

RULES AND REGULATIONS

Title 4—ADMINISTRATION

STATE EMPLOYEES' RETIREMENT BOARD

[4 PA. CODE CH. 241]

Definitions

The State Employees' Retirement Board (Board) is amending § 241.1 regarding the definition of "beneficiary" to read as set forth in Annex A.

This amendment to § 241.1 (relating to definitions) clarifies the definitions of the term "beneficiary" by defining the words "person or persons." It also removes the gender specific terms currently in the regulation and replaces them with gender neutral terms. Finally, it removes the operative provisions regarding payment to an estate or next of kin if a beneficiary is not designated by a member.

A. Effective Date

This amendment will be effective upon publication in the *Pennsylvania Bulletin* as a final rulemaking.

B. Contact Person

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 787-9657 or Jill S. Vecchio, Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317.

C. Statutory Authority

This final rulemaking is being made under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board) (Retirement Code).

D. Summary of the Final-Form Rulemaking

This final-form regulation clarifies the definition of the term "beneficiary" by defining the words "person or persons." It also removes the gender specific terms currently in the regulation and replaces them with gender neutral terms. Finally, it removes the operative provisions regarding payment to an estate or next of kin if a beneficiary is not designated by a member.

E. Summary of Comments and Responses

No comments were received regarding this rulemaking.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the final-form regulation.

Benefits

The amendment will alleviate confusion and prevent possible disputes with regard to proper naming of beneficiaries by members.

Costs

There are no costs to the Commonwealth, its citizens or State employees associated with this proposal.

Compliance Costs

The amendment will not impose any additional compliance costs on State employees.

G. Sunset Review

A sunset date has not been established for this regulation.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 18, 2008, the Board submitted a copy of the proposed rulemaking, published at 38 Pa.B. 613 (February 2, 2008), to the Independent Regulatory Review Commission (IRRC) and the House State Government Committee and the Senate Finance Committee (Committees) for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board is required to provide IRRC and the Committees with copies of the comments received during the public comment period, as well as other documents requested. No comments from IRRC, the Committees or the public were received.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on January 6, 2010, this final-form regulation was deemed approved by the Committees. Under section 5(g) of the Regulatory Review Act, IRRC the final-form regulation was deemed approved effective January 6, 2010.

I. Findings

The Board finds that:

(1) Public notice of intention to amend this regulation was 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2 by publication at 38 Pa.B. 613.

(2) The final-form rulemaking is necessary and appropriate for the administration of the Retirement Code.

J. Order

The Board, acting under the authorizing statutes orders that:

(a) The regulations of the Board, 4 Pa. Code Chapter 241, are amended by amending § 241.1 to read as set forth in Annex A.

(b) The amendment shall be submitted to the Office of Attorney General for approval as to legality as required by law.

(c) The Secretary of the Board shall certify this order and Annex A 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*.

NICHOLAS J. MAIALE,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 575 (January 23, 2010).)

Fiscal Note: Fiscal Note 31-8 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 241. PRELIMINARY PROVISIONS

§ 241.1. Definitions.

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

Active member—Employees on intervening military service or studying under a Federal grant as defined in section 5302(b) of the code (relating to credited State service) provided the member, in all cases, makes contributions while in the service.

Actuarially equivalent—Annuities of equal present value determined by multiplying the annual amount of the annuity by the appropriate cost factor for an annuity of \$1 based on mortality tables currently adopted and used by the Board.

Annuitant—A member on or after the effective date of retirement who was formerly a State employee, excluding a beneficiary or survivor annuitant.

Basic contribution rate—The rate shall be 5%, except that in no case may a member be required to contribute, excluding contributions for Social Security integration credit, at a rate greater than the member's contribution rate on March 1, 1974. This rate may not be applicable to those who became members of the System prior to June 1, 1948, at age 26 or younger who did not, under prior law, elect additional coverage (SSI). It shall be applicable to those in the joint coverage group except that the appropriate offset factor shall be deducted on earnings covered by Federal Social Security.

Beneficiary—The person or persons, as defined in 1 Pa.C.S. § 1991 (relating to definitions), last designated in writing to the Board by a member to receive the member's accumulated deductions or a lump sum benefit upon the death of the member.

Board—The State Employees' Retirement Board required under the code to administer the System.

Code—71 Pa.C.S. §§ 5101—5956 (relating to State Employees' Retirement Code).

Compensation—Limited to salary or wages received for services performed as an employee, but excluding monies received for bonuses, cash awards or similar emoluments.

Date of termination of service—The last day of service for which an active member makes contributions; or in the case of an inactive member on leave without pay, the date of resignation or the date employment is formally discontinued by the employer; or the date a member is placed on furlough.

Effective date of disability retirement—The date following the last day for which compensation was paid or the date on which the member filed an effective application for disability benefits, whichever is later.

Final average salary—In the case of a part-time employee, the salary shall be annualized by multiplying the employee's actual earnings by the reciprocal of the fractional portion of full time compensation or the percentage of service credit earned, whichever is higher, during nonoverlapping periods of 4 consecutive calendar quarters during which the member was a State employee.

Inactive member—A member who is on furlough and has elected to leave his accumulated deductions in the fund at statutory interest during the furlough period. The furlough period may not exceed 1 year.

Member's annuity—Determined by dividing the member's regular accumulated deductions and Social Security integration accumulated deductions by the cost of a \$1 annuity factor based on the member's nearest age and sex at the effective date of retirement and computed on the basis of statutory interest and the mortality tables adopted and used by the Board.

Optional alternate retirement program—An independent retirement program limited to certain designated employees and officers of the Pennsylvania State University, Indiana University, the State Colleges and the Department of Education, as shall be approved by the governing body of the institution or the Secretary of Education, as the case may be.

Statutory interest—As applied to a member's contributions, means interest at 4% per annum compounded annually which shall be calculated as follows: the sum of the balance of the accumulated deductions at the conclusion of the previous year and the mean balance of the current year's contributions multiplied by 4% times the fractional part of year for which the contributor was a member, including one on leave without pay subsequent to July 1, 1974.

System—The State Employees' Retirement System of Pennsylvania as established by the act of June 27, 1923 (P. L. 858, No. 331), and codified by the act of June 1, 1959 (P. L. 392, No. 78), and this title.

Vestee—A member with ten or more eligibility points who has terminated State service and has elected to leave his total accumulated deductions in the fund and to defer receipt of an annuity, provided the election is made within 90 days after the effective date of termination of service. In absence of an election, a terminated State employee is not entitled to vest. The employee shall, however, be eligible to file for an annuity benefit or return of accumulated contributions as they stood at termination of service, at a later date, but is not eligible for death benefits beyond 90 days after termination of service or the accumulation of interest beyond the date of termination of service. In the event the employee applies for an annuity, it shall take effect upon filing of the application.

[Pa.B. Doc. No. 10-319. Filed for public inspection February 19, 2010, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

[4 PA. CODE CH. 247]

Termination of Annuities

The State Employees' Retirement Board (Board) amends Chapter 247 to read as set forth in Annex A.

The deletion of § 247.6(a) will eliminate obsolete language and language that is repetitive of language in 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code) (Retirement Code). The language contained in this subsection that refers to multiple service is obsolete. The remainder of the language in this subsection is repetitive of language currently contained in 71 Pa.C.S. §§ 5706 and 5906 (relating to termination of annuities; and duties of heads of departments).

A. *Effective Date*

The amendment will be effective upon publication in the *Pennsylvania Bulletin* as a final rulemaking.

B. *Contact Person*

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 787-9657 or Jill S. Vecchio, Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317.

C. *Statutory Authority*

This final rulemaking is being made under the authority of 71 Pa.C.S. § 5902(h) of the Retirement Code (relating to administrative duties of the board).

D. *Summary of the Final-Form Rulemaking*

The subsection to be deleted contains obsolete language and language that is repetitive of language in the Retirement Code. Deleting this section will avoid potential confusion on the part of members of State Employees' Retirement System (SERS) and the agency's personnel and potential litigation.

E. *Summary of Comments and Responses*

No comments were received regarding this rulemaking.

F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of this final-form regulation.

Benefits

The deletion of this subsection would benefit SERS and its members. This subsection is unnecessary, as parts are repetitive and are obsolete. Deleting this subsection of the regulation will avoid potential confusion on the part of members of SERS and the agency's personnel and potential litigation.

Costs

There are no costs to the Commonwealth, its citizens or State employees associated with this proposal.

Compliance Costs

The deletion is not expected to impose any additional compliance costs.

G. *Sunset Review*

A sunset date has not been established for this regulation.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 18, 2008, the Board submitted a copy of the proposed rulemaking, published at 38 Pa.B. 615 (February 2, 2008), to the Independent Regulatory Review Commission (IRRC) and the House State Government Committee and the Senate Finance Committee (Committees) for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board is required to provide IRRC and the Committees with copies of the comments received during the public comment period, as well as other documents requested. No comments from IRRC, the Committees or the public were received.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on January 6, 2010, this final-form rulemaking was deemed approved by the Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved effective January 6, 2010.

I. *Findings*

The Board finds that:

(1) Public notice of intention to amend this regulation was 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2 by publication at 38 Pa.B. 615.

(2) The final-form rulemaking is necessary and appropriate for the administration of the Retirement Code.

J. *Order*

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

(a) The regulations of the Board, 4 Pa. Code Chapter 247, are amended by amending § 247.6 to read as set forth in Annex A.

(b) The amendment shall be submitted to the Office of Attorney General for approval as to legality as required by law.

(c) The Secretary of the Board shall certify this order and Annex A 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*.

NICHOLAS J. MAIALE,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 575 (January 23, 2010).)

Fiscal Note: Fiscal Note 31-10 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 247. BENEFITS

§ 247.6. Termination of annuities.

The requirement that the subsequent annuity of a member who returns to active service, having once been on retirement, be reduced on the basis of benefits received prior to superannuation age, does not apply to a member who returns to active State service from a disability annuity.

[Pa.B. Doc. No. 10-320. Filed for public inspection February 19, 2010, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

[4 PA. CODE CH. 247]

Death Benefits

The State Employees' Retirement Board (Board) amends § 247.7(a) pertaining to the priority of death benefit payments in the event these payments cannot be made to a designated beneficiary or the member's estate.

This amendment sets priorities for the payment of death benefits in the event a member dies without a valid designation of beneficiaries.

A. *Effective Date*

The amendment will go into effect upon publication in the *Pennsylvania Bulletin* as a final rulemaking.

B. *Contact Person*

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 787-9657 or Salvatore

A. Darigo, Jr., Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317.

C. Statutory Authority

This final rulemaking is being made under the authority of 71 Pa.C.S. §§ 5902(h) and 5953 (relating to administrative duties of the board; and taxation, attachment and assignment of funds).

D. Summary of the Final-Form Rulemaking

This final-form regulation clarifies the priority for payment of a member's death benefit in the event that payment of the benefits cannot be made to a member's designated beneficiary or estate. The amendment enables consistent application of the statute and the avoidance litigation of priority issues.

E. Summary of Comments and Responses

No comments were received regarding this rulemaking.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the proposed regulation.

Benefits

The amendment is intended to alleviate confusion and prevent possible disputes with regard to conflicting demands on members' death benefits.

Costs

There are no costs to the Commonwealth, its citizens or State employees associated with this proposal.

Compliance Costs

The amendment is not expected to impose any additional compliance costs on State employees.

G. Sunset Review

A sunset date has not been established for this regulation.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 25, 2008, the Board submitted a copy of the proposed amendment, published at 38 Pa.B. 4396 (August 9, 2008) to the Independent Regulatory Review Commission (IRRC) and the House State Government Committee and the Senate Finance Committee (Committees). In addition to submitting the proposed amendment, the Board has provided IRRC and the Committees with a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, the Board is required to provide IRRC and the Committees with copies of the comments received during the public comment period, as requested. No comments from IRRC, the Committees, or the public were received.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 9, 2009, this final-form regulation was deemed approved by the Committees. Under section 5(g) of the Regulatory Review Act, the final-form regulation was deemed approved effective December 9, 2009.

I. Findings

The Board finds that:

(1) Public notice of intention to amend this regulation was 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2 by publication at 38 Pa.B. 4396.

(2) The final-form rulemaking is necessary and appropriate for the administration of 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code).

J. Order

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

(a) The regulations of the Board, 4 Pa. Code Chapter 247, are amended by amending § 247.7 to read as set forth in Annex A.

(b) The amendment shall be submitted to the Office of Attorney General for approval as to legality as required by law.

(c) The Secretary of the Board shall certify this order and Annex A 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*.

NICHOLAS J. MAIALE,
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 7271 (December 26, 2009).)

Fiscal Note: Fiscal Note 31-12 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 247. BENEFITS

§ 247.7. Death benefits.

(a) *Manner of payments.* In the event the member does not designate a beneficiary before death or the designation is not valid for any reason or no validly designated beneficiary survives the member by 30 days under 71 Pa.C.S. § 5709(c) (relating to the payment of benefits) to receive any of the death benefits provided in the code, the benefits shall be payable to the estate of the member.

(1) If the estate of the member is entitled to receive the member's death benefits but does not file a claim for the benefits within 60 days of the date the System mails notice of the benefits to the estate of the member, the entire amount of the death benefit shall be payable in the following sequential priority:

(i) To the appointed executor or administrator of the deceased member.

