 435a, 437a, 440a, 441a, 451a, 465a and 481a, are amended by amending §§ 401a.3, 405a.1, 427a.3, 429a.4, 431a.3, 435a.1, 435a.3, 435a.5, 435a.9a, 437a.1—437a.11, 440a.3, 440a.5, 441a.7, 441a.12—441a.14, 441a.16, 451a.1, 465a.1, 465a.20 and 481a.2 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

GREGORY C. FAJT,  
Chairperson

*(Editor's Note: For a corrective amendment relating to this rulemaking, see 40 Pa.B. 6094 (October 23, 2010).)*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 6226 (October 23, 2010).)*

**Fiscal Note:** 125-130. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE. 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 401a. PRELIMINARY PROVISIONS**

**§ 401a.3. Definitions.**

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Certified gaming service provider*—A gaming service provider that holds a gaming service provider certification.

\* \* \* \* \*

*Gaming service provider*—

(i) A person who provides goods or services to a slot machine licensee or applicant, but who is not required to be licensed as a manufacturer, manufacturer designee, supplier, management company or junket enterprise.

(ii) The term includes:

(A) Suppliers of alcoholic beverages (if not otherwise regulated by the Pennsylvania Liquor Control Board), food and nonalcoholic beverages.

(B) Refuse handlers.

(C) Vending machine providers and service personnel.

(D) Linen and uniform suppliers.

(E) Janitorial and maintenance companies, not relating to the repair of slot machines or associated equipment.

(F) Tenant businesses or franchises located within licensed facilities.

(G) Providers of transportation services.

(H) Companies, subcontractors and professionals involved in the construction of a facility for a slot machine licensee or applicant.

(I) Lessors of real property or goods.

(J) Other entities which the Board will determine based on detailed analyses by the Board of gaming service provider contracts.

*Gaming service provider certification*—A certification issued by the Board authorizing a gaming service provider to provide goods or services to a slot machine licensee or applicant.

*Gaming service provider registration*—A registration issued by the Board authorizing a gaming service provider to provide goods or services to a slot machine licensee or applicant.

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*Nongaming employee*—An employee of a slot machine licensee or certified gaming service provider who is not included within the definition of “principal,” “key employee” or “gaming employee,” and:

\* \* \* \* \*

*Registered gaming service provider*—A gaming service provider that is registered with the Board.

\* \* \* \* \*

*Trade secret*—A private formula, pattern, device, cost study or compilation of information which is used in a business and which, if disclosed could negate an advantage over competitors who do not know or use it.

*Underwriter*—As defined in the Pennsylvania Securities Act of 1972.

**CHAPTER 405a. BUREAU OF INVESTIGATIONS AND ENFORCEMENT**

**§ 405a.1. General duties and powers.**

The Bureau has the powers and duties set forth in section 1517 of the act (relating to investigations and enforcement) including:

(1) The investigation and review of applicants seeking a license, permit, certification or registration.

(2) The investigation of licensees, permittees, registrants, certified gaming service providers and other persons for potential violations of the act, including potential violations referred to the Bureau by the Board or other persons.

(3) The monitoring of slot machine operations to ensure compliance with the act, this part and the integrity of gaming, including internal controls, exclusion list enforcement, underage gaming and drinking, individual complaints, information systems, integrity and security issues.

(4) The inspection and examination of all premises where slot machine operations are conducted, gaming devices or equipment are manufactured, sold, distributed or serviced or where records of these activities are prepared or maintained as provided in section 1517(e) of the act. Inspections may include the review and reproduction of any document or record.

(5) The conduct of audits of slot machine operations as necessary to ensure compliance with the act and this part. An audit may include, but is not limited to, reviews, examinations and inspections of:

(i) Accounting, administrative and financial records and procedures utilized by the licensed entity.

(ii) Internal control procedures and management control procedures.

(iii) Security and surveillance departments.

(iv) Corrective action taken by the licensee to resolve reported deficiencies.

(v) Reports issued by an independent certified public accountant or independently registered public accounting firm pertaining to the adequacy of the licensee's system of internal controls over financial reporting.

(vi) The licensee's responses, if any, to the reports noted in paragraph (v).

(vii) Other matters required by the Board or the Bureau.

(6) The referral of possible criminal violations under the act to the Pennsylvania State Police.

(7) Be a criminal justice agency under 18 Pa.C.S. Chapter 91 (relating to criminal history record information).

**Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION**

**CHAPTER 427a. MANUFACTURERS**

**§ 427a.3. Manufacturer license term and renewal.**

(a) The initial manufacturer license will be valid for 1 year from the date of issuance of the license by the Board. Renewals of a manufacturer license will be valid for 3 years from the date of the approval of the renewal of the license by the Board.

(b) A Manufacturer License Renewal Application Form and renewal fee shall be filed at least 2 months prior to the expiration of the current license.

(c) A manufacturer license for which a completed renewal application and fee has been received by the Board will continue in effect for an additional 6 month period or until acted upon by the Board, whichever occurs first.

**CHAPTER 429a. MANUFACTURER DESIGNEES**

**§ 429a.4. Manufacturer designee license term and renewal.**

(a) The initial manufacturer designee license will be valid for 1 year from the date of issuance of the license by the Board. Renewals of a manufacturer designee license will be valid for 3 years from the date of the approval of the renewal of the license by the Board.

(b) A renewal application and renewal fee shall be filed at least 2 months prior to the expiration of the current license.

(c) A manufacturer designee license for which a completed renewal application and fee has been received by the Board will continue in effect for an additional 6-month period or until acted upon by the Board, whichever occurs first.

**CHAPTER 431a. SUPPLIER LICENSES**

**§ 431a.3. Supplier license term and renewal.**

(a) The initial supplier license will be valid for 1 year from the date of issuance of the license by the Board. Renewals of a supplier license will be valid for 3 years from the date of the approval of the renewal of the license by the Board.

(b) A Supplier License Renewal Application Form and renewal fee shall be filed at least 2 months prior to the expiration of the current license.

(c) A supplier license for which a completed renewal application and fee has been received by the Board will continue in effect for an additional 6 month period or until acted upon by the Board, whichever occurs first.

**CHAPTER 435a. EMPLOYEES**

**§ 435a.1. General provisions.**

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(m) A registrant who is an employee of a certified gaming service provider or an employee of a certified gaming service provider who has direct contact with the employees of a licensed facility may not wager at the licensed facility where the gaming service provider is currently providing services.

\* \* \* \* \*

(q) Slot machine licensees, manufacturers, manufacturer designees, suppliers and certified gaming service providers that hire an individual who holds a license, permit or registration issued by the Board shall contact the Bureau of Licensing to confirm that the individual's license, permit or registration is in good standing prior to allowing the individual to work in the licensed facility.

**§ 435a.3. Occupation permit.**

(a) An applicant for an occupation permit shall submit:

(1) An original and three copies of the Gaming Employee Application and Disclosure Information Form or an electronic application using the SLOTS Link system. When an application for an occupational permit is filed using SLOTS Link, the additional documents required, including releases, shall be submitted to the Board:

(i) Within 5 days of the submission of the SLOTS Link application by an applicant for or holder of a slot machine license.

(ii) Within 10 days of the submission of the SLOTS Link application by an applicant for or holder of a manufacturer, manufacturer designee, or supplier license or an applicant for or holder of a gaming service provider certification.

(2) The nonrefundable application fee posted on the Board's web site ([www.pgcb.state.pa.us](http://www.pgcb.state.pa.us)).

(3) Verification of an offer of employment from a licensed entity.

(b) In addition to the materials required under subsection (a), an applicant for an occupation permit shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) An applicant for an occupation permit may be required to reimburse the Board for additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

(d) After review of the information submitted under subsections (a) and (b), including a background investigation, the Board may issue a permit if the individual has proven that the individual is a person of good character, honesty and integrity and is eligible and suitable to hold an occupation permit.

(e) An individual who wishes to receive an occupation permit under this chapter may authorize an applicant for

or holder of a slot machine, management company, manufacturer, manufacturer designee or supplier license or gaming service provider certification to file an application on the individual's behalf.

(f) A permit issued under this section will be valid for employment with any licensed entity or certified gaming service provider.

**§ 435a.5. Nongaming employee registration.**

(a) An applicant for a nongaming employee registration shall submit:

(1) An original and three copies of the Nongaming Employee Registration Form or an electronic application using the SLOTS Link system. When an application for a nongaming employee registration is filed using SLOTS Link, the additional documents required, including releases, shall be submitted to the Board:

(i) Within 5 days of the submission of the SLOTS Link application by an applicant for or holder of a slot machine license.