(ii) To the surviving spouse of the member.

(iii) To any child of the member.

(iv) To the father or mother of the member.

(v) To any sister or brother of the member.

(2) Payments made under paragraph (1)(iii)—(iv) shall be made to only one person and not divided among members of the classes identified in those subsections. Upon payment of a death benefit pursuant to this section, the System shall be discharged from any further liability for the payment of the death benefits to any other person.

Any person to whom payment is made under this paragraph shall be answerable therefore to anyone prejudiced by the payment.

(b) *Single life annuity.* If a single life annuitant dies before receiving in monthly annuity payments the total amount of accumulated deductions, the balance of the total accumulated deductions shall be paid to the designated beneficiary without regard to the actual proportion the State share represents to the total monthly annuity payments actually received before death.

[Pa.B. Doc. No. 10-321. Filed for public inspection February 19, 2010, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 435a AND 437a]

Vendor Revisions

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. § 1321 (relating to additional licenses and permits and approval of agreements), amends Chapters 435a and 437a (relating to employees; and vendor certification and registration).

Purpose of the Final-form Rulemaking

The final-form rulemaking contains numerous amendments to Chapters 435a and 437a which are designed to improve the clarity of these chapters, reduce unnecessary filing requirements and improve the overall effectiveness of the Board's oversight of vendors based on the Board's experience to date.

Explanation of Amendments to Chapters 435a and 437a

Throughout this final-form rulemaking, the Board has made minor language changes to improve the clarity of the regulations. For example, the Board has replaced the term "business" with "goods or services" to track more closely the language in the statute.

In Chapter 435a a new § 435a.9a (relating to vendor employee temporary access credentials) has been added which codifies the Bureau of Licensing's policy for issuing temporary credentials to employees of vendors that are construction companies to complete work under the original contract, change orders, punch lists, make periodic repairs or do warranty work. This provides a controlled mechanism for contractors to complete work or make repairs under the supervision of the slot machine licensee's security department instead of requiring these employees to obtain a gaming permit or nongaming registration.

In § 437a.1 (relating to general vendor requirements), the monetary thresholds that trigger the registration or certification requirements have been revised. Under these amendments, vendors who provide less than \$15,000 worth of goods or services in a 12-month period will continue to be exempt from the registration or certification requirements. A new subsection (h) has been added which requires slot machine applicants and licensees to file a one-page Notification of Material Vendor Form for any vendor that is not required to be registered or certified that has provided goods or services that are valued at \$15,000 or more in a consecutive 12-month

period. This will allow the Board to track low dollar value vendor transactions without requiring small vendors to complete an extensive application.

Under subsection (a), if a vendor provides goods or services to one or more slot machine applicants or licensees worth \$100,000 up to \$500,000 in a 12-month period, the vendor will be required to be registered. Under subsection (b), if a vendor provides goods or services worth more than \$500,000 in a 12-month period to one or more slot machine applicants or licensees, the vendor will be required to be certified. These changes will significantly reduce the number of vendors who will have to obtain registrations or certifications which will make it easier for small businesses in this Commonwealth to provide services to slot machine applicants and licensees.

Also in subsection (a), vendors whose employees will be working on the gaming floor or in restricted areas will now, in most cases, be required to be registered. Under the current regulation, these vendors are required to be certified. This change will reduce application costs for vendors. Additionally, an exemption to the registration requirement has been added where registration will not be required if the following conditions are met: the vendor's employee's access to the gaming floor is for no more than 24 hours in a 72-hour period, once in any 3-month period; the vendor's employees sign-in with the slot machine licensee's security department and the Board's casino compliance representatives; and the vendor has received written approval from the Bureau of Licensing.

A new subsection (c) has been added that requires registration or certification as a vendor if a person provides goods or services that have a total dollar value that exceeds the respective dollar thresholds to an intermediary, holding company or affiliate of a slot machine licensee, if those goods or services are for the benefit of or use by the slot machine licensee.

It is not uncommon for entities that operate multiple casinos in multiple jurisdictions to consolidate the purchase of goods or services for their multiple properties. These provisions will ensure that a vendor that provides goods and services in this manner, that are ultimately to be used by a slot machine licensee in this Commonwealth, shall obtain Pennsylvania certification or registration if the value of the goods or services exceeds the applicable dollar thresholds.

Section 437a.1(d) has been amended to clarify the exemptions in paragraphs (8) and (12) and add one new exemption.

The new exemption, which has been added as paragraph (15), exempts individuals licensed by a Federal or State agency if that agency's licensing requirements are similar to the Board's. The goal of this provision is to reduce redundant licensing burdens.

Section 437a.1(e) has been added which allows the Board to request information from anyone claiming an exemption under subsection (d) to verify the person's exempt status. This provision is necessary to allow the Board to ensure that the person is eligible for the exemption the person has claimed.

A new subsection (g) has been added which will create a new process to be used, instead of the registration or certification process, for vendors that are listed on a major stock exchange. For these vendors, the Board does not believe certification or registration is necessary because, to be listed on one of the named stock exchanges, the vendor must meet certain regulatory requirements

similar to those that a certified or registered vendor would have to meet. Therefore, certification or registration by the Board would be redundant. However, these vendors will still have to comply with the applicable requirements in § 437a.7 (relating to registered and certified vendor responsibilities) and immediately notify the Board if they cease to be listed on the major stock exchange.

The requirement that currently is contained in subsection (b)(4) that authorizes the Board to require a vendor to be certified if the Board determines certification is necessary to protect the integrity of gaming, has been moved to the new subsection (i) and expanded to allow the Board to require either registration or certification.

Section 437a.2(b) (relating to vendor registration applications), has been amended to require the submission of a nonrefundable application fee and to require the submission of fingerprints for officers, certain owners and sales persons who will have direct contact with slot machine applicants and licensees. The fee will go toward covering the costs of the investigation conducted on the applicant and the fingerprints will allow the Board to conduct a criminal history check of these individuals. A new subsection (c) has been added which gives the Board discretion to require fingerprints from additional individuals who are involved with the vendor. A new subsection (d) has also been added which will require the individuals listed in subsections (b)(4) or (c) to be found qualified by the Board. The provisions that formerly appeared as subsections (c) and (d) are now subsections (e) and (f).

Existing § 437a.3(a)(3) (relating to vendor certification applications), has been deleted and the remaining subsection has been renumbered. The Board does not believe this information is necessary to evaluate an applicant for vendor certification.

Section 437a.3(d)(3) has been amended to require that a person seeking a waiver from certification based on a single transaction, not have a continuing business relationship with the slot machine applicant or licensee as well as not having a continuing onsite presence at the licensed facility. This new language has been added to clarify the intent of the single transaction waiver provision and to prevent any potential misuse of the single transaction waiver.

Section 437a.3(e) is being deleted and the remaining subsections renumbered. Based on the Board's experience and the increased monetary levels required for certification, the Board does not believe this provision is needed.

Section 437a.4 (relating to qualification of individuals and entities) has been totally rewritten to improve the clarity of these requirements, eliminate unnecessary filings and to replace the term "certification" with "qualification." The new requirement in subsection (a)(1) corresponds to the former requirements in existing subsections (a) and (b). New subsection (a)(2) requires anyone with an ownership or beneficial interest of 10% or more (instead of 5% which is currently required) to file a Pennsylvania Personal History Disclosure Form. Subsection (a)(3) is a revision of existing subsection (f) which continues the requirement that salespersons be qualified, but eliminates the requirement for qualification of their supervisors.

The new subsection (b) requires that any entity that owns 20% or more of a certified vendor or applicant for certification to file a Vendor Certification Form—Private Holding Company and be found qualified by the Board.

Subsection (c) lists individuals who may be required to file a Pennsylvania Personal History Disclosure Form and be found to be qualified if the Board determines that it is necessary to protect the public or to enhance the integrity of gaming.

A new subsection (d) has also been added to this section which will allow the Bureau of Licensing to issue a temporary credential to the individuals who are required to be qualified under this section. This will allow these individuals to work in a licensed facility prior to the completion of the application process.

The net effect of these revisions will be to reduce the number of individuals who will be required to file the Pennsylvania Personal History Disclosure Form and be found qualified by the Board.

In § 437a.6 (relating to registration and certification term and renewal), has had minor wording changes have been made to improve clarity.

In § 437a.7 the provisions requiring permitting and registration of certain employees have been revised to include registered vendors as well as certified vendors. Additionally, subsection (c) has been amended to add a new paragraph (4) that requires the offsite supervisor of a registered or certified vendor's employees who work at a licensed facility to obtain a nongaming registration. While these individuals will not normally be working in the licensed facility, because they will be responsible for vendor's employees who are working in the licensed facility, having these individuals obtain a nongaming permit is appropriate.

The Board has also added a new subsection (e), which in concert with the proposed new § 435a.9(a) (relating to permission to conduct business prior to certification or registration), codifies the Bureau of Licensing's policy for issuing temporary credentials to employees of construction company vendors to complete work under the original contract, change orders, punch lists, make periodic repairs or do warranty work. As stated previously, this provides a controlled mechanism for contractors to complete work or make repairs under the supervision of the slot machine licensee's security department instead of having these employees go through the process of obtaining a gaming permit or nongaming registration.

In § 437a.8 (relating to authorized vendor list; prohibited vendors), subsection (a) has been amended to clarify that the authorized vendor list will include persons who have completed the registration or certification process, persons who have filed a Publicly Traded Vendor Form and persons who have been given permission to conduct business with a slot machine licensee or applicant while their applications are being reviewed.

Subsection (b) has been amended to explicitly state that a slot machine licensee or applicant may not do \$100,000 or more worth of business with a person within a 12-month period or do business with a vendor that would require the vendor's employees to be working on the gaming floor or in a restricted area unless the person is on the authorized vendor list. This prohibition does not apply to services provided under § 437a.1(a)(2) or (d) or § 437a.10 (relating to emergency vendor).

Subsection (c) has been amended to improve the clarity of the subsection and to delete existing paragraphs (4) and (5) which are redundant.

Subsection (d) has been amended to make the petitioner responsible for all costs related to a petition for removal from the prohibited vendors list. Similarly, a new

subsection (e), which allows the Board to impose fines or other sanctions in connection with a petition for removal from the prohibited vendor list, has been added. These provisions have been added to address problems that the Board has had with vendors who have been uncooperative and who have tried to provide services without complying with the Board's regulations.

In § 437a.9 subsection (a) has been amended by replacing "Board" with "Bureau of Licensing." The Bureau of Licensing has been responsible for processing these requests. This change will codify this delegation of authority from the Board to the Bureau of Licensing.

Subsection (a) has also been amended by adding a new paragraph (3) which expands upon the criteria that must be met for vendors to provide goods and services before the review of their application has been completed. Paragraph (3) requires an applicant to agree that the Bureau of Licensing may rescind the authorization with or without prior notice if the applicant's suitability is at issue or the applicant fails to cooperate in the application process. While the Board recognizes that slot machine licensees may need a vendor's services before the application process is complete, the Board's ultimate responsibility is to protect the integrity of gaming. Therefore, if a problem arises during the investigation of the vendor, it is essential that the Bureau of Licensing be able to immediately rescind the interim authorization it has granted.

Subsections (d) and (e), which limit the permission to conduct business to a period of 6 months unless the permission is extended for an additional 6 months for good cause shown, have been deleted. These provisions imposed unnecessary administrative burdens on vendors, slot machine applicants and licensees and the Board. The Board believes that once the need for the goods or services has been established, no further action is needed until a final decision is made on the vendor's application for certification or registration.

In § 437a.11(c) (relating to slot machine applicants' and licensees' duty to investigate), pertaining to contracts or agreements between an applicant for or holder of a slot machine license and an applicant for or holder of a vendor certification or registration, has been deleted. This provision repeats the requirements in § 441a.13(c) (relating to Board review of agreements and records of agreements) and is therefore unnecessary.

Comment and Response Summary

Notice of proposed rulemaking was published at 39 Pa.B. 4894 (August 15, 2009).

During the public comment period, the Board received a letter from International Gaming Technology thanking the Board for the opportunity to comment, but not offering any comments on the substance of the rulemaking. Comments on the proposed rulemaking were received from Greenwood Gaming and Entertainment, Inc. (Greenwood), Downs Racing, L.P. (Downs) and NCR Corporation (NCR). By letter dated October 12, 2009, the Independent Regulatory Review Commission (IRRC) also submitted comments on this rulemaking.

In § 435a.9a(c), Greenwoods and Downs suggested that the number of days that a vendor's employee be allowed to work on the gaming floor without being required to obtain a nongaming registration be increased from 12 days to 20 or 30 days respectively. IRRC asked the Board to explain why the 12 days in a 12-month period is reasonable.

Currently, the Board requires all employees of vendors who will be working on the gaming floor or in a restricted

area to obtain a nongaming employee credential. While this only involves the one-time filing of an application and payment of the \$60 registration fee, the Board has observed that there are instances when a vendor's employees may only need to be on the gaming floor on a one-time basis or for only a short period of time. This is particularly true when the employees are completing change orders, punch list items or are doing warranty work.

The provisions of § 435a.9a, and other revisions in this rulemaking, have been designed to provide some regulatory relief from the normal registration requirement for these employees. Initially, the Board considered limiting this exemption to 5 or 10 days in a year, but expanded it to 12 days in 12 months to include situations in which an employee might have to be at a licensed facility for a short period of time once a month. However, the Board's primary responsibility is to protect the integrity of gaming. For this reason, the Board does not believe that individuals who are going to be on the gaming floor or in a restricted area for an extended period of time, such as 20 or 30 days, should be exempted from registration. Additionally, because the cost and time required to obtain a nongaming employee registration is low, the Board does not believe the registration requirement imposes an unreasonable burden on registered or certified construction company vendors. Therefore, the Board has not expanded the time period for this exemption.

IRRC also asked the Board to explain why it included the time restrictions in § 437a.1(a)(2)(i).

Currently, a vendor whose employees will have access to the gaming floor or restricted areas shall be certified. Through this rulemaking, the Board has relaxed this requirement so that a vendor whose employees will be on the gaming floor or in restricted areas will only be required to be registered, if the value of the goods and services provided exceeds \$500,000.

The purpose of the provision in subsection (a)(2) is to provide an additional limited exemption from the requirement that a vendor be registered, when their employees will be on the gaming floor. The Board is aware of situations in which vendors have needed to have their employees on the gaming floor for a very short period of time on a nonrecurring basis. The use of the no more than 24 hours within a 72-hour period no more than once in a 3-month period criteria will allow these vendors to provide their goods and services without having to obtain a vendor registration. However, vendors whose employees will be on the gaming floor for longer time periods or on a recurring basis shall be required to be registered regardless of the value of the goods or services required. This is because the employees' presence on the gaming floor constitutes a potential threat to the integrity of gaming.

Also regarding § 437a.1, both Greenwood and Downs asked that subsection (c) be amended to clarify that only the value of the goods or services received by the slot machine licensee should be used to determine if registration or certification would be required. That was the Board's intent, so the language of subsection (c) has been amended as suggested by the commentators.

NCR suggested that the exemption for publicly traded companies in § 437a.1(d)(15) be expanded to include publicly traded companies that have employees who are required to obtain a gaming permit or nongaming em-

ployee registration. IRRC also asked why the Board decided not to treat all publicly traded companies the same.

To address the comments on the limited application of the exemption for vendors listed on a major stock exchange, the Board has deleted the proposed exemption language in subsection (d)(15) and replaced it with a new subsection (g). Under this revision, all vendors listed on a major stock exchange will be able to file a Publicly Traded Vendor Form instead of an application for registration or certification. But these vendors will still be required to comply with § 437a.7. This will substantially reduce the administrative burden on these vendors while still preserving the oversight provisions for their employees who will be working at a licensed facility. Also as part of this revision, the provision that appeared as subsection (g) in the proposed rulemaking has been moved to a new subsection (i).

In § 437a.2, Downs suggested that subsection (b)(4)(i) be amended to exclude owners and directors who are not involved with the management or control of an applicant for vendor registration from the requirement that they submit fingerprints. Downs also suggested that a similar amendment be made to § 437a.4(a)(1) which requires owners and directors to complete a Pennsylvania Personal History Disclosure Form.

The Board has not elected to make this suggested change to § 437a.2(b)(4)(i) or § 437.4(a)(1). If such a provision was added, the individuals would have to file some form of waiver request explaining how they are not involved in the operations of the applicant. This would take more time and, in many cases, be more expensive for these individuals than the submission of fingerprints or the Pennsylvania Personal History Disclosure Form.

In § 437a.2, both IRRC and Downs stated that the requirement in subsection (b)(4)(iii) does not clearly identify which individuals must submit fingerprints. They believe the phrase "each individual who has the power to control or influence the affairs of the registered vendor applicant" is vague and should be deleted, defined or replaced with more specific language concerning who must be fingerprinted. Similar comments were filed by IRRC and Downs concerning § 437a.4(a)(3) which would require these individuals to submit a Pennsylvania Personal History Disclosure Form as part of the application process for certified vendors.

The Board has found that the myriad of organizational structures used by applicants makes it difficult to make a complete list of all of the individuals who may have a significant interest or role in a vendor's operations. The intent behind this provision was to allow the Board some flexibility to obtain fingerprints or the Pennsylvania Personal History Disclosure Form from additional individuals who are involved with the vendor depending on the degree of their involvement. However, the Board agrees that this phrase could be interpreted in a number of different ways which would make it difficult for individuals to determine if it applies to them. To address both the Board's intent and to eliminate possible confusion among the applicants, the Board has deleted § 437a.2 (b)(4)(iii), but added a new subsection (c), which is similar to the existing requirement in § 437a.4(d)(4), that will allow the Board the ability to require an individual to submit fingerprints if that person meets certain criteria and the Board determines that requiring fingerprints is necessary to protect the public interest or to enhance the integrity of gaming. To accommodate this revision, the provisions that previously appeared as sub-

sections (c) and (d) have been moved to subsections (e) and (f) and former subsection (e) now appears as subsection (d). In § 437a.4, for the reasons stated within this preamble, subsection (a)(3) has also been deleted.

In § 437a.7, Downs and IRRC questioned the need to expand subsections (b) and (c) to include registered vendors and expressed concerns that the costs of this revision might exceed its benefits. Downs also expressed a concern about the possible fiscal impact of the new provision contained in subsection (c)(4).

The Board disagrees that the revisions to subsections (b) and (c) represent an expansion of current regulatory requirements which may lead to increased costs. Under the current Board regulations, a vendor who has employees that would be required to obtain a gaming permit or nongaming registration, must be a certified vendor regardless of the value of the goods or services provided. As previously noted, in this rulemaking that requirement has been changed so that a vendor will only have to be registered. This will result in a significant savings to these vendors. The amendments to subsections (b) and (c) simply recognize this reduced regulatory requirement.

Concerning the addition of offsite supervisors to the list of vendor employees who will be required to obtain a nongaming employee registration, the Board does not agree that this will impose an unreasonable financial burden on vendors. These individuals are responsible for directing the work done by the vendor's employees who will be working at the licensed facility. Accordingly, the Board does not believe that this minimal level of scrutiny is unwarranted. Additionally, the Board does not believe the one-time cost of \$60 for registration is excessive.

Greenwood and Downs both objected to the requirement in § 437a.8(b) which explicitly requires slot machine licensees to only use vendors on the authorized vendor list unless the amount of business will be below \$100,000 or when they are responding to an emergency situation. They believe it will hinder their ability to do business with new vendors who are not on the authorized vendor list.

This requirement merely reflects the Board's current policy that a slot machine licensee or applicant may only use vendors who have been approved or have received interim authority to provide goods and services under § 437a.9. Therefore, the amendments to this section will have no negative impact on which vendors a slot machine licensee may use. Additionally, raising the threshold for registration to \$100,000 and the other changes throughout this rulemaking, which reduce the requirements related to registration or certification, will make it easier for slot machine licensees to try new vendors.

In § 437a.9, IRRC and Greenwood asked how subsection (a)(3) and (4) would work in relation to the new subsections (b) and (c) that were added by the final adoption of Regulation No. 125-97. See 39 Pa.B. 5559 (September 26, 2009). Greenwood also expressed concern that the new requirements in subsection (a)(3) and (4) would add substantial amounts of time to the process for receiving interim authorization to conduct business and limit the ability of new businesses to conduct business with slot machine licensees. Additionally, Greenwood suggested that subsection (a)(3) should be amended to recognize the wind-up period that can be established by the Bureau of Licensing when it sends a notice of rescission of interim authority to conduct business.

The Board disagrees that the amendments to § 437a.9 will increase the amount of time required to obtain

interim authorization to conduct business with a vendor. First of all, vendor applicants are not automatically allowed to provide goods or services as soon as they submit an application and the slot machine licensee certifies that it has conducted its due diligence review. Instead, a preliminary review of the applicant is conducted by the Bureau of Licensing. The provisions in this rulemaking reflect the internal procedures that are currently being used by the Board to process these requests. Accordingly, the time required to receive interim authorization to conduct business under this rulemaking will not change.

On the comment concerning how subsection (a)(3) relates to subsection (b), subsection (a)(3) states that a vendor's interim authority may be revoked if suitability issues arise or the applicant fails to cooperate in the application process. Subsection (b) specifies that when permission to conduct business granted under subsection (a) has been rescinded, the vendor and slot machine licensee shall cease doing business on the date specified in the notice provided under subsection (c). In essence, subsections (a), (b) and (c) lay out the sequence of activities that will occur. For this reason, there is no need to add additional language to subsection (a).

While the Board has proposed no substantive changes to § 437a.11, both IRRC and Downs suggested that the Board amend subsection (c) to limit the duty of slot machine licensees to inform the Board about actions of vendors that constitute a violation of the act or the Board's regulations to actions that they have actual knowledge of.

The Board has not adopted the change suggested by IRRC and Downs. The Board believes that it is appropriate to require a slot machine licensee to report any information it has concerning what may be inappropriate behavior on the part of a vendor. The Board will then evaluate that information, and based on its own investigation, determine whether or not the vendor has violated the act or the Board's regulations. If this section was revised as suggested, slot machine licensees' would be placed in a situation of either ignoring some activity that may be inappropriate or having to conduct an investigation to make a determination as to whether or not the vendor has committed a violation. Neither of these options would be in the public interest.

Additional Revisions

Throughout the final-form regulations, additional minor editorial changes have been made to enhance the clarity of the final-form regulations.

Section 435a.9a(a) has been deleted. Instead of having requirements within this section and in Chapter 437a, § 437a.4(d) has been amended to address temporary credentials for individuals who are required to be qualified. Additionally, the time limits in proposed subsections (b) and (c) have been deleted because the Board does not see a need for them. As a result of these deletions, proposed § 435a.9b is now § 435a.9a.

Section 437a.1(f) has been revised to also cross reference § 441a.14 (relating to master purchasing and disbursement report) to make it clear that business conducted with a vendor that is exempt under subsection (d) is reflected in the master purchasing and disbursement report. Subsection (h) has also been revised to improve its clarity and update the name of the form required by this subsection. It has been revised to tie the requirement to file a Notification of Material Vendor Form to the actual provision of goods or services and a time frame has been

added (prior to the date of the payment to the vendor that exceeds the \$15,000 threshold) for the submission of this form.

Section 437a.2(f) has been deleted because it simply repeats the provision in § 435a.9a and therefore is not necessary.

Proposed § 437a.4(c) has been deleted. It is no longer needed because of the revisions that are now contained in § 437a.1(g). In what is now subsection (c), the Vendor Certification Form—Private Holding Company Form has been added because this is the form an entity, as opposed to an individual, would be required to fill out. In subsection (c)(1), the phrase "not otherwise required to be qualified" has been added because in some instances these entities are required to be qualified. In addition to the revisions contained in subsection (d) that were previously discussed, a new subsection (e) has been added to address the issuance of permanent credentials to individuals who are found to be qualified. This subsection is needed because neither the existing regulations nor the proposed rulemaking contain any provisions pertaining to the issuance of permanent credentials for these individuals.

Section 437a.8(a) has been revised to improve its clarity and make it consistent with the new § 437a.1(g). Subsection (b) has been modified to also make it clear that a slot machine licensee may not use a vendor, except as provided in § 437a.1(a)(2), (d) and (g), that is not on the authorized vendor list if the vendors employees will be working on the gaming floor or in a restricted area. This will make the language in this section consistent with the requirements in § 437a.1. Subsection (c)(1) has been broadened to include noncompliance with any of the provisions of this chapter, rather than just failure to apply for registration or certification, as a reason for placing a vendor on the prohibited vendor list. Additionally, a new paragraph (4) has been added which includes the failure of the vendor to provide required information to a slot machine applicant or licensee that the slot machine applicant or licensee needs to comply with provisions of this chapter as a basis for placing the vendor on the prohibited vendor list. Both of these changes are designed to improve vendor compliance.

Proposed § 437a.9(a)(4) has been deleted because it no longer reflects Board practice. Currently, the Bureau of Licensing may give a vendor permission to conduct business on an interim basis, based on its preliminary review before the Bureau of Investigations (BIE) has completed its investigation. This will enable vendor applicants to receive interim authorization to conduct business sooner.

Finally, § 437a.11(c) has been revised to add vendors who will not be required to be registered or certified under the new § 437a.1(g).

Affected Parties

Slot machine licensees will have clearer requirements concerning vendors from whom they may purchase goods and services. Vendors will benefit from the improved clarity of these amendments and the reduction or elimination of registration or certification requirements for many vendors.

Fiscal Impact

Commonwealth

While the Board will receive fewer applications from vendors for certification or registration, the final-form rulemaking will have no significant fiscal impact on the

Board or other agencies of this Commonwealth. This is because the Board recovers its licensing and investigation costs from applicants.

Political Subdivisions

This final-form rulemaking will have no fiscal impact on political subdivisions of this Commonwealth.

Private Sector

A vendor that provides goods or services to a slot machine licensee or applicant through a parent corporation or affiliate will now have to be registered or certified if the value of those goods or services exceeds the applicable monetary thresholds. Other vendors who meet the new exemption criteria will no longer be required to be registered or certified and a number of individuals who were previously required to be certified under § 437a.4, will no longer be required to obtain the individual certification. As a whole, the changes in this rulemaking are anticipated to result in a net decrease in costs to vendors.