(ii) Within 10 days of the submission of the SLOTS Link application by an applicant for or holder of a manufacturer, manufacturer designee, or supplier license or an applicant for or holder of a gaming service provider certification.

(2) The nonrefundable application fee posted on the Board's web site ([www.pgcb.state.pa.us](http://www.pgcb.state.pa.us)).

(b) In addition to the materials required under subsection (a), an applicant for a nongaming employee registration shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) After review of the information required under subsections (a) and (b), the Board may register the individual if the individual has proven that he is eligible and suitable to be registered under this section.

(d) An individual who wishes to receive a nongaming employee registration under this chapter may authorize an applicant for or holder of a slot machine license or a gaming service provider certification to file an application on the individual's behalf.

(e) A registration issued under this section is valid for employment with any licensed entity or certified gaming service provider.

**§ 435a.9a. Gaming service provider employee temporary access credentials.**

(a) The Board's casino compliance representatives at a licensed facility may issue a Gaming Service Provider Employee Temporary Access Credential to an employee of a registered or certified gaming service provider that is a construction company that is completing work on the gaming floor or in a restricted area under the registered or certified gaming service provider's original contract, change orders or punch lists, or to complete periodic repairs or warranty work if:

(1) The employee's duties of employment or incidental activities related to employment do not require the employee to touch or have contact with a slot machine or associated equipment other than exterior cleaning.

(2) The employee will be under the supervision of an employee of the slot machine licensee's security department who is authorized to have access to the area where the work is being performed.

(b) To receive a Gaming Service Provider Employee Temporary Access Credential, the employee of the registered or certified gaming service provider that is a construction company shall surrender his driver's license or other photo identification.

(c) A Gaming Service Provider Employee Temporary Access Credential will not be issued to an employee of a registered or certified gaming service provider that is a construction company for more than 12 days in a 12-month period.

(d) Employees of a manufacturer, manufacturer designee or supplier may not be issued a Gaming Service Provider Employee Temporary Access Credential.

**CHAPTER 437a. GAMING SERVICE PROVIDER CERTIFICATION AND REGISTRATION**

**§ 437a.1. General gaming service provider requirements.**

(a) A gaming service provider or person seeking to conduct business with a slot machine applicant or licensee, except as provided in § 437a.10 (relating to emergency gaming service provider), shall apply to the Board for registration if:

(1) The total dollar amount of the goods or services to be provided to a single slot machine applicant or licensee or to multiple slot machine applicants or licensees will be or is anticipated to be equal to or greater than \$100,000 but less than or equal to \$500,000 within a consecutive 12-month period.

(2) The employees of the gaming service provider or person seeking to conduct business with a slot machine applicant or licensee will be working on the gaming floor or in restricted areas unless all of the following conditions are met:

(i) The employees will be on the gaming floor for less than 24 hours within a 72-hour period no more than once in any consecutive 3-month period.

(ii) The employees sign-in with the security department at the licensed facility and the Board's casino compliance representatives prior to entering the gaming floor.

(iii) The gaming service provider has received written approval from the Bureau of Licensing for the gaming service provider's employees to be on the gaming floor.

(b) A gaming service provider or person seeking to conduct business with a slot machine applicant or licensee, except as provided in § 437a.10, shall apply to the Board for certification if the total dollar amount of the goods or services to be provided to a single slot machine applicant or licensee or to multiple slot machine applicants or licensees will be or is anticipated to be greater than \$500,000 within a consecutive 12-month period.

(c) A person that provides goods or services indirectly to a slot machine applicant or licensee through an intermediary, holding company or affiliate of the slot machine applicant or licensee shall be required to be registered or certified if the cost of the goods or services provided to the slot machine applicant or licensee exceeds the monetary thresholds in subsections (a) and (b).

(d) The following persons are exempt from the gaming service provider registration and the gaming service provider certification requirements of this chapter:

\* \* \* \* \*

(g) A person, or subsidiary of a person, that has a class of equity securities listed on the New York Stock Exchange, the NASDAQ Stock Market, the American Stock Exchange or a foreign stock exchange determined by the Bureau of Licensing to have similar listing requirements may be authorized to provide goods or services to slot machine applicants and licensees without applying for registration or certification if the person or subsidiary of the person submits a completed Publicly Traded Gaming Service Provider Form to the Board accompanied by the filing fee posted on the Board's web site ([www.pgcb.state.pa.us](http://www.pgcb.state.pa.us)). A person or subsidiary of a person that is authorized to provide goods and services under this subsection shall be required to:

- (1) Comply with § 437a.7 (relating to registered and certified gaming service provider responsibilities).
- (2) Immediately notify the Board if the person or subsidiary of the person ceases to have a class of equity securities listed on the New York Stock Exchange, the NASDAQ Stock Market, the American Stock Exchange or a foreign stock exchange determined by the Bureau of Licensing to have similar listing requirements.

(h) A slot machine applicant or licensee shall complete and submit to the Bureau of Licensing a Notification of Material Gaming Service Provider Form prior to compensating a gaming service provider \$15,000 or more within a consecutive 12-month period. A slot machine applicant or licensee will not be required to submit a Notification of Material Gaming Service Provider Form to the Bureau of Licensing if either of the following apply to the gaming service provider to be compensated:

- (1) The gaming service provider is exempt under subsection (d).
- (2) The gaming service provider is listed on the Board's authorized gaming service provider list.
- (i) A gaming service provider of a slot machine applicant or licensee whose compensation does not exceed the monetary thresholds contained in this section or who is otherwise not required to be registered or certified under subsection (d) or (g) may be required to be registered or certified if the Board determines that registration or certification is necessary to protect the integrity of gaming.

**§ 437a.2. Gaming service provider registration applications.**

- (a) A gaming service provider seeking registration shall do one of the following:
  - (1) Complete an original and four copies of a Gaming Service Provider Registration Form—Sponsored. The original and copies and the fee toward the cost of the investigation of the applicant posted on the Board's web site ([www.pgcb.state.pa.us](http://www.pgcb.state.pa.us)) shall be submitted to the Bureau of Licensing by the slot machine applicant or licensee for whom the gaming service provider will provide goods or services unless otherwise directed by the Board.
  - (2) Complete an original and four copies of a Gaming Service Provider Registration Form—Unsponsored. The original and copies and the fee toward the cost of the investigation of the applicant posted on the Board's web site ([www.pgcb.state.pa.us](http://www.pgcb.state.pa.us)) shall be submitted to the

Bureau of Licensing by the gaming service provider unless otherwise directed by the Board.

(b) In addition to the materials required under subsection (a), an applicant for a gaming service provider registration shall:

- (1) Submit the nonrefundable application fee posted on the Board's web site ([www.pgcb.state.pa.us](http://www.pgcb.state.pa.us)).
- (2) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings and enforcement and disciplinary actions.
- (3) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).
- (4) Submit fingerprints of the following individuals to the Board in a manner prescribed by BIE:
  - (i) Each officer and director of the registered gaming service provider applicant. For purposes of this subparagraph, the term "officer" means a president, chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.
  - (ii) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the registered gaming service provider applicant.
  - (iii) Each salesperson of a registered gaming service provider applicant who solicits business from, or has regular contact with, any representatives of a slot machine applicant or licensee or any employee of a registered gaming service provider applicant who will be engaging in that conduct.

(c) A person who holds any direct or indirect ownership or beneficial interest in a registered gaming service provider or applicant for gaming service provider registration, or has the right to any profits or distributions directly or indirectly, from the registered gaming service provider or applicant for gaming service provider registration may be required to submit fingerprints if the Board determines that the submission of fingerprints of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(d) Each of the individuals required to submit fingerprints under subsection (b)(4) or (c) must be found qualified by the Board.

(e) An applicant for a gaming service provider registration will be required to reimburse the Board for costs incurred by the Board in conducting the review of the application.

(f) A gaming service provider registration will not be issued until all fees have been paid.

**§ 437a.3. Gaming service provider certification applications.**

(a) A gaming service provider seeking certification shall complete and the slot machine applicant or licensee for whom the gaming service provider will provide goods or services shall submit:

- (1) An original and four copies of a Gaming Service Provider Certification Application and Disclosure Information Form unless otherwise directed by the Board.
- (2) The nonrefundable application fee posted on the Board's web site ([www.pgcb.state.pa.us](http://www.pgcb.state.pa.us)).

(3) Applications and release authorizations for each individual required to be qualified under § 437a.4 (relating to qualification of individuals and entities).

(b) In addition to the materials required under subsection (a), an applicant for a gaming service provider certification shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) A gaming service provider certification will not be issued until all fees have been paid.

(d) A person required to be a certified gaming service provider under this chapter may request that the Board waive its obligation to be certified by filing a Single Transactional Waiver Form. To be eligible to receive this waiver from the requirements of certification, the person shall demonstrate that the person is proposing to engage in a single transaction with a slot machine applicant or licensee and satisfies the following requirements:

(1) The person's required performance under the contract with the slot machine applicant or licensee does not require the person's employees to be on the gaming floor or in a restricted area.

(2) The person has not filed a Single Transactional Waiver Form with the Board within 2 years of the current waiver request.

(3) The person will not have a continuing business relationship with the slot machine applicant or licensee or have a continuing onsite presence at the licensed facility.

(e) The Board may, in response to misrepresentations or a change in circumstances, revoke a waiver granted under this section and require the recipient of the waiver to comply with the gaming service provider certification requirements of this chapter.

(f) A person who has requested a waiver under this section may not provide goods or services to a slot machine applicant or licensee prior to Board approval of the person's waiver request.

#### § 437a.4. Qualification of individuals and entities.

(a) The following individuals shall be required to submit a Pennsylvania Personal History Disclosure Form and be found qualified by the Board:

(1) Each officer and director of a certified gaming service provider or applicant for gaming service provider certification. For the purposes of this paragraph, the term "officer" means a president, chief executive officer, a chief financial officer and a chief operating officer and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(2) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the certified gaming service provider or applicant for gaming service provider certification. A certified gaming service provider or applicant for gaming service provider certification shall provide information or documentation requested by the Board necessary to determine compliance with this paragraph.

(3) Each salesperson of a certified gaming service provider or applicant for gaming service provider certifica-

tion who solicits business from, or has regular contact with, any representatives of a slot machine applicant or licensee or any employee of a certified gaming service provider or applicant for gaming service provider certification who will be engaging in that conduct.

(b) Each entity that directly owns 20% or more of the voting securities of a certified gaming service provider or person applying for gaming service provider certification shall be required to file a Gaming Service Provider Certification Form—Private Holding Company with the Board and be found qualified by the Board.

(c) The following persons may be required to submit a Gaming Service Provider Certification Form—Private Holding Company or a Pennsylvania Personal History Disclosure Form and be found qualified by the Board if the Board determines that the qualification of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth:

(1) An intermediary or holding company of a certified gaming service provider or applicant for gaming service provider certification not otherwise required to be qualified.

(2) An officer or director of an intermediary or holding company of a certified gaming service provider or applicant for gaming service provider certification.

(3) An employee of a certified gaming service provider or applicant for gaming service provider certification.

(4) A person who holds any direct or indirect ownership or beneficial interest in a certified gaming service provider or applicant for gaming service provider certification, or has the right to any profits or distribution, directly or indirectly, from the certified gaming service provider or applicant for gaming service provider certification.

(5) A trustee of a trust that is required to be found qualified under this section.

(d) The Bureau of Licensing may issue a temporary credential to an individual who is required to be qualified by the Board under this section if:

(1) The individual's presence in the licensed facility is needed.

(2) The company with which the individual is associated is on the Authorized Gaming Service Provider List.

(e) The Bureau of Licensing will issue a permanent credential to an individual who has been found to be qualified under this section if the Gaming Service Provider has been certified.

#### § 437a.5. Construction subcontractors.

(a) A construction subcontractor who is otherwise required to be certified or registered may elect to file an On-site Subordinate Pre-Opening Construction Notification Form with the Board in lieu of registration or certification if:

(1) The subcontractor is not providing goods or services through an agreement with a slot machine applicant or licensee.

(2) The subcontractor is not providing goods or services to a person who has entered into a contract with a slot machine applicant or licensee for the construction of a licensed facility.

(b) The On-site Subordinate Gaming Service Provider Notification Form shall be valid for the construction of only one licensed facility, and shall be valid for only 1

year unless the Board, at its sole discretion, renews the On-site Subordinate Gaming Service Provider Notification Form after a showing by the subcontractor that its obligations pursuant to the subcontract have not been fully performed and good cause exists for the delay in the performance.

(c) A subcontractor who elects to file an On-site Subordinate Gaming Service Provider Notification Form as outlined in subsection (a) shall be prohibited from:

(1) Employing any person to work on the gaming floor or in a restricted area of a licensed facility.

(2) Providing, directly or indirectly, goods or service to any other slot machine applicant or licensee other than the slot machine applicant or licensee identified in the On-site Subordinate Gaming Service Provider Notification Form.

**§ 437a.6. Registration and certification term and renewal.**

(a) Gaming service provider certifications, registrations and renewals issued under this chapter shall be valid for 4 years from the date of Board approval.

(b) Registered and certified gaming service providers shall submit to the Board a completed renewal application and renewal fee at least 60 days prior to the expiration of a certification or registration.

(c) A certification or registration for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the certification or registration that the Board has approved or denied the certification or registration.

**§ 437a.7. Registered and certified gaming service provider responsibilities.**

(a) A holder of a gaming service provider certification or registration shall have a continuing duty to:

(1) Provide information requested by the Board relating to licensing or regulation; cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions; and comply with conditions, restrictions, requirements, orders and rulings of the Board in accordance with the act.

(2) Report a change in circumstances that may render the holder of a gaming service provider certification or registration ineligible, unqualified or unsuitable to hold a certification or registration under the standards and requirements of the act and of this part.

(b) An employee of a registered or certified gaming service provider shall be required to obtain an occupation permit under § 435a.3 (relating to occupation permit) if:

(1) The employee is the onsite supervisor of other employees of the gaming service provider whose duties of employment or incidental activities related to employment require the employees to be on the gaming floor or in a restricted area.

(2) The employee's duties of employment or incidental activities related to employment require the employee to be on the gaming floor or in a restricted area and require the employee to touch or have contact with a slot machine or associated equipment.

(c) An employee of a certified gaming service provider that is not required to obtain an occupation permit under subsection (b) shall be required to obtain a nongaming employee registration under § 435a.5 (relating to nongaming employee registration) if:

(1) The employee is the onsite supervisor of other employees who are involved in the construction of a licensed facility.

(2) The employee's duties of employment or incidental activities related to employment require the employee to be on the gaming floor but do not require the employee to touch or have contact with a slot machine or associated equipment other than exterior cleaning.

(3) The employee's duties of employment or incidental activities related to employment require the employee to be in a restricted area, but do not require the employee to touch or have contact with a slot machine or associated equipment other than exterior cleaning and the employee is under the constant supervision of an employee of the slot machine licensee who is licensed or permitted and who is authorized to be in the restricted area.

(4) The employee is the offsite supervisor of employees of the registered or certified gaming service provider working at the licensed facility.

(d) Employees of a registered or certified gaming service provider who are not required to obtain an occupation permit or a nongaming employee registration under subsection (b) or (c) may be required to obtain an occupation permit or nongaming employee registration if the Board determines, after a review of the work being performed, that obtaining a permit or registration is necessary for the protection of the integrity of gaming.

(e) Workers employed by a registered or certified gaming service provider that is a construction company who are completing work on the gaming floor or in a restricted area under their original contract, change orders, punch lists, periodic repairs or warranty work will not be required to comply with the requirements in subsection (b) or (c) if the following conditions are met:

(1) The employee's duties of employment or incidental activities related to employment do not require the employee to touch or have contact with a slot machine or associated equipment other than exterior cleaning.

(2) The employee is under the supervision of an employee of the slot machine licensee's security department who is authorized to have access to the area where the work is being performed.

(3) The employee has been issued a Gaming Service Provider Employee Temporary Access Credential by one of the Board's casino compliance representatives at the licensed facility.

**§ 437a.8. Authorized gaming service providers list; prohibited gaming service providers.**

(a) The Board will maintain a list of authorized gaming service providers and a list of prohibited gaming service providers. The authorized list will contain the names of persons who:

(1) Have been registered or certified.

(2) Are eligible to file and have filed a completed publicly traded gaming service provider form under § 437a.1(g) (relating to general gaming service provider requirements).

(3) Have been permitted to conduct business with a slot machine licensee or applicant under § 437a.9 (relating to permission to conduct business prior to certification or registration).

(b) Except as permitted under § 437a.1(a)(2), (d) and (g) and § 437a.10 (relating to emergency gaming service provider), a slot machine licensee or applicant may not



purchase goods or services from a gaming service provider, when the employees of the gaming service provider will be working on the gaming floor or in a restricted area or compensate a gaming service provider \$100,000 or more within a consecutive 12-month period, unless the person is on the authorized gaming service provider list. A slot machine licensee or applicant may not enter into an agreement or continue to do business with a gaming service provider on the prohibited gaming service providers list.