General Public

This final-form rulemaking will have no fiscal impact on the general public.

Paperwork requirements

Vendors that provide goods or services to a slot machine licensee or applicant through a parent corporation or affiliate will now have to file applications for registration or certification if the value of those goods or services exceeds the applicable monetary thresholds. Other vendors who meet the new exemption criteria will no longer be required to file applications to be registered or certified and a number of individuals who were previously required to be certified under § 437a.4, will no longer be required to file a Pennsylvania Personal History Disclosure Form. As a whole, the changes in this rulemaking are anticipated to result in a net decrease in filings required by vendors.

Effective Date

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

Contact Person

The contact person for questions about this final-form rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 30, 2009, the Board submitted a copy of the proposed rulemaking, published at 39 Pa.B. 4894 (August 15, 2009), and a copy of the Regulatory Analysis Form to IRRC and the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committees).

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments received from IRRC, the Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the Committees on January 6, 2010.

Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 7, 2010, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) referenced to the Commonwealth Documents Law (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking 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:

(a) The regulations of the Board, 58 Pa. Code Chapters 435a and 437a, are amended by amending § 437a.6 to read as set forth at 39 Pa.B. 4894; and by amending §§ 437a.1—437a.4, 437a.7—437a.9 and 437a.11, and by adding § 435a.9a to read as set forth in Annex A.

(b) The Chairperson of the Board shall certify this order, 39 Pa.B. 4894 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

GREGORY C. FAJT,
Chairperson

(Editor's Note: The proposal to add § 435a.9b, included in the proposed rulemaking at 39 Pa.B. 4894, has been withdrawn by the Board.)

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 575 (January 23, 2010).)

Fiscal Note: Fiscal Note 125-100 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

CHAPTER 435a. EMPLOYEES

§ 435a.9a. Vendor employee temporary access credentials.

(a) The Board's casino compliance representatives at a licensed facility may issue a Vendor Employee Temporary Access Credential to an employee of a registered or certified vendor that is a construction company that is completing work on the gaming floor or in a restricted area under the registered or certified vendor'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 Vendor Employee Temporary Access Credential, the employee of the registered or certified vendor that is a construction company shall surrender his driver's license or other photo identification.

(c) A Vendor Employee Temporary Access Credential will not be issued to an employee of a registered or certified vendor 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 Vendor Employee Temporary Access Credential.

CHAPTER 437a. VENDOR CERTIFICATION AND REGISTRATION

§ 437a.1. General vendor requirements.

(a) A vendor or person seeking to conduct business with a slot machine applicant or licensee, except as provided in § 437a.10 (relating to emergency vendor), 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 vendor 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 vendor has received written approval from the Bureau of Licensing for the vendor's employees to be on the gaming floor.

(b) A vendor 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 vendor registration and the vendor certification requirements of this chapter:

(1) Public utilities which provide only one or more of the following services to a slot machine applicant or licensee:

- (i) Water.
- (ii) Sewerage.
- (iii) Electricity.
- (iv) Natural gas.

(2) Insurance companies providing insurance to a slot machine applicant or licensee and its employees.

(3) Employee benefit and retirement plans including incorporated 401K plans and employee stock purchase programs.

(4) National, state or local professional associations that receive funds from the slot machine applicant or licensee for the cost of enrollment, activities and membership.

(5) State, Federal and municipal operated agencies.

(6) Manufacturers and suppliers of liquor, wine and beer regulated by the Liquor Control Board.

(7) State and Federally chartered banks or savings and loan associations where funds are deposited by slot machine licensees, notwithstanding those sources or transactions provided to a slot machine licensee which require Board approval.

(8) Providers of professional services including accountants, attorneys, engineers and architects, when acting in their respective professional capacities.

(9) Telecommunication service providers.

(10) Shipping services.

(11) Persons that engage in efforts to influence legislative action or administrative action on behalf of a principal for economic consideration.

(12) Schools regulated by the Department of Education.

(13) Professional entertainers, sports figures and other celebrities engaged by a slot machine licensee to appear at a slot machine licensee-sponsored special entertainment or promotional event.

(14) Newspapers, television stations, radio stations and providers of simulcast services that contract with slot machine applicants or licensees.

(15) Any person not otherwise exempt under this subsection that is licensed by a Federal or state agency if the agency's licensing requirements are determined by the Bureau of Licensing to be substantially similar to those of the Board.

(e) The Board may request information or assurances from any person listed in subsection (d) to determine the validity of the person's exempt status.

(f) Subsection (d) does not relieve a slot machine applicant or licensee of reporting obligations required under §§ 441a.12 and 441a.14 (relating to maintaining agreements; filing of agreements; and master purchasing and disbursement report).

(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 Vendor Form to the Board accompanied by the filing fee posted on the Board's web site (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 vendor 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 Vendor Form prior to compensating a vendor \$15,000 or more within a consecutive 12-month period. A slot machine applicant or licensee shall not be required to submit a Notification of Material Vendor Form to the Bureau of Licensing if either of the following apply to the vendor to be compensated:

- (1) The vendor is exempt under subsection (d).
- (2) The vendor is listed on the Board's authorized vendor list.

(i) A vendor 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. Vendor registration applications.

(a) A vendor seeking registration shall do one of the following:

(1) Complete an original and four copies of a Vendor 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) shall be submitted to the Bureau of Licensing by the slot machine applicant or licensee for whom the vendor will provide goods or services unless otherwise directed by the Board.

(2) Complete an original and four copies of a Vendor 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) shall be submitted to the Bureau of Licensing by the vendor unless otherwise directed by the Board.

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

(1) Submit the nonrefundable application fee posted on the Board's web site (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 vendor 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 vendor applicant.

(iii) Each salesperson of a registered vendor 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 vendor applicant who will be engaging in that conduct.

(c) A person who holds any direct or indirect ownership or beneficial interest in a registered vendor or applicant for vendor registration, or has the right to any profits or distributions directly or indirectly, from the registered vendor or applicant for vendor 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 vendor registration will be required to reimburse the Board for costs incurred by the Board in conducting the review of the application.

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

§ 437a.3. Vendor certification applications.

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

(1) An original and four copies of a Vendor 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).

(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 vendor 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 vendor certification will not be issued until all fees have been paid.

(d) A person required to be a certified vendor 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 vendor 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 vendor or applicant for vendor 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 vendor or applicant for vendor certification. A certified vendor or applicant for vendor certification shall provide information or documentation requested by the Board necessary to determine compliance with this paragraph.

(3) Each salesperson of a certified vendor or applicant for vendor certification who solicits business from, or has regular contact with, any representatives of a slot machine applicant or licensee or any employee of a certified vendor or applicant for vendor certification who will be engaging in that conduct.

(b) Each entity that directly owns 20% or more of the voting securities of a certified vendor or person applying for vendor certification shall be required to file a Vendor 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 Vendor 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 vendor or applicant for vendor certification not otherwise required to be qualified.

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

(3) An employee of a certified vendor or applicant for vendor certification.

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

§ 437a.7. Registered and certified vendor responsibilities.

(a) A holder of a vendor 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 vendor 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 vendor 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 vendor 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 registered or certified vendor 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 vendor working at the licensed facility.

(d) Employees of a registered or certified vendor 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 vendor 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 Vendor Employee Temporary Access Credential by one of the Board's casino compliance representatives at the licensed facility.

§ 437a.8. Authorized vendors list; prohibited vendors.

(a) The Board will maintain a list of authorized vendors and a list of prohibited vendors. 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 vendor form under § 437a.1(g) (relating to general vendor 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 vendor), a slot machine licensee or applicant may not purchase goods or services from a vendor, when the employees of the vendor will be working on the gaming floor or in a restricted area or compensate a vendor \$100,000 or more within a consecutive 12-month period, unless the person is on the authorized vendor list. A slot machine licensee or applicant may not enter into an agreement or continue to do business with a vendor on the prohibited vendors list.

(c) The Board may place a person on the prohibited vendors list if:

- (1) The vendor has failed to comply with this chapter.
- (2) The vendor has failed to cooperate with the Board in the Board's review of the vendor's application for certification or registration.

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

(4) The vendor 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 vendors 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 vendors. The petition must state the specific grounds believed by the petitioner to constitute good cause for removal from the prohibited vendors list and how the vendor has cured any deficiencies that led to the vendor being placed on the prohibited vendors 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 vendors, or attach any reasonable condition to the removal of a person from the list of prohibited vendors.

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

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

(1) A completed Vendor Registration Form—Un-sponsored has been filed by the vendor, a completed Vendor Registration Form—Sponsored has been filed by the slot machine applicant or licensee or a completed Vendor 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 vendor registration applications; and vendor certification applications).

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

(3) The applicant for vendor 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.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 vendor 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 vendor registration or certification whose background or association is injurious to the public health, safety, morals, 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 vendor registration or certification or a vendor that is eligible to file and has filed a completed publicly traded vendor form under § 437a.1(g) (relating to general vendor requirements), which the applicant for or holder of a slot machine license believes would constitute a violation of the act or this part.

[Pa.B. Doc. No. 10-322. Filed for public inspection February 19, 2010, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 521, 531, 533, 537 AND 549]

Temporary Table Game Surveillance Requirements; Temporary Table Game Rules for Roulette, Big Six Wheel, Craps and Blackjack

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 (Act 1) and the specific authority in 4 Pa.C.S. § 1302A(1)—(4) (relating to regulatory authority), adopts temporary regulations in Chapters 521, 531, 533, 537 and 549 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 a new Subpart K entitled Table Games.

Purpose of the Temporary Rulemaking

This temporary rulemaking contains general provisions and the rules for conducting the games of Roulette, Big Six Wheel, Craps and Blackjack.

Explanation of Chapters 521, 531, 533, 537 and 549

Chapter 521 (relating to general provisions) covers a broad range of requirements. Section 521.1 (relating to definitions) contains definitions of terms that are used in multiple chapters in this subpart.

Section 521.2 (relating to table games Rules Submissions) requires certificate holders to submit and gain approval of a Rules Submission for every game they offer when the Board's regulations allow the certificate holders to select different procedures for the play of a game, optional wagers, alternate payout tables or the like. In drafting the regulations for specific table games, the Board has attempted to give certificate holders a great deal of flexibility so that they can tailor their games to meet their patrons' desires. However, to monitor and enforce the rules related to the play of table games effectively, the Board must know which features or op-

tions will be used for each game at each licensed facility. The use of the Rules Submission process, which is modeled on the process for the review of internal controls, will provide an effective mechanism to accomplish this.

Section 521.3 (relating to table games surveillance requirements) sets forth the minimum surveillance requirements that must be met before a Certificate Holder may offer table games. It contains minimum requirements for camera coverage of gaming activities, specifies the retention periods for surveillance recordings and restates the requirement that all surveillance recordings must be made available to the Board and the Pennsylvania State Police upon request. It is the Board's intent to integrate these requirements into the requirements contained in § 465a.9 (relating to surveillance system; surveillance department control; surveillance department restrictions). However, to give certificate holders as much lead time as is possible so that they can begin the redesign process of their gaming floors, these requirements are being promulgated as temporary regulations.

Chapter 531 (relating to Roulette) contains the rules governing the game of Roulette. Sections 531.1 and 531.2 (relating to Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel; and Roulette balls) contain the requirements that Roulette wheels tables and balls must meet. Section 531.3 (relating to inspection and security procedures) lists the procedures that shall be followed prior to the opening of a Roulette table to ensure that everything is in proper working condition. Sections 531.4 and 531.5 (relating to placement of wagers; and payout odds) list all of the permissible bets for the game of Roulette and specify how the bets are to be placed on the Roulette table, and the minimum payout odds that must be used. Sections 531.6 and 531.7 (relating to rotation of wheel and ball; and irregularities) address the proper techniques for spinning the Roulette wheel and the Roulette ball, marking the winning number and collection and payment of wagers, and how improper spins and other irregularities must be treated.

Chapter 533 (relating to Big Six Wheel) sets forth the procedures for the game of Big Six Wheel. In § 533.1 (relating to Big Six Wheel layout; physical characteristics) the physical characteristics of the wheel and the table layout are provided. The provisions in § 533.2 (relating to wagers and rotation of the wheel) address the placement of wagers, spin of the wheel and payment of wagers. The minimum payout odds are listed in § 533.3 (relating to payout odds).

Chapter 537 (relating to Craps and Mini-Craps) contains the regulatory requirements for the game of Craps. Section 537.1 (relating to definitions) contains definitions for terms used in this chapter. Section 537.2 (relating to Craps and Mini-Craps tables; physical characteristics) contains the requirements for tables that are used for Craps. In § 537.3 (relating to permissible wagers), all of the wagers that will be allowed have been listed. However, certificate holders are not required to offer all of the wagers listed. Instead, it will be up to the individual certificate holders to determine which wagers they wish to use. Sections 537.4 and 537.5 (relating to making and removal of wagers; and payout odds) establish the rules for the placement of wagers and minimum payout odds that must be used by the certificate holders. Section 537.6 (relating to supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds)) provides the rules for the placement and payout of supplemental

wagers that may be made in conjunction with a Pass Bet, a Don't Pass Bet, a Come Bet and a Don't Come Bet. Sections 537.7—537.9 (relating to dice retention and selection; throw of the dice; and invalid roll of the dice) establish the rules governing how the dice used for the play of the game are selected, how the dice must be thrown and detail when a throw of the dice will be voided and require that the dice be thrown again. Section 537.10 (relating to point throw; settlement of wagers) sets forth the procedures to be followed after the dice are thrown. Section 537.11 (relating to continuation of shooter; selection of new shooter) specifies the options available to the shooter, when the shooter must pass the dice and who the next shooter may be. Section 537.12 (relating to additional procedures and rules for the Fire Bet) governs the placement of Fire Bets, handling of the Fire Bets by the dealer, the minimum and maximum amounts that can be wagered as a Fire Bet and how number of unique point totals are to be determined.

Chapter 549 (relating to Blackjack) establishes the rules for the game of Blackjack. Section 549.1 (relating to definitions) contains definitions for terms used in the game of Blackjack. Section 549.2 (relating to Blackjack table; card reader device; physical characteristics; inspections) contains all of the requirements pertaining to Blackjack tables and other equipment used in the play of this game. Section 549.3 (relating to cards; number of decks; value of cards) addresses the number of decks of cards that are required and the value of each card. Section 549.4 (related to wagers) covers the placing of wagers, what constitutes a winning or losing wager and the collection and payment of wagers. Sections 549.5 and 549.6 (relating to opening of table for gaming; and shuffle and cut of the cards) set forth the procedures for the inspection of the cards and the procedures for shuffling and cutting of the cards before they are dealt. Section 549.7 (relating to procedure for dealing cards) specifies the procedures for dealing the initial two cards and subsequent cards and the collection of the cards at the end of a round of play. Section 549.8 (relating to payment of Blackjack) outlines when payments will be made to a player who has a Blackjack. Sections 549.9—549.12 (relating to surrender; Insurance Wager; Double Down Wager; and splitting pairs) detail the requirements associated with when a player may surrender a wager, place an Insurance Wager, elect to make a Double Down Wager and split pairs. Section 549.13 (relating to drawing of additional cards by players and the dealer) contains the rules that govern when a player may elect to draw additional cards and when the dealer is required to draw additional cards. Section 549.14 (relating to player wagering on more than one box) allows certificate holders to determine whether or not they will allow players to play at multiple adjacent positions at the Blackjack table. Section 549.15 (relating to continuous shuffling shoe or device) allows certificate holders to use devices that automatically reshuffle the cards if the device has been approved by the Bureau of Gaming Operations. Section 549.16 (relating to irregularities) provides the rules to address unusual circumstances that might arise during the play of the game.

Affected Parties

Slot machine licensees who elect to become certificate holders will be required to modify their surveillance systems to meet the requirements contained in Subpart K, to purchase equipment to conduct table games and to hire and train employees to operate table games. The Board will experience increased regulatory demands resulting from the implementation of table games.

Fiscal Impact

Commonwealth

The Board expects that it will experience increased costs related to adding additional staff at the licensed facilities and at its offices to handle the increased licensing and oversight requirements that will result from the introduction of table games. Because the Board has not yet received any petitions from slot machine licensees seeking permission to conduct table games, the extent of these additional costs are not known. However, the Board does not expect these increased costs to exceed the additional funding provide to the Board under Act 1.

Political Subdivisions

This rulemaking will have no direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

Private Sector

This rulemaking will result in additional costs for slot machine licensees who elect to become certificate holders. More specifically, certificate holders will be required to modify their surveillance systems to meet the requirements contained in this regulation, to purchase equipment to conduct table games and to hire and train employees to operate table games. While these costs are expected to be significant, they will be offset by the revenues generated from the table games.

General Public

This rulemaking will have no direct fiscal impact on the general public.

Paperwork requirements

This rulemaking will require certificate holders to file Rules Submissions for each table game they elect to offer. These filings may take the form of standardized checklists for each game and should be relatively simple to fill out.

Effective Date

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

Public Comments

While this 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 Richard Sandusky, Director of Regulatory Review, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-110.

Contact Person

The contact person for questions about this rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to the provisions of: sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), referred to as the Commonwealth Documents Law; the Regulatory Review Act (71 P. S. §§ 745.1—745.12); or

sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations shall 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 Commonwealth Documents Law and sections 204(b) and 301(10) of the Commonwealth Attorney 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, are amended by adding temporary regulations §§ 521.1–521.3, 531.1–531.7, 533.1–533.3, 537.1–537.12 and 549.1–549.16 to read as set forth in Annex A.

(2) The temporary regulations are effective February 20, 2010.

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

(4) The temporary regulations shall be 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: 125-110. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 521. GENERAL PROVISIONS

Sec.	
521.1.	Definitions.
521.2.	Table games Rules Submissions.
521.3.	Table games surveillance requirements.

§ 521.1. Definitions.

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

Dealer—An employee of a Certificate Holder whose primary function is to directly operate and conduct table games.

Floorperson—An employee of a Certificate Holder whose primary function is to supervise the conduct of table games at multiple tables on the gaming floor.

Plaque—A rectangular, square or oval marker that can be used in lieu of gaming chips.

Suit—One of the four categories of cards: clubs, diamonds, hearts or spades.

Table inventory container—The area of a gaming table where a boxman or dealer keeps gaming chips, coins or plaques used for the operation of a table game.

Washing—Mixing of a deck or decks of cards or tiles by placing the cards or tiles face down on a table and mixing them around with both hands so that they are in no particular order.

Vigorish—A percentage commission that is taken by a Certificate Holder from a wager placed by a player or the winnings of a player.

§ 521.2. Table games Rules Submissions.

(a) Prior to offering any table game authorized by this subpart, which provides a Certificate Holder with options for the conduct of the table game, optional wagers, optional payout tables or establishes or requires minimum or maximum payouts or wagers, the Certificate Holder shall be required to submit and obtain approval of a Rules Submission which specifies which options or minimum or maximum payouts or wagers the Certificate Holder will use in the conduct of the table game.

(b) The initial Rules Submission for any table game and any amendment to the Rules Submission shall be submitted electronically to the Bureau of Gaming Operations using the Rules Submission Request Form posted on the Board’s web site (www.pgcb.state.pa.us).

(c) A Certificate Holder may implement the provisions in a Rules Submission upon receipt of written notice of approval from the Board’s Executive Director or on the 30th calendar day following the filing of the Rules Submission unless the Certificate Holder receives written notice under subsection (d) tolling the Rules Submission or written notice of disapproval from the Board’s Executive Director.

(d) If during the 30-day review period in subsection (c), the Bureau of Gaming Operations determines that a provision in the Rules Submission is inconsistent with the regulations for the conduct of that table game, the Bureau of Gaming Operations, by written notice to the Certificate Holder, will:

(1) Specify the nature of the inconsistency and, when possible, an acceptable alternative procedure.

(2) Direct that the 30 calendar day review period in subsection (c) be tolled and that the Rules Submission not be implemented until approved under subsection (e).

(e) When a Rules Submission has been tolled under subsection (d), the Certificate Holder may submit a revised Rules Submission within 30 days of receipt of the written notice from the Bureau of Gaming Operations. The Certificate Holder may implement the revised Rules Submission upon receipt of written notice of approval from the Board’s Executive Director or on the 30th calendar day following the filing of the revised Rules Submission unless it receives written notice under subsection (d) tolling the revised Rules Submission or written notice of disapproval from the Board’s Executive Director.

(f) The current version of each Rules Submission of a Certificate Holder shall be maintained and made available in electronic form through secure computer access to the internal audit and surveillance departments of the Certificate Holder and the Board’s casino compliance representatives and other Board employees. Each page of the Rules Submission must indicate the date on which it was approved by the Board’s Executive Director.

(g) A Certificate Holder shall maintain a copy, either in paper or electronic form, of any superseded Rules Submission for a minimum of 5 years.

§ 521.3. Table games surveillance requirements.

(a) In addition to the surveillance system requirements in § 465a.9 (relating to surveillance system; surveillance

department control; surveillance department restrictions), a Certificate Holder shall have a surveillance system that includes:

(1) Light sensitive cameras with lenses of sufficient magnification to allow the Certificate Holder to clandestinely monitor in detail the following:

(i) The gaming conducted at each gaming table in the licensed facility with sufficient clarity to identify patrons and dealers and sufficient coverage to simultaneously view the table and determine the configuration of wagers, card, dice and tile values and game outcomes.

(ii) The movement of cash, gaming chips and plaques, tip boxes and drop boxes within the licensed facility.

(iii) Any other activity or areas designated by the Bureau of Casino Compliance.

(2) The following number of stationary cameras dedicated to table games:

(i) At least one stationary camera for each table game offered by the licensed facility except Craps, Baccarat, Roulette and Big Six Wheel.

(ii) At least two stationary cameras for each Craps table, with one camera covering each end of the table.

(iii) At least two stationary cameras for each Baccarat table, with one camera covering each end of the table.

(iv) At least two stationary cameras for each Roulette table, with one camera covering the Roulette wheel and one camera covering the Roulette table layout.

(v) At least two stationary cameras for each Big Six Wheel, with one camera covering the Big Six Wheel wheel and one camera covering the Big Six Wheel table layout.

(3) Additional cameras as required by the Bureau of Casino Compliance. The additional cameras may include cameras with 360° pan, tilt and zoom capabilities.

(b) A Certificate Holder's surveillance system must continuously record transmissions from cameras used to observe the following locations, persons, activities and transactions:

(1) The gaming conducted at all table games.

(2) The collection of drop boxes and tip boxes.

(3) The distribution of cards, dice and tiles to gaming pits.

(4) The inspection of cards, dice and tiles in the gaming pits and at the gaming tables.

(5) The retrieval of cards, dice and tiles from the gaming pits at the end of the gaming day and the delivery of the cards, dice and tiles to the location designated and approved by the Bureau of Gaming Operations for inspection, cancellation, destruction or, if applicable, packaging for reuse.

(c) The surveillance recordings required under subsection (b) shall be retained for a minimum of 7 days. Any surveillance recordings of suspicious activity, suspected or alleged regulatory violations or suspected or alleged criminal activity shall be retained for a minimum of 30 days. Surveillance recordings shall be made available for review upon request by the Board or the Pennsylvania State Police.

(d) Prior to the commencement of the operation of any table games, each Certificate Holder shall be required to submit, for Board approval in accordance with § 465a.2(a)(5) (relating to internal control systems and audit protocols), a revised minimum staffing submission

for the slot machine licensee's surveillance monitor rooms. The minimum staffing submission must consider the size and layout of the licensed facility as well as the number of table games and must at all times provide for surveillance of activities inside and outside the licensed facility. A Certificate Holder may not implement a change or amendment in its surveillance monitor room minimum staffing submission without prior Board approval of the change or amendment.

CHAPTER 531. ROULETTE

Sec.

531.1. Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel.

531.2. Roulette balls.

531.3. Inspection and security procedures.

531.4. Placement of wagers.

531.5. Payout odds.

531.6. Rotation of wheel and ball.

531.7. Irregularities.

§ 531.1. Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel.

(a) Roulette shall be played on a table having a Roulette wheel of at least 30 inches in diameter at one end of the table and a Roulette layout imprinted on the opposite end of the table.

(b) A single zero Roulette wheel must have 37 equally spaced compartments around the wheel where the Roulette ball may come to rest. The Roulette wheel must also have a ring of 37 equally spaced areas to correspond to the position of the compartments with one marked zero and colored green and the others marked 1 to 36 and colored alternately red and black. The numbers must be arranged clockwise around the wheel in the following order: 0, 32, 15, 19, 4, 21, 2, 25, 17, 34, 6, 27, 13, 36, 11, 30, 8, 23, 10, 5, 24, 16, 33, 1, 20, 14, 31, 9, 22, 18, 29, 7, 28, 12, 35, 3 and 26. The color of each compartment must either be a corresponding color to those depicted on the ring or a neutral color approved by the Bureau of Gaming Operations.

(c) A double zero Roulette wheel must have 38 equally spaced compartments around the wheel where the Roulette ball may come to rest. The Roulette wheel must also have a ring of 38 equally spaced areas to correspond to the position of the compartments with one marked zero and colored green, one marked double-zero (00) and colored green, and the others marked 1 to 36 and colored alternately red and black. The numbers must be arranged clockwise around the wheel in the following order: 0, 28, 9, 26, 30, 11, 7, 20, 32, 17, 5, 22, 34, 15, 3, 24, 36, 13, 1, 00, 27, 10, 25, 29, 12, 8, 19, 31, 18, 6, 21, 33, 16, 4, 23, 35, 14 and 2. The color of each compartment must either be a corresponding color to those depicted on the ring or a neutral color approved by the Bureau of Gaming Operations.

(d) A double zero Roulette wheel and double zero table layout may be used as a single zero Roulette wheel and single zero table layout if:

(1) The 00 wager area on the layout is obscured with a cover or other device approved by the Bureau of Gaming Operations which clearly indicates that the 00 wager is not available.

(2) Signage is posted at the Roulette table to notify players of the following:

(i) The double zero Roulette wheel is being used as a single zero Roulette wheel, and that double zero (00) is not an available wager.

(ii) If the Roulette ball comes to rest in the compartment marked double zero (00), the spin will be declared void and the wheel will be re-spun.