(c) The Board may place a person on the prohibited gaming service providers list if:

(1) The gaming service provider has failed to comply with this chapter.

(2) The gaming service provider has failed to cooperate with the Board in the Board's review of the gaming service provider's application for certification or registration.

(3) The gaming service provider's application for certification or registration has been denied or the gaming service provider has had its gaming service provider certification or registration suspended or revoked.

(4) The gaming service provider has failed to provide information to a slot machine applicant or licensee that is necessary for the slot machine applicant or licensee to comply with this chapter.

(d) A person seeking to be removed from the list of prohibited gaming service providers shall file a petition for removal in accordance with § 493a.4 (relating to petitions generally) and shall be responsible for all costs associated with the person's petition for removal from the list of prohibited gaming service providers. The petition must state the specific grounds believed by the petitioner to constitute good cause for removal from the prohibited gaming service providers list and how the gaming service provider has cured any deficiencies that led to the gaming service provider being placed on the prohibited gaming service providers list.

(e) The Board may impose a monetary penalty or other appropriate sanction in connection with the removal of a person from the list of prohibited gaming service providers, or attach any reasonable condition to the removal of a person from the list of prohibited gaming service providers.

**§ 437a.9. Permission to conduct business prior to certification or registration.**

(a) Notwithstanding § 437a.1 (relating to general gaming service provider requirements), the Bureau of Licensing may authorize an applicant for a gaming service provider certification or registration to conduct business with a slot machine applicant or licensee prior to the certification or registration of the gaming service provider applicant if the following criteria are met:

(1) A completed Gaming Service Provider Registration Form—Un-sponsored has been filed by the gaming service provider, a completed Gaming Service Provider Registration Form—Sponsored has been filed by the slot machine applicant or licensee or a completed Gaming Service Provider Certification Application and Disclosure Information Form has been filed by the slot machine applicant or licensee in accordance with § 437a.2 or § 437a.3 (relating to gaming service provider registration applications; and gaming service provider certification applications).

(2) The slot machine applicant or licensee certifies that it has performed due diligence on the gaming service provider.

(3) The applicant for gaming service provider registration or certification agrees, in writing, that the grant of permission to conduct business prior to registration or certification does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the authorization granted pursuant to this section, with or without prior notice to the applicant, if the Bureau of Licensing determines that the suitability of the applicant is at issue or the applicant fails to cooperate in the application process.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for certification or registration, the Bureau of Licensing may rescind the permission granted to the applicant for certification or registration to conduct business with a slot machine applicant or licensee under subsection (a). If the permission is rescinded, the applicant for certification or registration shall cease conducting business with the slot machine applicant or licensee by the date specified in the notice of the rescission by the Bureau of Licensing under subsection (c).

(c) The Bureau of Licensing will notify the applicant for certification or registration and the slot machine applicant or licensee by registered mail that permission for the applicant for certification or registration to conduct business with the slot machine applicant or licensee under subsection (a) has been rescinded and that the slot machine applicant or licensee shall cease conducting business with the applicant for certification or registration by the date specified in the notice.

**§ 437a.10. Emergency gaming service provider.**

(a) A slot machine licensee may utilize a gaming service provider that is not registered or certified when a threat to public health, welfare or safety exists or circumstances outside the control of the slot machine applicant or licensee create an urgency of need which does not permit the delay involved in using the formal method of gaming service provider certification or registration.

(b) When using a gaming service provider that is not registered or certified to respond to an emergency, the slot machine applicant or licensee shall:

(1) File a Gaming Service Provider Emergency Notification Form with the Board within 72 hours of the gaming service provider's commencement of services.

(2) Provide a written explanation to the Board of the basis for the emergency gaming service provider procurement and for the selection of the particular gaming service provider.

(3) File a Gaming Service Provider Registration Form or Gaming Service Provider Certification Form on behalf of the gaming service provider within 20 business days of the filing of the Gaming Service Provider Notification Form.

**§ 437a.11. Slot machine applicants' and licensees' duty to investigate.**

(a) An applicant for or holder of a slot machine license shall investigate the background and qualifications of the applicants for gaming service provider registration or certification with whom it intends to have a contractual relationship or enter into an agreement.

(b) An applicant for or holder of a slot machine license shall have an affirmative duty to avoid agreements or relationships with persons applying for gaming service provider registration or certification whose background or association is injurious to the public health, safety, mor-

als, good order and general welfare of the people of this Commonwealth, or who threaten the integrity of gaming in this Commonwealth.

(c) An applicant for or holder of a slot machine license shall have a duty to inform the Board of an action by an applicant for or holder of a gaming service provider registration or certification or a gaming service provider that is eligible to file and has filed a completed publicly traded gaming service provider form under § 437a.1(g) (relating to general gaming service provider requirements), which the applicant for or holder of a slot machine license believes would constitute a violation of the act or this part.

**CHAPTER 440a. MANAGEMENT COMPANIES**

**§ 440a.3. Management company license term and renewal.**

(a) A management company license or renewal will be valid for 3 years from the date on which the license or renewal is approved by the Board.

(b) A renewal application shall be submitted to the Board at least 60 days prior to the expiration of a management company license.

(c) A management company license for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the management company license that the Board has approved or denied the management company license.

**§ 440a.5. Management contracts.**

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(f) A management contract submitted for Board review and approval must enumerate with specificity the responsibilities of the slot machine applicant or licensee and management company under the terms and conditions of the management contract. At a minimum, the terms should address whether, and to what extent, the management company is involved in the following:

- (1) Operation of the following departments:
  - (i) Information technology.
  - (ii) Internal audit.
  - (iii) Slot accounting.
  - (iv) Slot management.
  - (v) Security.
  - (vi) Surveillance.
- (2) Design, construction, improvement or maintenance, or both, of the licensed facility.
- (3) Provision of operating capital and financing for the development of the licensed facility.
- (4) Payment of the slot machine license fee.
- (5) Purchase or lease of slot machines or associated equipment.
- (6) Design, implementation or amendment, or both, of the system of internal controls required under section 1322 of the act (relating to slot machine accounting controls and audits) and this part including the financial reporting requirements.
- (7) Hiring, terminating, training and promoting of employees and the employment practices attendant thereto.

(8) The payment of local, State and Federal taxes and slot machine license deposit required pursuant to the act and this part and any penalties imposed by the Board for violations thereof.

(9) Advertising, player incentive or marketing programs.

(10) Compliance with section 1325(b)(1) of the act (relating to license or permit issuance).

(11) Obtaining and maintaining insurance coverage, including coverage of public liability and property loss or damage.

(12) Procurement of gaming service providers and junkets.

(13) Selection of the licensed facility's independent auditor.

(g) Notwithstanding subsections (a)—(f), a slot machine licensee and licensed management company may not contract for the delegation of any benefits, duties or obligations specifically granted to or imposed upon the slot machine licensee by the act.

**Subpart C. SLOT MACHINE LICENSING**

**CHAPTER 441a. SLOT MACHINE LICENSES**

**§ 441a.7. Licensing hearings for slot machine licenses.**

\* \* \* \* \*

(g) For the purposes of this section, an applicant's demonstration of how it addresses the criteria identified in section 1325(c) of the act must include:

- (1) The location and quality of the proposed facility, including, but not limited to, road and transit access, parking and the facility's centrality to its anticipated market service area.
- (2) The potential for new job creation and economic development which are expected to result from granting a license to an applicant.
- (3) The applicant's good faith plan to recruit, train and upgrade diversity in all employment classifications in the facility.
- (4) The applicant's good faith plan for enhancing the representation of diverse groups in the operation of its facility through the ownership and operation of business enterprises associated with or utilized by its facility or through the provision of goods or services utilized by its facility and through the participation in the ownership of the applicant.
- (5) The applicant's good faith effort to assure that all persons are accorded equality of opportunity in employment and contracting by it and any contractors, subcontractors, assignees, lessees, agents, gaming service providers and suppliers it may employ directly or indirectly.
- (6) The potential for enhancing tourism which is expected to result from granting a license to the applicant.
- (7) The history and success of the applicant in developing tourism facilities ancillary to gaming development in other locations if applicable to the applicant.
- (8) The degree to which the applicant presents a plan for the project which will likely lead to the creation of quality, living-wage jobs and full-time permanent jobs for residents of this Commonwealth generally and for residents of the host political subdivision in particular.

(9) The record of the applicant and its developer in meeting commitments to local agencies, community-based organizations and employees in other locations.