(iii) Wagers on red, black, odd, even, 1 to 18 and 19 to 36 shall be lost if the Roulette ball comes to rest in a compartment marked zero (0).

(e) The layout for a Roulette table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

(1) The name or logo of the Certificate Holder offering the game.

(2) Specific areas for the placement of the wagers authorized by § 531.4 (relating to placement of wagers).

(3) Signage indicating the minimum and maximum wagers permitted at that table.

(f) Each Roulette table shall have a drop box and tip box attached to it, in locations approved by the Bureau of Gaming Operations.

§ 531.2. Roulette balls.

Balls used in Roulette must be made completely of a nonmetallic substance and not be less than 12/16 of an inch nor more than 14/16 of an inch in diameter.

§ 531.3. Inspection and security procedures.

(a) Prior to opening a Roulette table for gaming activity, a floorperson or member of the Certificate Holder's security department shall:

(1) Inspect the Roulette table and Roulette wheel for any magnet or contrivance that would affect the fair operation of the Roulette wheel.

(2) Inspect the Roulette wheel to assure that the wheel is level and rotating freely and evenly.

(3) Inspect the Roulette wheel to assure that all parts are secure and free from movement.

(4) Inspect the Roulette ball by passing it over a magnet or compass to assure its nonmagnetic quality.

(5) Confirm that the layout and signage comply with § 531.1(e) (relating to Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel) if a double zero Roulette wheel is being used as a single zero Roulette wheel.

(b) If a Certificate Holder uses a Roulette wheel which has external movable parts, any adjustments to the movable parts shall be made by a floorperson or a member of the Certificate Holder's table game maintenance department, in the presence of a security department member.

(c) All adjustments shall be completed prior to the required inspections in subsection (a).

(d) The Certificate Holder may replace any of the movable parts at any time, provided that an inspection as required by subsection (a) must be completed prior to reopening the Roulette wheel and table for play.

(e) An inspection log shall be maintained by the Certificate Holder which must include, at a minimum, the date, the time, the Roulette table number, whether an adjustment or replacement was completed, a description of the adjustment or replacement, a certification that an inspection was completed, if required, and the signature and Board license or permit number of the person making the adjustment or replacement.

(f) When a Roulette table is not open for play, the Roulette wheel shall be secured by placing a cover over the entire wheel and securely locking the cover.

§ 531.4. Placement of wagers.

(a) All wagers at Roulette shall be made by placing gaming chips or plaques, on the appropriate areas of the Roulette layout, except that verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and that the cash is expeditiously converted into gaming chips or plaques.

(b) A person at a Roulette table may not play with nonvalue chips that are identical in color and design to value chips or to nonvalue chips being used by another person at that same table. Nonvalue chips must be cashed in for value chips before a player leaves a Roulette table.

(c) Each player shall be responsible for the correct positioning of his wager on the Roulette layout, regardless of whether he is assisted by the dealer. The player shall be responsible for ensuring that instructions he gives to the dealer regarding the placement of a wager are correctly carried out.

(d) A wager shall be settled in accordance with its position on the layout when the ball falls to rest in a compartment of the wheel.

(e) The wagers in the game of Roulette include:

(1) A Straight Wager that the Roulette ball will come to rest in the compartment of the Roulette wheel that corresponds to a single number selected by the player. The player shall make a Straight Wager by placing a gaming chip or plaque within the box on the Roulette layout that contains the selected number.

(2) A Split Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to either of two numbers selected by the player. The player shall select the numbers by placing a wager on the line between the two boxes on the Roulette layout that contain the two selected numbers. A Split Wager on 0 and 00 may also be placed on the line between the 0 and 00 or on the line between the 2nd 12 box and the 3rd 12 box.

(3) A Three Numbers Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of three numbers in a single row on the Roulette layout selected by the player. The player shall select a row of numbers by placing a wager on the outside line of the box on the Roulette layout that contains the first number in the selected row.

(i) A Three Numbers Wager may also include a wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of the three numbers contained in one of the following groups of numbers: 0, 1 and 2; 0, 2 and 00; or 00, 2 and 3.

(ii) The player shall select one of the Three Numbers Wagers identified in subparagraph (i) by placing a wager on the common corner of the three boxes containing the selected numbers.

(4) A Four Numbers Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of four numbers in contiguous boxes on the Roulette layout selected by the player. The player shall select the four numbers by placing a wager on the common corner of the four boxes containing the selected numbers.

(5) A First Five Numbers Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of the numbers 0, 00, 1, 2 or 3. The player shall make a First Five Numbers Wager by placing a wager on the common corner of the boxes on the Roulette layout that contain the label 1st 12 and the numbers 0 and 1.

(6) A Six Numbers Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to one of six consecutive numbers contained in two contiguous rows of numbers on the Roulette layout selected by the player. The player shall select the two rows of numbers by placing a wager on the outside common corner of the boxes on the Roulette layout that contain the first number in each of the rows being selected.

(7) A column wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of 12 numbers contained in a single column on the Roulette layout selected by the player. The player shall select a column of 12 numbers by placing a wager in the box on the Roulette layout that is at the bottom of the column being selected.

(8) A Dozen Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of 12 consecutive numbers from 1—12, 13—24 or 25—36, selected by the player. The player shall select the 12 numbers by placing a wager in the box on the Roulette layout labeled 1st 12, 2nd 12 or 3rd 12.

(9) A Red Wager that the Roulette ball will come to rest in any compartment of the Roulette wheel that corresponds to a number with a red background on the Roulette wheel. The player shall make a Red Wager by placing a wager within the red box on the Roulette layout.

(10) A Black Wager that the Roulette ball will come to rest in any compartment of the Roulette wheel that corresponds to a number with a black background on the Roulette wheel. The player shall make a Black Wager by placing a wager within the black box on the Roulette layout.

(11) An Odd Wager that the Roulette ball will come to rest in any compartment of the Roulette wheel that corresponds to an odd number. The player shall make an Odd Wager by placing a wager within the box on the Roulette layout that is labeled cap O on Odd.

(12) An Even Wager that the Roulette ball will come to rest in any compartment of the Roulette wheel that corresponds to an even number. The player shall make an Even Wager by placing a wager within the box on the Roulette layout that is labeled cap E on Even.

(13) A 1—18 Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of 18 consecutive numbers from 1—18. The player shall make a 1—18 Wager by placing a wager within the box on the Roulette layout that is labeled 1—18.

(14) A 19—36 Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of 18 consecutive numbers from 19—36. The player shall make a 19—36 Wager by placing a wager within the box on the Roulette layout that is labeled 19—36.

§ 531.5. Payout odds.

(a) A Certificate Holder shall pay off winning wagers at the game of Roulette at no less than the following odds:

<i>Wagers</i>	<i>Payout Odds</i>
Straight	35 to 1
Split	17 to 1
Three Numbers	11 to 1
Four Numbers	8 to 1
First Five Numbers	6 to 1
Six Numbers	5 to 1
Column	2 to 1
Dozen	2 to 1
Red	1 to 1
Black	1 to 1
Odd	1 to 1
Even	1 to 1
1 to 18	1 to 1
19 to 36	1 to 1

(b) When Roulette is played on a single zero wheel or double zero wheel and the Roulette ball comes to rest in a compartment marked zero (0) or double zero (00), wagers on red, black, odd, even, 1—18, and 19—36 shall be lost.

(c) When Roulette is played on a double zero wheel being used as a single zero wheel, as provided in § 531.1 (relating to Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel), the following apply:

(1) Notice shall be provided that the double zero wheel is being used as a single zero wheel.

(2) The dealer shall announce “no spin,” declare the spin void and respin the wheel if the Roulette ball comes to rest in a compartment marked double zero (00).

(3) Wagers on red, black, odd, even, 1—18 and 19—36 shall be lost if the Roulette ball comes to rest in a compartment marked zero (0).

§ 531.6. Rotation of wheel and ball.

(a) The Roulette ball shall be spun by the dealer in a direction opposite to the rotation of the wheel and complete at least four revolutions around the track of the wheel to constitute a valid spin.

(b) While the ball is still rotating in the track around the wheel, the dealer shall call “no more bets,” in a manner sufficient to be heard by all players at the table. Once “no more bets” has been called by the dealer, players may not touch any chips or plaques that have been placed on the Roulette layout until the dealer has collected all losing wagers and paid off all winning wagers under subsection (d).

(c) When the ball comes to rest in a compartment, the dealer shall announce the number of the compartment and shall place a point marker on that number on the Roulette layout.

(d) After placing the point marker on the layout, the dealer shall first collect all losing wagers and then pay off all winning wagers.

§ 531.7. Irregularities.

(a) If the ball is spun in the same direction as the wheel, the dealer shall announce “no spin” and attempt to remove the Roulette ball from the wheel prior to its coming to rest in one of the compartments.

(b) If the Roulette ball does not complete four revolutions around the track of the wheel, the dealer shall announce "no spin." The dealer shall inspect the ball for any signs of damage and if the ball is damaged, ask the floorperson in charge of the table to give the dealer a new Roulette ball with which to continue gaming at the table.

(c) If the Roulette ball leaves the wheel during the spin, the dealer shall announce "no spin." The dealer shall inspect the ball for any signs of damage and if the ball is damaged, ask the floorperson in charge of the table to give the dealer a new Roulette ball with which to continue gaming at the table.

(d) If a foreign object enters the wheel prior to the ball coming to rest, the dealer shall announce "no spin" and attempt to remove the ball from the wheel prior to its coming to rest in one of the compartments.

CHAPTER 533. BIG SIX WHEEL

- Sec. Big Six Wheel layout; physical characteristics.
- 533.1. Wagers and rotation of the wheel.
- 533.2. Payout odds.
- 533.3.

§ 533.1. Big Six Wheel layout; physical characteristics.

(a) Except as provided in subsection (c), Big Six Wheel gaming shall be conducted at a circular wheel at least 5 feet in diameter. The rim of the wheel must be divided into 54 equally spaced sections with 23 sections containing a \$1 symbol, 15 sections containing a \$2 symbol, eight sections containing a \$5 symbol, four sections containing a \$10 symbol, two sections containing a \$20 symbol, one section containing a picture of a flag, the name or logo of the Certificate Holder or other unique symbol, and one section containing a picture of a joker or other unique symbol. The sections must be covered with glass.

(b) Except as provided in subsection (c), the sections required under subsection (a) must be arranged clockwise around the rim of the wheel in the following order: joker, \$1, \$2, \$1, \$5, \$2, \$1, \$10, \$1, \$5, \$1, \$2, \$1, \$20, \$1, \$2, \$1, \$5, \$2, \$1, \$10, \$1, \$2, \$5, \$1, \$2, \$1, flag or logo, \$2, \$5, \$2, \$1, \$2, \$1, \$10, \$1, \$5, \$1, \$2, \$1, \$20, \$1, \$2, \$1, \$5, \$2, \$1, \$10, \$1, \$2, \$5, \$1, \$2 and \$1.

(c) A Certificate Holder may, with prior approval from the Bureau of Gaming Operations, use symbols that depict fruit or other themed symbols in lieu of the dollar symbols specified in subsections (a) and (b).

(d) Each section of the wheel must also display the payout odds contained in § 533.3 (relating to payout odds) for the wager.

(e) The wheel must contain a clapper capable of selecting a particular section of the wheel upon the conclusion of the spin.

(f) Each Big Six Wheel table must have a drop box and a tip box attached to it in locations approved by the Bureau of Gaming Operations.

(g) The layout for a Big Six Wheel table must be approved by the Bureau of Gaming Operations and have imprinted thereon, at a minimum, the following:

(1) The name or logo of the Certificate Holder offering the game.

(2) Spaces which may be used by patrons to place their wagers, which contain:

(i) Symbols for \$1, \$2, \$5, \$10 and \$20 or other symbols approved by the Bureau of Gaming Operations in accordance with subsection (c).

(ii) A flag, the name or logo of the Certificate Holder or other unique symbol, as it appears on the wheel.

(iii) A joker or other unique symbol as it appears on the wheel.

(3) The payout odds for each of the permitted wagers.

§ 533.2. Wagers and rotation of the wheel.

(a) Prior to the spin of the wheel, the dealer shall call "no more bets."

(b) The wheel shall be spun by the dealer in either direction and must complete at least three revolutions to constitute a valid spin.

(c) A wager shall be settled in accordance with the wager's position on the layout when the clapper comes to rest in a section of the wheel.

(c) If the clapper comes to rest between two numbers or symbols upon completion of the spin of the wheel, the spin shall be void and the dealer must respin the wheel.

(d) Upon completion of the spin, the dealer shall first collect all losing wagers and then pay off all winning wagers.

§ 533.3. Payout odds.

(a) The odds for the pay off of winning wagers made at Big Six must be no less than the following odds:

<i>Bet On</i>	<i>Payout Odds</i>
\$1 Symbol or other approved alternate symbol	1 to 1
\$2 Symbol or other approved alternate symbol	2 to 1
\$5 Symbol or other approved alternate symbol	5 to 1
\$10 Symbol or other approved alternate symbol	10 to 1
\$20 Symbol or other approved alternate symbol	20 to 1
Joker, Flag, Name or Logo or other unique symbol	45 to 1

(b) The payout odds for winning wagers printed on any Big Six Wheel or layout, or in any brochure or other publication distributed by a Certificate Holder must be stated through the use of the word "to." Odds may not be stated through the use of the word "for."

CHAPTER 537. CRAPS AND MINI-CRAPS

- Sec. Definitions.
- 537.1. Craps and Mini-Craps tables; physical characteristics.
- 537.2. Permissible wagers.
- 537.3. Making and removal of wagers.
- 537.4. Payout odds.
- 537.5. Supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds).
- 537.6. Dice retention and selection.
- 537.7. Throw of the dice.
- 537.8. Invalid roll of the dice.
- 537.9. Point throw; settlement of wagers.
- 537.10. Continuation of shooter; selection of new shooter.
- 537.11. Additional procedures and rules for the Fire Bet.
- 537.12.

§ 537.1. Definitions.

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

Boxperson—An employee of a Certificate Holder whose primary function is to participate in and supervise the conduct of gaming at a single Craps table.

Call Bet—A wager made without cash or chips for a known customer.

Come out point—A total of 4, 5, 6, 8, 9 or 10 thrown by the shooter on the come out roll.

Come out roll—The first roll of the dice at the opening of the game and the first roll of the dice after a decision with respect to a Pass Bet and Don't Pass Bet has been effected.

Come point—A total of 4, 5, 6, 8, 9 or 10 thrown by the shooter on the next roll following placement of a Come Bet or Don't Come Bet.

Stickperson—An employee of a Certificate Holder whose primary function is to control the selection and use of the dice at a Craps table.

§ 537.2. Craps and Mini-Craps tables; physical characteristics.

(a) Craps and Mini-Craps shall be played on an oblong table with rounded corners and high walled sides.

(b) A Craps table may not be larger than 14 feet in length.

(c) A Mini-Craps table may not be no longer than 9 1/2 feet in length, and have seating locations for a maximum of nine players.

(d) The layout for a Craps or Mini-Craps table shall be approved by the Bureau of Gaming Operations and contain, at a minimum the following:

(1) The name or logo of the Certificate Holder offering the game.

(2) Specific areas designated for the placement of wagers permitted under § 537.3 (relating to permissible wagers).

(3) The words "no call bets."

(e) Each Craps and Mini-Craps table must have a drop box and tip box attached to the table in locations approved by the Bureau of Gaming Operations.

(f) In addition to the requirements in subsection (d), if the Fire Bet in the game of Craps is offered by a Certificate Holder, the Craps table must, at a minimum, include:

(1) No more than 16 designated areas for the placement of Fire Bets in locations approved by the Bureau of Gaming Operations. The Fire Bet areas must be located around the perimeter of the layout, corresponding to player positions at the table, and be sequentially numbered in a clockwise direction, with the area numbered 1 being located immediately to the left of the boxperson or dealer.

(2) A designated area of the layout, in a location approved by the Bureau of Gaming Operations, for the relocation and identification of all Fire Bets placed by players prior to the come out roll of a shooter. The designated area must be located in front of the boxperson and contain numbered areas which correspond to the location of the numbered areas described in paragraph (1).

(3) The following information, visible to all player positions, on the inside wall of the table in a location approved by the Bureau of Gaming Operations:

(i) The payout odds for four, five and six different unique points made.

(ii) That Fire Bets shall only be accepted prior to a shooter's initial come out roll.

(iii) The wager limitations applicable to the Fire Bet.

§ 537.3. Permissible wagers.

(a) The following wagers may be used in the games of Craps and Mini-Craps:

(1) A Pass Bet placed on the Pass Line of the layout immediately prior to the come out roll. A winning or losing Pass Bet shall be determined as follows:

(i) A Pass Bet shall win if, on the come out roll, either:

(A) A total of 7 or 11 is thrown.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown and that total is thrown again before a 7 is thrown.

(ii) A Pass Bet shall lose if, on the come out roll, either:

(A) A total of 2, 3 or 12 is thrown.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown and a 7 is subsequently thrown before that total is thrown again.

(2) A Don't Pass Bet placed on the Don't Pass Line of the layout immediately prior to the come out roll. A winning or losing Don't Pass Bet shall be determined as follows:

(i) A Don't Pass Bet shall win if, on the come out roll, either:

(A) A total of 2 or 3 is thrown.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown and a 7 is subsequently thrown before that total is thrown again.

(ii) A Don't Pass Bet shall lose if, on the come out roll, either:

(A) A total of 7 or 11 is thrown.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown and that total is thrown again before a 7 is thrown.

(iii) If a total of 12 is thrown on the come out roll, a Don't Pass Bet shall be void and any Don't Pass Bets shall be returned to the players.

(3) A Come Bet placed on the Come Line of the layout at any time after the come out roll. If a 4, 5, 6, 8, 9 or 10 is thrown after the placement of a Come Bet, the dealer shall move the Come Bet into the numbered box corresponding to the number that was thrown. A winning or losing Come Bet shall be determined as follows:

(i) A Come Bet shall win if either:

(A) A total of 7 or 11 is thrown on the roll immediately following placement of the Come Bet.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Come Bet and that total is thrown again before a 7 is thrown.

(ii) A Come Bet shall lose if either:

(A) A total of 2, 3 or 12 is thrown on the roll immediately following placement of the Come Bet.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Come Bet and a 7 is subsequently thrown before that total is thrown again.

(4) A Don't Come Bet placed on the Don't Come Line of the layout at any time after the come out roll. If a 4, 5, 6, 8, 9 or 10 is thrown after the placement of a Don't Come Bet, the dealer shall move the Don't Come Bet into a box adjacent to the numbered box corresponding to the num-

ber that was thrown. A winning or losing Don't Come Bet shall be determined as follows:

(i) A Don't Come Bet shall win if either:

(A) A total of 2 or 3 is thrown on the roll immediately following placement of the Don't Come Bet.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Don't Come Bet and a 7 is subsequently thrown before that total is thrown again.

(ii) A Don't Come Bet shall lose if either:

(A) A total of 7 or 11 is thrown on the roll immediately following placement of the Don't Come Bet.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Don't Come Bet and that total is thrown again before a 7 is thrown.

(iii) If a total of 12 is thrown on the roll immediately following placement of a Don't Come Bet, the Don't Come Bet shall be void and any Don't Come Bets shall be returned to the players.

(5) A Place Bet to Win on any of the numbers 4, 5, 6, 8, 9 or 10 that may be made at any time. A Place Bet to Win shall be inactive on a come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager. A winning or losing Place Bet to Win shall be determined as follows:

(i) A Place Bet to Win shall win if the number on which the wager was placed is thrown before a 7 is thrown.

(ii) A Place Bet to Win shall lose if a 7 is thrown before the number on which the wager was placed is thrown.

(6) A Place Bet to Lose placed in a box adjacent to any of the numbers 4, 5, 6, 8, 9 or 10 that may be made at any time. A Place Bet to Lose shall be inactive on a come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager. A winning or losing Place Bet to Lose shall be determined as follows:

(i) A Place Bet to Lose shall win if a 7 is thrown before the particular number against which the wager is placed is thrown.

(ii) A Place Bet to Lose shall lose if the particular number against which the wager is placed is thrown before a 7 is thrown.

(7) A Four the Hardway Bet placed in a box which shows two dice, each of which displays a value of 2, that may be made at any time. A winning or losing Four the Hardway Bet shall be determined as follows:

(i) A Four the Hardway Bet shall win if a total of 4 is thrown with a 2 appearing on each die before a 4 is thrown in any other way or before a 7 is thrown.

(ii) A Four the Hardway Bet shall lose if a total of 4 is thrown without a 2 appearing on each die or a 7 is thrown before a total of 4 is thrown with a 2 appearing on each die.

(8) A Six the Hardway Bet placed in a box which shows two dice, each of which displays a value of 3, that may be made at any time. A winning or losing Six the Hardway Bet shall be determined as follows:

(i) A Six the Hardway Bet shall win if a total of 6 is thrown with a 3 appearing on each die before a 6 is thrown in any other way or before a 7 is thrown.

(ii) A Six the Hardway Bet shall lose if a total of 6 is thrown without a 3 appearing on each die or a 7 is thrown before a total of 6 is thrown with a 3 appearing on each die.

(9) An Eight the Hardway Bet placed in a box which shows two dice, each of which displays a value of 4, that may be made at any time. A winning or losing Eight the Hardway Bet shall be determined as follows:

(i) An Eight the Hardway Bet shall win if a total of 8 is thrown with a 4 appearing on each die before an 8 is thrown in any other way or before a 7 is thrown.

(ii) An Eight the Hardway Bet shall lose if a total of 8 is thrown without a 4 appearing on each die or a 7 is thrown before a total of 8 is thrown with a 4 appearing on each die.

(10) A Ten the Hardway Bet placed in a box which shows two dice, each of which displays a value of 5, that may be made at any time. A winning or losing Ten the Hardway Bet shall be determined as follows:

(i) A Ten the Hardway Bet shall win if a total of 10 is thrown with a 5 appearing on each die before a 10 is thrown in any other way or before a 7 is thrown.

(ii) A Ten the Hardway Bet shall lose if a total of 10 is thrown without a 5 appearing on each die or a 7 is thrown before a total of 10 is thrown with a 5 appearing on each die.

(11) A Field Bet placed in a box which shows the numbers 2, 3, 4, 9, 10, 11 and 12 that may be made at any time. A winning or losing Field Bet shall be determined as follows:

(i) A Field Bet shall win if a 2, 3, 4, 9, 10, 11 or 12 is thrown on the roll immediately following placement of the Field Bet.

(ii) A Field Bet shall lose if a 5, 6, 7 or 8 is thrown on the roll immediately following placement of the Field Bet.

(12) An Any Seven Bet placed in a box which contains the phrase "Any Seven" that may be made at any time. A winning or losing Any Seven Bet shall be determined as follows:

(i) An Any Seven Bet shall win if a 7 is thrown on the roll immediately following placement of the Any Seven Bet.

(ii) An Any Seven Bet shall lose if any total other than a 7 is thrown on the roll immediately following placement of the Any Seven Bet.

(13) An Any Craps Bet placed in a box which contains the phrase "Any Craps" that may be made at any time. A winning or losing Any Craps Bet shall be determined as follows:

(i) An Any Craps Bet shall win if a 2, 3 or 12 is thrown on the roll immediately following placement of the Any Craps Bet.

(ii) An Any Craps Bet shall lose if any total other than a 2, 3 or 12 is thrown on the roll immediately following placement of the Any Craps Bet.

(14) A Craps Two Bet placed in a box which shows two dice, each of which displays a value of 1, that may be made at any time. A winning or losing Craps Two Bet shall be determined as follows:

(i) A Craps Two Bet shall win if a 2 is thrown on the roll immediately following placement of the Craps Two Bet.

(ii) A Craps Two Bet shall lose if any total other than a 2 is thrown on the roll immediately following placement of the Craps Two Bet.

(15) A Craps Three Bet placed in a box which shows two dice, one of which displays a value of 1 and the other of which displays a value of 2, that may be made at any time. A winning or losing Craps Three Bet shall be determined as follows:

(i) A Craps Three Bet shall win if a 3 is thrown on the roll immediately following placement of the Craps Three Bet.

(ii) A Craps Three Bet shall lose if any total other than a 3 is thrown on the roll immediately following placement of the Craps Three Bet.

(16) A Craps Twelve Bet placed in a box which shows two dice, each of which displays a value of 6, that may be made at any time. A winning or losing Craps Twelve Bet shall be determined as follows:

(i) A Craps Twelve Bet shall win if a 12 is thrown on the roll immediately following placement of the Craps Twelve Bet.

(ii) A Craps Twelve Bet shall lose if any total other than a 12 is thrown on the roll immediately following placement of the Craps Twelve Bet.

(17) An 11 in One Roll Bet placed in a box which shows two dice, one of which displays a value of 5 and the other of which displays a value of 6, that may be made at any time. A winning or losing 11 in One Roll Bet shall be determined as follows:

(i) An 11 in One Roll Bet shall win if an 11 is thrown on the roll immediately following placement of the 11 in One Roll Bet.

(ii) An 11 in One Roll Bet shall lose if any total other than an 11 is thrown on the roll immediately following placement of the 11 in One Roll Bet.

(18) A Craps-Eleven or C and E Bet placed in an area on the table layout that contains the letters "C" and "E" that may be made at any time. A winning or losing Craps-Eleven or C and E Bet shall be determined as follows:

(i) A Craps-Eleven or C and E Bet shall win if a 2, 3, 11 or 12 is rolled immediately following placement of the Craps-Eleven or C and E Bet.

(ii) A Craps-Eleven or C and E Bet shall lose if any total other than a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Craps-Eleven or C and E Bet.

(19) A Horn Bet placed in a box which contains the words "Horn Bet" that may be made at any time. A Horn Bet shall be placed in units of four. A winning or losing Horn Bet shall be determined as follows:

(i) A Horn Bet shall win if a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Horn Bet.

(ii) A Horn Bet shall lose if any total other than a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Horn Bet.

(20) A Horn High Bet placed in a box which contains the words "Horn High Bet" and two dice with a total value of 2, 3, 11 or 12 that may be made at any time. A Horn High Bet shall be placed in units of five. A Certificate Holder that does not have a designated area on its layout for the acceptance of a Horn High Bet shall break down a Horn High Bet into two separate wagers of four units on the Horn Bet and one unit on one of the

boxes which contain two dice with a total value of 2, 3, 11 or 12. A winning or losing Horn High Bet shall be determined as follows:

(i) A Horn High Bet shall win if a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Horn High Bet.