(10) The degree to which potential adverse effects which might result from the project, including costs of meeting the increased demand for public health care and treatment of problem gamblers and their families, child care, public transportation, affordable housing and social services, will be mitigated.

(11) The record of the applicant and its developer regarding compliance with:

(i) Federal, State and local discrimination, wage and hour, disability and occupational and environmental health and safety laws.

(ii) State and local labor relations and employment laws.

(12) The record of the applicant in dealing with its employees and their representatives at other locations.

(13) The applicant's business probity, experience and ability.

(14) Areas of deficiency in the applicant's application previously identified by the Bureau of Licensing or Chief Enforcement Counsel that have not been resolved.

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**§ 441a.12. Maintaining agreements; filing of agreements.**

\* \* \* \* \*

(c) *Filing agreements.* Each slot machine licensee shall submit the following to the Board:

(1) A fully signed copy of written agreements with manufacturer applicants or licensees, manufacturer designee applicants or licensees, supplier applicants or licensees and with gaming service providers subject to certification under § 437a.1(b) (relating to general gaming service provider requirements).

(2) A precise written description of any oral agreement, in accordance with subsection (f), with manufacturer applicants or licensees, manufacturer designee applicants or licensees, supplier applicants or licensees and gaming service providers subject to certification under § 437a.1(b).

(3) A fully signed copy of all written agreements relating to land and real estate.

(4) A fully signed copy of all written agreements or a written description of any oral agreement with a person which involves or may involve payments of \$500,000 or more per year to a slot machine licensee.

\* \* \* \* \*

**§ 441a.13. Board review of agreements and records of agreements.**

(a) The Board may review an agreement and record maintained or filed under § 441a.12 (relating to maintaining agreements; filing of agreements) to determine the following:

(1) The reasonableness of the terms of the agreement, including the terms of compensation.

(2) The qualifications of the persons involved in and associated with the agreement, after which the Board may make a finding as to the suitability of the persons to be involved or associated with the slot machine applicant or licensee.

(3) Whether any person involved therein or associated therewith is providing or likely to provide goods or services to, or conducting or likely to conduct business with, a slot machine applicant or licensee or its employees which requires a license, permit, certification, registration or notification under the act or this part, in which case the Board will direct that the appropriate application be promptly filed by the person.

(4) Whether any action is desirable or necessary to regulate, control or prevent economic concentration in any gaming service provider industry or to encourage or preserve competition in any gaming service provider industry.

(b) If the Board finds that an agreement is not in the public interest or is inimical to the interest of gaming in this Commonwealth, the Board may, by order, require the termination of the agreement or association of any person associated therewith or pursue any remedy or combination of remedies provided for in the act or this part. If the agreement or association is not thereafter promptly terminated, the Board may pursue any remedy or combination of remedies provided for in the act or this part.

(c) Each agreement maintained or filed under § 441a.12 shall be deemed to include a provision for its termination without liability on the part of the slot machine applicant or licensee, or on the part of any qualified party to the agreement or any related agreement the performance of which is dependent upon the agreement, if the Board orders that the agreement be terminated in accordance with subsection (b).

(d) Each agreement maintained or filed under § 441a.12 must include a provision requiring that the person who has contracted with the slot machine applicant or licensee comply with the act and this part, including obtaining required licenses, permits, certifications and registrations.

**§ 441a.14. Master purchasing and disbursement report.**

(a) Each slot machine license applicant or licensee shall generate a monthly Master Purchasing and Disbursement Report for gaming service provider transactions. The report shall be submitted to the Bureau of Licensing no later than the 22nd calendar day of following month. The report must include the following information:

(1) A payee register listing alphabetically by payee all nonpayroll transactions drawn by the slot machine applicant or licensee, including wire transfers and credits to gaming service providers, and the following information next to the name of each payee:

(i) The gaming service provider certification or registration number or exemption code.

(ii) The amount of the individual disbursement or credit.

(iii) The date of the individual disbursement or credit.

(iv) The subtotal of disbursements or credits by payee.

(v) The grand total of all disbursements made during the reporting period.

(vi) The total summarizing all previous payments in the last 12 months beginning from the first payment date.

(2) A payee register listing alphabetically by payee all transactions drawn by any affiliate, intermediary, subsidiary, holding company or agent of the slot machine applicant or licensee for goods or services that benefit the slot machine applicant or licensee, including wire transfers and credits to gaming service providers, and the following information next to the name of each payee:

- (i) The gaming service provider certification or registration number or exemption code.
- (ii) The amount of the individual disbursement or credit.
- (iii) The date of the individual disbursement or credit.
- (iv) The subtotal of disbursements or credits by payee.
- (v) The grand total of all disbursements made during the reporting periods.

(vi) The total summarizing all previous payments in the last 12 months beginning from the first payment date.

(3) A register listing alphabetically by gaming service provider transactions, including wire transfers and credits, in which the slot machine applicant or licensee itself acted in the capacity of a gaming service provider by providing goods or services. The register must include:

- (i) The gaming service provider certification or registration number or exemption code of the gaming service provider to whom the goods or services were provided.
- (ii) The date of each individual transaction.
- (iii) The amount of each individual transaction.
- (iv) A general description of the type of goods or services provided.

(v) Subtotals of payments or credits received by the slot machine licensee or applicant or disbursements or credits made by the slot machine licensee or applicant during the reporting period, by gaming service provider.

(vi) Totals of payments or credits received or disbursements or credits made by the slot machine licensee or applicant within the applicable 12-month period, by gaming service provider.

(b) The reports shall be transmitted to the Bureau of Licensing by means of electronic data transmission in a format prescribed by the Board.

**§ 441a.16. Slot machine license term and renewal.**

(a) The slot machine license will be valid for 3 years from the date on which the license or renewal is approved by the Board.

(b) A Category 1, Category 2 or Category 3 Slot Machine Renewal Application Form shall be submitted to the Board at least 60 days prior to the expiration of a slot machine license.

(c) A slot machine license for which a completed renewal application has been received by the Board will continue in effect until the Board sends written notification to the holder of the slot machine license that the Board has approved or denied the slot machine license renewal application.

**Subpart D. RECORDKEEPING**  
**CHAPTER 451a. RECORDKEEPING**  
**REQUIREMENTS**

**§ 451a.1. Recordkeeping generally.**

(a) Manufacturer, junket enterprise, and management company licensees and registered and certified gaming service providers shall maintain adequate records of business operations which shall be made available to the Board upon request. These records include:

- (1) Correspondence with the Board and other local, Commonwealth and Federal governmental agencies.
- (2) Correspondence concerning gaming equipment with a manufacturer, supplier, management company or slot machine licensee.
- (3) Copies of all promotional material and advertising.
- (4) A personnel file on each current and former employee.
- (5) Financial records of all transactions concerning slot machines and associated equipment with a manufacturer, supplier, management company or slot machine licensee.
- (6) Copies of all tax returns, reports and other tax documents filed with a taxing entity of the Federal government, the Commonwealth or local taxing entity within this Commonwealth for 7 years or a longer period as prescribed by the taxing entity.
- (7) Copies of all general accounting records.

(b) Except as provided in subsection (a)(6), regarding tax documents, the records listed in subsection (a) shall be maintained for at least 5 years.

(c) The records required to be maintained under subsection (a) shall be kept in a location secure from theft, loss or destruction.

**Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT**

**CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS**

**§ 465a.1. Accounting records.**

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(c) The detailed, supporting and subsidiary records include:

(1) Records pertaining to revenue that is taxable or subject to taxation under the act.

(2) Records pertaining to the financial statements and all transactions impacting the financial statements of the slot machine licensee including contracts or agreements with licensed manufacturers, suppliers, junket enterprises, certified and registered gaming service providers, contractors, consultants, management companies, attorneys and law firms, accountants and accounting firms, insurance companies, and financial institutions, including statements and reconciliations related thereto.

(3) Records which identify the handle, payout, actual win amounts and percentages, theoretical win amounts and percentages, and differences between theoretical and actual win amounts and percentages, for each slot machine on a week-to-date, month-to-date and year-to-date basis.

(4) Records documenting the costs of complimentary services and items as defined in § 401a.3 (relating to definitions).

(5) Records of loans and other amounts payable by the slot machine licensee.

(6) Records of investments, advances, loan and receivable balances due to the slot machine licensee.

(7) Records created in connection with the system of internal controls submitted to the Board under § 465a.2 (relating to internal control systems and audit protocols).

(8) Records of returned checks.

**§ 465a.20. Personal check cashing.**

\* \* \* \* \*

(b) Personal checks accepted under subsection (a) shall be presented by the patron directly to a slot cashier who shall:

(1) Restrictively endorse the check "for deposit only" to the bank account designated by the slot machine licensee.

(2) Initial the check.

(3) Date and time stamp the check.

(4) Verify that the signature of the patron on the personal check and the patron's physical appearance agree with information recorded in a patron signature file created and maintained by the slot machine licensee in accordance with subsection (c) or with the signature and photograph or physical description contained on a government-issued identification presented by the patron. The slot cashier shall document how the signature verification was performed in connection with the acceptance of each personal check.

(5) For personal checks equaling or exceeding \$500, verify the validity of the check directly with the commercial bank, savings bank, saving and loan association or credit union upon which it is drawn or obtain an authorization and guarantee of the check from a check verification and warranty service certified as a gaming service provider by the Board. The slot cashier shall document how the check verification was performed in connection with the acceptance of each personal check.

(6) Immediately exchange the personal check for cash in an amount equal to the amount for which the check is drawn or place the amount in a customer deposit account under § 465a.23 (relating to customer deposits) for subsequent use at the licensed facility. A slot machine licensee may not accept a check or multiple checks which in the aggregate exceed \$2,500 per patron per gaming day.

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**Subpart G. MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

**CHAPTER 481a. DIVERSITY**

**§ 481a.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Diversity plan*—A plan that promotes and ensures diversity in ownership, participation and operation of regulated entities; and in employment and contracting by regulated entities.

*Minority*—The ethnic/racial categories identified in employer survey reports that are required by the United States Equal Opportunity Commission and the Office of Federal Contract Compliance Programs of the United States Department of Labor under section 709 of the Civil Rights Act of 1964 (42 U.S.C.A. § 2000e-8) or by subsequent amendments to that Federal act.

*Participation plan*—An obligation imposed by a regulated entity as part of its contract with a contractor that requires the contractor to utilize minority or women owned business enterprises.

*Regulated entity*—An applicant for or holder of the following:

- (i) Slot machine license.
- (ii) Manufacturer license.
- (iii) Supplier license.
- (iv) Gaming service provider certification.
- (v) Junket license.
- (vi) Management company license.

[Pa.B. Doc. No. 10-1998. Filed for public inspection October 22, 2010, 9:00 a.m.]

**PENNSYLVANIA GAMING CONTROL BOARD**

**[ 58 PA. CODE CH. 435a ]**

**Corrective Amendment to 58 Pa. Code § 435a.1**

The Pennsylvania Gaming Control Board has discovered a discrepancy between the agency text of 58 Pa. Code § 435a.1 (relating to general provisions), as deposited with the Legislative Reference Bureau and the official text published at 40 Pa.B. 4761, 4763 (August 21, 2010) and the text which will appear in MTS 432 (November, 2010). The version of the amendments set forth at 40 Pa.B. 4761, 4763 inadvertently omitted several subsections from the section.

Therefore, under 45 Pa.C.S. § 901: The Pennsylvania Gaming Control Board has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code § 435a.1. The corrective amendment to § 435a.1, is effective as of August 21, 2010, the date the defective text appeared in the *Pennsylvania Bulletin*.

The correct version of § 435a.1 appears in Annex A.

SUSAN YOCUM,  
Assistant Chief Counsel

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION**

**CHAPTER 435a. EMPLOYEES**

**§ 435a.1. General provisions.**

(a) An individual seeking a key employee license, occupation permit or nongaming employee registration shall apply to the Board as required by this chapter.

(b) In addition to the materials required under §§ 435a.2, 435a.3 and 435a.5 (relating to key employee license; occupation permit; and nongaming employee registration), an applicant shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) An individual who receives a license, permit or registration under this part shall have the continuing duty to report to the Board an arrest, charge, indictment or conviction for:

- (1) An offense involving moral turpitude.
- (2) An offense under 18 Pa.C.S. (relating to crimes and offenses).
- (3) An offense under 75 Pa.C.S. (relating to vehicles) which is punishable by 1 year or more.
- (4) An offense under section 13 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)) regarding prohibited acts; penalties.
- (5) Any felony offense.
- (6) Comparable offenses in other states or foreign jurisdictions.

(d) The holder of a key employee license, occupation permit, or nongaming employee registration shall provide an updated photograph at the request of the Board.

(e) An individual may not be employed in this Commonwealth by an applicant for or holder of a license, certification or registration under this part in any capacity unless the individual is a citizen of the United States or can demonstrate that he holds a current and valid work authorization and is not restricted from working in the capacity for which employment is sought or held. Authorization to work in the United States may be demonstrated by submitting one of the following:

- (1) A permanent resident alien card.
- (2) A temporary employment authorization card.
- (3) A document which the Board deems to be sufficient evidence or authorization.

(f) A principal or key employee license will not issued to an individual who has been convicted of a felony offense in any jurisdiction.

(g) A principal or key employee license will not be issued to an individual who has been convicted of a misdemeanor gambling offense in any jurisdiction, unless 15 years have elapsed from the date of conviction for the offense.

(h) A permit will not be issued to an individual who has been convicted of a felony offense or misdemeanor gambling offense in any jurisdiction unless 15 years have elapsed from the date of conviction for the offense.

(i) When considering an application for a registration from an individual who has been convicted of a felony or misdemeanor gaming offense in any jurisdiction, an application for a permit from an individual who has been convicted of a felony or misdemeanor gaming offense in any jurisdiction when 15 years have elapsed from the date of the conviction for the offense, or an application for a license from an individual who has been convicted of a misdemeanor gaming offense in any jurisdiction when 15 years have elapsed from the date of the conviction for the offense, Board will consider:

- (1) The nature and duties of the applicant's position with the licensed entity.
- (2) The nature and seriousness of the offense or conduct.
- (3) The circumstances under which the offense or conduct occurred.
- (4) The age of the applicant when the offense or conduct was committed.
- (5) Whether the offense or conduct was an isolated or a repeated incident.

(6) Evidence of rehabilitation, including good conduct in the community, counseling or psychiatric treatment received and the recommendation of persons who have substantial contact with the applicant.

(j) For purposes of this section, a felony offense is any of the following:

- (1) An offense punishable under the laws of this Commonwealth by imprisonment for more than 5 years.
- (2) An offense which, under the laws of another jurisdiction, is either:
  - (i) Classified as a felony.
  - (ii) Punishable by imprisonment for more than 5 years.
- (3) An offense under the laws of another jurisdiction which, if committed in this Commonwealth, would be subject to imprisonment for more than 5 years.

(k) An individual who holds a license or permit may not wager at any licensed facility in this Commonwealth.

(l) A registrant or employee of a slot machine licensee who is not required to obtain a license or permit may not wager at the licensed facility in which the registrant or employee is employed.

(m) A registrant who is an employee of a certified vendor or an employee of a certified vendor who has direct contact with the employees of a licensed facility may not wager at the licensed facility where the vendor is currently providing services.

(n) A licensed, permitted or registered employee shall wait at least 30 days following the date that the employee either leaves employment with a slot machine licensee or is laid off or terminated from employment with a slot machine licensee before the employee may wager at the licensed facility in which the employee was formerly employed.

(o) An individual required to obtain a license or permit by this part shall demonstrate that he is current and not in arrears on any financial obligation owed to the Commonwealth or any subdivision thereof, including court-ordered child-support payments.

(p) An applicant for an occupation permit or nongaming employee registration shall be at least 18 years of age.

(q) Slot machine licensees, manufacturers, manufacturer designees, suppliers and certified vendors who hire an individual who holds a license, permit or registration issued by the Board shall contact the Bureau of Licensing to confirm that the individual's license, permit or registration is in good standing prior to allowing the individual to work in the licensed facility.

*(Editor's Note: For a rulemaking affecting this document, see 40 Pa.B. 6083 (October 23, 2010).)*

[Pa.B. Doc. No. 10-1999. Filed for public inspection October 22, 2010, 9:00 a.m.]

**PENNSYLVANIA GAMING CONTROL BOARD**  
**[ 58 PA. CODE CHS. 523, 526 AND 549 ]**  
**Table Game Equipment, Credit and Rules Amendments; Temporary Regulations**

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1303A (relating to temporary table game regulations) enacted by the act of January 7, 2010 (P.L. 1, No. 1) (Act 1) and the specific authority in 4 Pa.C.S. §§ 1302A(1) and (2) and 1327A(a)

(relating to regulatory authority; and other financial transactions), amends temporary regulations in Chapters 523, 526 and 549 (relating to table game equipment; credit; and Blackjack) to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

#### *Purpose of the Temporary Rulemaking*

This temporary rulemaking provides for the use of value chips in exchange for food and beverage served on the gaming floor, allows for the issuance of credit to slot players and amends the rules for Blackjack. These changes were made in response to requests received from certificate holders and based on the Board's experience to date.

#### *Explanation of Chapters 523, 526 and 549*

The Board has received numerous comments on the temporary regulations promulgated so far. The Board has found these comments useful and thanks the commentators for their input.

While the Board does not agree with all of the suggestions offered and is still reviewing a number of the comments that have been received, the Board does agree that improvements can be made in several areas now.

In Chapter 523, the Board previously provided for the acceptance of value chips to authorized employees as personal gratuities. Language was added to § 523.10(l) (relating to exchange and redemption of gaming chips and plaques) which allows authorized employees to also accept value chips in exchange for food and beverage purchased and served to patrons while on the gaming floor.

In Chapter 526, the Board previously promulgated regulations regarding the issuance of credit to a table game patron. New § 526.13a (relating to issuance and reconciliation of Counter Checks) is added to set forth the procedures that shall be followed when issuing a Counter Check to a patron for the purposes of playing a slot machine or table game. The language in § 526.13(e)—(h) (relating to requirements for Counter Checks) regarding the issuance of Counter Checks to table game patrons was moved to § 526.13a(b) and (e)—(g).

In Chapter 549, the In Between Wager was added as an optional side wager. The requirements for table layouts were added in § 549.2(c) (relating to Blackjack table; card reader device; physical characteristics; inspections). New § 549.19 (relating to In Between Wager) is added to provide the rules of the wager, the payout odds and the payout limitation on the In Between Wager.

#### *Affected Parties*

The amendments in this temporary rulemaking allow certificate holders additional options on how to conduct table games at their licensed facilities. It will also affect certificate holders that elect to offer credit and patrons who apply for and receive credit.

#### *Fiscal Impact*

##### *Commonwealth*

The Board does not expect that the amendments in this temporary rulemaking will have fiscal impact on the Board or any other Commonwealth agency. Internal control procedures submitted by certificate holders related to credit will be reviewed by existing Board staff.

##### *Political subdivisions*

This temporary rulemaking will not have direct fiscal impact on political subdivisions in this Commonwealth.

Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

#### *Private sector*

The amendments in this temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games and food and beverage service on the gaming floor. The addition of an optional side wager may increase the wagers in Blackjack.

Certificate holders that elect to offer credit to slot patrons will have to develop procedures for administering credit at the cashier's cage or slot machine. These procedures will be part of the certificate holder's internal controls which shall be submitted to the Board for approval. Because credit must be interest free, the certificate holder will have to absorb any costs regarding the issuance of credit.

#### *General public*

This temporary rulemaking will not have direct fiscal impact on the general public.

#### *Paperwork Requirements*

If a certificate holder elects to offer credit, the certificate holder will have to develop forms and recordkeeping systems to track the issuance and redemption of credit.

#### *Effective Date*

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

#### *Public Comments*

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how this temporary regulation might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-133.

#### *Contact Person*

The contact person for questions about this temporary rulemaking is Susan A. Yocum, Assistant Chief Counsel, (717) 265-8356.

#### *Regulatory Review*

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

#### *Findings*

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the CDL and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code Chapters 523, 526 and 549, are amended by amending §§ 523.10, 526.13 and 549.2; and by adding §§ 526.13a and 549.19 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(2) The temporary regulations are effective October 23, 2010.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations are subject to amendment as deemed necessary by the Board.

(5) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-133. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 523. TABLE GAME EQUIPMENT

§ 523.10. Exchange and redemption of gaming chips and plaques.

\* \* \* \* \*

(1) Employees of a certificate holder may be authorized to receive value chips as personal gratuities and in exchange for food and beverage purchased and served to patrons on the gaming floor. Employees of a certificate holder who are authorized to receive value chips shall redeem the value chips at the cashiers' cage or at another secure location, as approved by the Board, prior to leaving the licensed facility. Value chips redeemed at a noncage employee redemption site shall be exchanged on a daily basis with the cashiers' cage in accordance with procedures approved by the Board. Each certificate holder shall submit to the Board for approval internal controls to ensure the proper exchange and accounting of the value chips received as personal gratuities and for the purchase of food and beverage on the gaming floor.

\* \* \* \* \*

CHAPTER 526. CREDIT

§ 526.13. Requirements for Counter Checks.

\* \* \* \* \*

(c) For Counter Checks that are manually prepared:

\* \* \* \* \*

(3) Access to the Counter Checks shall be maintained and controlled at all times by the finance department employees responsible for the control of and accounting for the unused supply of Counter Checks, and the table games department or cage employees responsible for the preparation of Counter Checks for a patron's signature.

(d) For Counter Checks that are prepared by computer:

(1) The Counter Checks must be a four-part form which consists of an original, a redemption copy, an issuance copy and an accounting copy.

(2) The Counter Checks shall be inserted in a printer that will simultaneously print an original and the other copies.

(3) The information printed on the original Counter Check and the other copies shall be stored in machine-readable form. The stored data must not be susceptible to change or removal by any personnel after preparation of a Counter Check.

\* \* \* \* \*

§ 526.13a. Issuance and reconciliation of Counter Checks.

(a) A certificate holder may issue Counter Checks in exchange for:

(1) Value chips or plaques provided to a patron at a gaming table.

(2) Cash provided to a slot patron at the cashier's cage or at a slot machine.

(b) For a Counter Check exchanged for value chips or plaques at a gaming table, a pit clerk or above shall:

(1) Verify the patron's identity by either:

(i) Obtaining the patron's signature, on a form, which shall be compared to the signature contained within a patron signature file. The pit clerk or above shall sign the form indicating that the signature of the patron on the form appears to agree with the signature in the patron signature file. The form shall be attached to the accounting copy of the Counter Check exchanged by the patron prior to forwarding it to the accounting department. After the patron's identity has been verified by the pit clerk or above, the requirements for subsequent verification of the patron's identity during the same shift and in the same gaming pit may be satisfied by the employee who performed the initial verification signing a form attesting to the patron's identity before each subsequent Counter Check is exchanged. The form must include the patron's name and the serial number of the initial Counter Check exchanged by the patron. The form shall be attached to the accounting copy of the subsequent Counter Check prior to forwarding the accounting copy to the accounting department.

(ii) Obtaining the attestation of a floorperson or above as to the identity of the patron. The floorperson or above shall record his Board credential number and sign a form attesting to the patron's identity. The form shall be attached to the accounting copy of the Counter Check exchanged by the patron prior to forwarding it to the accounting department.

(2) Determine the patron's remaining credit limit from the cashier's cage.

(3) Prepare the Counter Check for the patron's signature by recording or by electronically inputting, the following information:

(i) The name of the patron exchanging the Counter Check.

(ii) The current date and time.

(iii) The amount of the Counter Check expressed in numerals.

(iv) The game and table number.

(v) The signature of the floorperson or above authorizing acceptance of the check.

(vi) The signature of the preparer or, if computer prepared, the identification code of the preparer.



(4) Place an impression on the back of the original Counter Check a restrictive endorsement "for deposit only" to the certificate holder's bank account.

(5) Present the original and all duplicate copies of the Counter Check to the patron for signature. However, a certificate holder may, in accordance with its approved internal controls, require the patron to sign the original Counter Check only and have a computer generated facsimile of the signature exemplar obtained from the patron's signature file preprinted on the redemption, issuance and accounting copies of a computer prepared Counter Check if:

(i) The patron's signature has previously been recorded in a patron signature file in conformance with § 465a.20 (relating to personal check cashing).

(ii) A legible copy of the signed original Counter Check is made by the certificate holder prior to the presentation of the original Counter Check for collection or payment in accordance with this chapter. The copy shall be maintained by the certificate holder and be available for inspection by representatives of the Board upon request.

(6) Receive the signed Counter Check directly from the patron. The issuance copy of the Counter Check shall then be immediately given to the dealer or boxperson to be exchanged for value chips or gaming plaques. A certificate holder may allow a dealer or boxperson to give the patron value chips or gaming plaques before the patron has signed the Counter Check if the certificate holder includes procedures in the certificate holder's internal controls to verify the patron's identity and available credit limit prior to giving the patron the value chips or gaming plaques.

(i) The original, redemption, and, if applicable, the acknowledgement copies of the Counter Check shall be expeditiously transported to the cashiers' cage where the original and redemption copies shall be maintained and controlled by the cage cashier designated to act as the check bank cashier.

(ii) The accounting copy of the Counter Check shall be maintained and controlled by the pit clerk or above until forwarded to the accounting department as required under subsection (g).

(iii) The issuance copy of the Counter Check shall be deposited by the dealer or boxperson in the drop box.

(c) For a Counter Check exchanged by a slot player for cash at the cage, a cage cashier shall:

(1) Verify the patron's identity by either:

(i) Obtaining the slot patron's signature, on a Counter Check Request Form, which shall be compared to the signature contained within a patron signature file. The cage cashier shall sign the form indicating that the signature of the patron on the form appears to agree with the signature in the patron signature file. The form shall be attached to the accounting copy of the Counter Check exchanged by the slot patron prior to forwarding it to the accounting department.

(ii) Obtaining the attestation of a cage supervisor as to the identity of the patron. The cage supervisor shall record his Board credential number and sign a form attesting to the patron's identity. The form shall be attached to the accounting copy of the Counter Check exchanged by the patron prior to forwarding it to the accounting department.

(2) Determine the slot patron's remaining credit limit.

(3) Prepare the Counter Check for the slot patron's signature by recording or by electronically inputting, the following information:

(i) The name of the slot patron exchanging the Counter Check.

(ii) The current date and time.

(iii) The amount of the Counter Check expressed in numerals.

(iv) The signature of the cage supervisor authorizing acceptance of the check.

(vi) The signature of the slot supervisor authorizing acceptance of the check.

(vii) The signature of the preparer or, if computer prepared, the identification code of the preparer.

(4) Place an impression on the back of the original Counter Check a restrictive endorsement "for deposit only" to the certificate holder's bank account.

(5) Present the original and all duplicate copies of the Counter Check to the slot patron for signature. However, a certificate holder may, in accordance with its approved internal controls, require the slot patron to sign the original Counter Check only and have a computer generated facsimile of the signature exemplar obtained from the slot patron's signature file preprinted on the redemption, issuance and accounting copies of a computer prepared Counter Check if:

(i) The slot patron's signature has previously been recorded in a patron signature file in conformance with § 465a.20.

(ii) A legible copy of the signed original Counter Check is made by the certificate holder prior to the presentation of the original Counter Check for collection or payment in accordance with the provisions of this chapter. The copy shall be maintained by the certificate holder and be available for inspection by representatives of the Board upon request.

(6) Receive the signed original and all duplicate copies of the Counter Check directly from the slot patron.

(i) The original, redemption, and, if applicable, the acknowledgement copies of the Counter Check shall be expeditiously transferred to the cage cashier designated to act as the check bank cashier who shall maintain and control the original and redemption copies.

(ii) The accounting copy of the Counter Check shall be maintained and controlled by the cage cashier and deposited into a locked accounting box until forwarded to the accounting department as required under subsection (g).

(iii) The issuance copy of the Counter Check shall be exchanged for cash and shall be maintained by the cage cashier in the impress fund.

(d) A certificate holder may also issue a Counter Check to a slot patron directly at a slot machine, provided the following procedures and requirements are followed:

(1) A slot supervisor shall obtain the amount of the requested Counter Check and the patron's signature on a two-part Counter Check Request Form and transport both copies of the Counter Check Request Form directly to the cage cashier. The cage cashier shall verify the slot patron's signature in accordance with subsection (c)(1)(i).

(2) Once the slot patron's signature has been verified, the cage cashier shall prepare the Counter Check in accordance with subsection (c)(2), (3) and (4).

(3) The cage cashier shall sign the Counter Check as the preparer of the Counter Check and shall present the original and all duplicate copies of the Counter Check, the original and duplicate copy of the request form and the cash in the amount of the Counter Check to the slot supervisor.

(4) The slot supervisor shall verify the cash against the amount recorded on the Counter Check and the request form. If in agreement, the slot supervisor shall sign the original and duplicate copy of the request form and return the duplicate copy of the request form to the cage cashier.

(5) The cage cashier shall retain the duplicate copy of the request form as evidence of the slot supervisor's receipt of the Counter Check and the cash.

(6) Once the cash has been verified, the funds shall be transported, along with the original request form and the original and all copies of the Counter Check, to the slot patron by the slot supervisor in the presence of a security department employee.

(7) The slot supervisor shall present the original and all duplicate copies of the Counter Check to the slot patron for signature.

(8) Upon receiving the signed original and all duplicate copies of the Counter Check from the slot patron, the security department employee shall verify the slot patron's signature on the original Counter Check against the patron's signature on the original request form. If in agreement, the cash shall be immediately given to the slot patron. Cash may not be given to the slot patron prior to the receipt of the signed Counter Check from the patron.

(9) Once the slot patron has received the cash, the security department employee shall sign the back of the accounting copy of the Counter Check as a witness to the transfer of funds to the slot patron in exchange for the signed Counter Check from the patron. The accounting copy of the Counter Check shall be maintained and controlled by the slot supervisor until forwarded to the accounting department as required under subsection (g).

(10) The security department employee shall immediately return the original, redemption, issuance and acknowledgement copies of the Counter Check to the cage cashier. The cage cashier shall attach the duplicate of the request form to the issuance copy of the Counter Check and maintain them in the impress fund.

(11) The original, redemption, and, if applicable, the acknowledgement copies of the Counter Check shall be expeditiously transferred to the cage cashier designated to act as the check bank cashier who shall maintain and control the original and redemption copies.

(e) The cage cashier designated to act as the check bank cashier shall sign and time stamp the acknowledgement copy of the Counter Check and expeditiously return it to the pit clerk or slot supervisor by means of a security department employee or to the cage cashier. The check bank cashier shall maintain the original and redemption copies of the Counter Check.

(f) The acknowledgement copy of the Counter Check returned to the pit clerk, slot supervisor or the cage cashier shall be reconciled with the accounting copy and maintained and controlled by the pit clerk, slot supervisor or cage cashier until forwarded to the accounting department as required under subsection (g).

(g) At the end of each gaming day the following procedures and requirements shall be observed:

(1) The original and all copies of voided Counter Checks shall be forwarded to the accounting department.

(2) The accounting and acknowledgement copies of Counter Checks retained by the pit clerk, slot supervisor or cage cashier shall be forwarded to the accounting department for agreement with the issuance copy of the Counter Check removed from the drop box or cage cashier's impress fund.

(3) The redemption copy of a Counter Check shall be forwarded to the accounting department subsequent to the redemption or deposit of the original Counter Check for agreement with the accounting and issuance copies of the Counter Check or stored data.

**CHAPTER 549. BLACKJACK**

**§ 549.2. Blackjack table; card reader device; physical characteristics; inspections.**

\* \* \* \* \*

(c) The following must be inscribed on the Blackjack layout:

\* \* \* \* \*

(6) If a certificate holder offers the In Between Wager:

(i) A separate area designated for the placement of the In Between Wager for each player.

(ii) Inscriptions that advise patrons of the payout odds for the In Between Wager. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for the In Between Wager shall be posted at each Blackjack table.

\* \* \* \* \*

**§ 549.19. In Between Wager.**

(a) A player may make an additional In Between Wager which shall have no bearing on any other wagers made by the player. For purposes of the In Between Wager, the ace is always high. The In Between Wager of a player shall win if:

(1) The dealer's up card falls between the player's initial two cards.

(2) The dealer's up card and the player's initial two cards are of the same rank.

(b) If the dealer's up card falls between the player's initial two cards, the player shall be paid according to the respective card spread. A one card spread occurs when only one card falls between the player's initial two cards. For example, if a player has been dealt a 7 and a 9, the player will win with a one card spread if the dealer's up card is an 8. If the dealer's up card and the player's initial two cards are of the same rank, the player has a triple match.

(c) Prior to the first card being dealt for each round of play, a player who has placed a basic wager required under § 549.4 (relating to wagers) may make an additional In Between Wager, which shall be in an amount of at least \$1 and may not exceed the lesser of:

(1) The amount of the wager made by the player under § 549.4(a).

(2) A maximum amount established by the certificate holder in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions).

(d) An In Between Wager shall be made by placing value chips on the appropriate area of the Blackjack layout.

(e) Immediately after the second card is dealt to each player and the dealer, but prior to additional cards being dealt to any player or the dealer or before any card reader device is utilized, the dealer shall, starting with the player to his far right and moving counterclockwise around the table, settle all In Between Wagers by collecting all losing wagers and paying all winning wagers in accordance with subsection (f).

(f) The certificate holder shall pay out winning In Between Wagers at the odds contained in the following payout table:

<i>Hand</i>	<i>Payout</i>
Triple Match	30 to 1
One Card Spread	10 to 1
Two Card Spread	6 to 1
Three Card Spread	4 to 1
All others	1 to 1

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