(ii) A Horn High Bet shall lose if any total other than a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Horn High Bet.

(21) A Whirl Bet placed in a box which contains the words "Whirl Bet" that may be made at any time. A Whirl Bet shall be placed in units of five. A Certificate Holder that does not have a designated area on its layout for the acceptance of a Whirl Bet shall break down a Whirl Bet into two separate wagers of four units on the Horn Bet and one unit on the Any Seven Bet. A winning or losing Whirl Bet shall be determined as follows:

(i) A Whirl Bet shall win if a 2, 3, 7, 11 or 12 is thrown on the roll immediately following placement of the Whirl Bet.

(ii) A Whirl Bet shall lose if any total other than a 2, 3, 7, 11 or 12 is thrown on the roll immediately following placement of the Horn High Bet.

(22) A Four the Hardway on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Four the Hardway on the Hop Bet shall be determined as follows:

(i) A Four the Hardway on the Hop Bet shall win if a total of 4 is thrown with a 2 appearing on each die on the roll immediately following placement of the Four the Hardway on the Hop Bet.

(ii) A Four the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Four the Hardway on the Hop Bet.

(23) A Six the Hardway on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Six the Hardway on the Hop Bet shall be determined as follows:

(i) A Six the Hardway on the Hop Bet shall win if a total of 6 is thrown with a 3 appearing on each die on the roll immediately following placement of the Six the Hardway on the Hop Bet.

(ii) A Six the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Six the Hardway on the Hop Bet.

(24) An Eight the Hardway on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Eight the Hardway on the Hop Bet shall be determined as follows:

(i) An Eight the Hardway on the Hop Bet shall win if a total of 8 is thrown with a 4 appearing on each die on the roll immediately following placement of the Eight the Hardway on the Hop Bet.

(ii) An Eight the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Eight the Hardway on the Hop Bet.

(25) A Ten the Hardway on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Ten the Hardway on the Hop Bet shall be determined as follows:

(i) A Ten the Hardway on the Hop Bet shall win if a total of 10 is thrown with a 5 appearing on each die on the roll immediately following placement of the Ten the Hardway on the Hop Bet.

(ii) A Ten the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Ten the Hardway on the Hop Bet.

(26) A One-Three or Ace-Trey on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing One-Three or Ace-Trey on the Hop Bet shall be determined as follows:

(i) A One-Three or Ace-Trey on the Hop Bet shall win if a total of 4 is thrown with a 1 appearing on one die and a 3 appearing on the other die on the roll immediately following placement of the One-Three or Ace-Trey on the Hop Bet.

(ii) A One-Three or Ace-Trey on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Three or Ace-Trey on the Hop Bet.

(27) A One-Four or Ace-Four on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing One-Four or Ace-Four on the Hop Bet shall be determined as follows:

(i) A One-Four or Ace-Four on the Hop Bet shall win if a total of 5 is thrown with a 1 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of the One-Four or Ace-Four on the Hop Bet.

(ii) A One-Four or Ace-Four on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Four or Ace-Four on the Hop Bet.

(28) A Two-Three or Deuce-Trey on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Two-Three or Deuce-Trey on the Hop Bet shall be determined as follows:

(i) A Two-Three or Deuce-Trey on the Hop Bet shall win if a total of 5 is thrown with a 2 appearing on one die and a 3 appearing on the other die on the roll immediately following placement of the Two-Three or Deuce-Trey on the Hop Bet.

(ii) A Two-Three or Deuce-Trey on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Two-Three or Deuce-Trey on the Hop Bet.

(29) A One-Five or Ace-Five on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing One-Five or Ace-Five on the Hop Bet shall be determined as follows:

(i) A One-Five or Ace-Five on the Hop Bet shall win if a total of 6 is thrown with a 1 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the One-Five or Ace-Five on the Hop Bet.

(ii) A One-Five or Ace-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Five or Ace-Five on the Hop Bet.

(30) A Two-Four or Deuce-Four on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Two-Four or Deuce-Four on the Hop Bet shall be determined as follows:

(i) A Two-Four or Deuce-Four on the Hop Bet shall win if a total of 6 is thrown with a 2 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of the Two-Four or Deuce-Four on the Hop Bet.

(ii) A Two-Four or Deuce-Four on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Five or Ace-Five on the Hop Bet.

(31) A One-Six or Ace-Six on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing One-Six or Ace-Six on the Hop Bet shall be determined as follows:

(i) A One-Six or Ace-Six on the Hop Bet shall win if a total of 7 is thrown with a 1 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the One-Six or Ace-Six on the Hop Bet.

(ii) A One-Six or Ace-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Six or Ace-Six on the Hop Bet.

(32) A Two-Five or Deuce-Five on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Two-Five or Deuce-Five on the Hop Bet shall be determined as follows:

(i) A Two-Five or Deuce-Five on the Hop Bet shall win if a total of 7 is thrown with a 2 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the Two-Five or Deuce-Five on the Hop Bet.

(ii) A Two-Five or Deuce-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Two-Five or Deuce-Five on the Hop Bet.

(33) A Three-Four or Trey-Four on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Three-Four or Trey-Four on the Hop Bet shall be determined as follows:

(i) A Three-Four or Trey-Four on the Hop Bet shall win if a total of 7 is thrown with a 3 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of the Three-Four or Trey-Four on the Hop Bet.

(ii) A Three-Four or Trey-Four on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Three-Four or Trey-Four on the Hop Bet.

(34) A Two-Six or Deuce-Six on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Two-Six or Deuce-Six on the Hop Bet shall be determined as follows:

(i) A Two-Six or Deuce-Six on the Hop Bet shall win if a total of 8 is thrown with a 2 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the Two-Six or Deuce-Six on the Hop Bet.

(ii) A Two-Six or Deuce-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Two-Six or Deuce-Six on the Hop Bet.

(35) A Three-Five or Trey-Five on the Hop Bet placed in an area on the layout for this bet that may be made at

any time. A winning or losing Three-Five or Trey-Five on the Hop Bet shall be determined as follows:

(i) A Three-Five or Trey-Five on the Hop Bet shall win if a total of 8 is thrown with a 3 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the Three-Five or Trey-Five on the Hop Bet.

(ii) A Three-Five or Trey-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Three-Five or Trey-Five on the Hop Bet.

(36) A Three-Six or Trey-Six on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing bet shall be determined as follows:

(i) A Three-Six or Trey-Six on the Hop Bet shall win if a total of 9 is thrown with a 3 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the Three-Six or Trey-Six on the Hop Bet.

(ii) A Three-Six or Trey-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Three-Six or Trey-Six on the Hop Bet.

(37) A Four-Five on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Four-Five on the Hop Bet shall be determined as follows:

(i) A Four-Five on the Hop Bet shall win if a total of 9 is thrown with a 4 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the Four-Five on the Hop Bet.

(ii) A Four-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Four-Five on the Hop Bet.

(38) A Four-Six on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing bet shall be determined as follows:

(i) A Four-Six on the Hop Bet shall win if a total of 10 is thrown with a 4 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the Four-Six on the Hop Bet.

(ii) A Four-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Four-Six on the Hop Bet.

(39) A 6-7-8 Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing 6-7-8 Bet shall be determined as follows:

(i) A 6-7-8 Bet shall win if a total of 6, 7 or 8 is thrown on the roll immediately following placement of the 6-7-8 Bet.

(ii) A 6-7-8 Bet shall lose if a 2, 3, 4, 5, 9, 10, 11 or 12 is thrown on the roll immediately following placement of the 6-7-8 Bet.

(40) A Fire Bet that may only be made prior to the come out roll of a new shooter.

(i) A Fire Bet shall win if at least four different unique point totals of either 4, 5, 6, 8, 9 or 10 are made by the shooter before a 7 is thrown.

(ii) A Fire Bet shall lose if less than four different unique point totals of either 4, 5, 6, 8, 9 or 10 are made by the shooter before a 7 is thrown.

(b) Except as permitted under § 537.6(e) (relating to supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds)), the amount of a Craps or Mini-Craps wager:

- (1) May not be less than the minimum wager.
- (2) May not be more than the maximum wager.

(c) The amounts of the minimum and maximum Craps or Mini-Craps wagers shall be posted at each Craps or Mini-Craps table.

§ 537.4. Making and removal of wagers.

(a) Wagers shall be made before the dice are thrown.

(b) Wagers shall be made by placing gaming chips or plaques on the appropriate areas of the layout. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and that the cash is expeditiously converted into gaming chips or plaques.

(c) A wager made on any bet may be removed or reduced at any time prior to a roll that decides the outcome of the wager except that:

- (1) A Pass Bet may not be removed or reduced after a come out point is established with respect to the Pass Bet.
- (2) A Come Bet may not be removed or reduced after a come point is established with respect to the Come Bet.

(3) A Fire Bet may not be reduced or increased at any time, and may not be removed prior to the throwing of a loser 7.

(d) A Don't Come Bet and a Don't Pass Bet may be removed or reduced at any time but may not be replaced or increased after the bet has been removed or reduced.

(e) Only players who are seated at a Mini-Craps table may place a wager at the game. Once a player has placed a wager, that player must remain seated until the completion of the round of play.

§ 537.5. Payout odds.

(a) All odds stated on a table layout or in any brochure or other publication distributed by a Certificate Holder shall be stated through use of the word "to" and payout odds may not be stated through use of the word "for."

(b) The payout odds for winning wagers at the game of Craps or Mini-Craps may not be less than the following payout odds:

A Certificate Holder may use payout odds for winning wagers at higher odds than those in the following list. Payout odds shall be uniform within the licensed facility.

<i>Wager</i>	<i>Payout Odds</i>
Pass Bet	1 to 1
Don't Pass Bet	1 to 1
Come Bet	1 to 1
Don't Come Bet	1 to 1
Place Bet to Win on 4	9 to 5
Place Bet to Win on 5	7 to 5
Place Bet to Win on 6	7 to 6
Place Bet to Win on 8	7 to 6
Place Bet to Win on 9	7 to 5
Place Bet to Win on 10	9 to 5
Place Bet to Lose on 4	5 to 11

<i>Wager</i>	<i>Payout Odds</i>
Place Bet to Lose on 5	5 to 8
Place Bet to Lose on 6	4 to 5
Place Bet to Lose on 8	4 to 5
Place Bet to Lose on 9	5 to 8
Place Bet to Lose on 10	5 to 11
Four the Hardway Bet	7 to 1
Six the Hardway Bet	9 to 1
Eight the Hardway Bet	9 to 1
Ten the Hardway Bet	7 to 1
Field Bet:	
On a 3, 4, 9, 10 or 11	1 to 1
On a 2 or 12	2 to 1
Any Seven Bet	4 to 1
Any Craps Bet	7 to 1
Craps 2 Bet	30 to 1
Craps 3 Bet	15 to 1
Craps 12 Bet	30 to 1
11 in One Roll	15 to 1
Four the Hardway on the Hop Bet	30 to 1
Six the Hardway on the Hop Bet	30 to 1
Eight the Hardway on the Hop Bet	30 to 1
Ten the Hardway on the Hop Bet	30 to 1
One-Three or Ace-Trey on the Hop Bet	15 to 1
One-Four or Ace-Four on the Hop Bet	15 to 1
One-Five or Ace-Five on the Hop Bet	15 to 1
One-Six or Ace-Six on the Hop Bet	15 to 1
Two-Three or Deuce-Trey on the Hop Bet	15 to 1
Two-Four or Deuce-Four on the Hop Bet	15 to 1
Two-Five or Deuce-Five on the Hop Bet	15 to 1
Two-Six or Deuce-Six on the Hop Bet	15 to 1
Three-Four or Trey-Four on the Hop Bet	15 to 1
Three-Five or Trey-Five on the Hop Bet	15 to 1
Three-Six or Trey-Six on the Hop Bet	15 to 1
Four-Five on the Hop Bet	15 to 1
Four-Six on the Hop Bet	15 to 1
6-7-8 Bet:	
On a 6 that is a One-Five or Two-Four, on any 7 or an 8 that is a Two-Six or Three-Five	1 to 1
On a 6 that is a Three-Three or an 8 that is a Four-Four	2 to 1

(c) A Craps-Eleven or C and E Bet shall be paid as if one half of the Craps-Eleven or C and E Bet had been placed as an Any Craps Bet (7 to 1) and one half as an 11 in one roll (15 to 1), and shall be paid as if two separate wagers were made for the one roll.

(d) A Horn Bet shall be paid as if it were four separate wagers on the 2, 3, 11 and 12, each of which equaling 25% of the Horn Bet.

(e) A Horn High Bet shall be paid as if it was four separate wagers on the 2, 3, 11 and 12, each of which equaling 20% of the Horn High Bet and a fifth wager on the 2, 3, 11 or 12, equaling 20% of the Horn High Bet.

(f) A Whirl Bet shall be paid as if it was two separate wagers with four units wagered as a Horn Bet and one unit wagered as an Any Seven Bet.

(g) A winning Fire Bet shall be paid once for the highest number of different unique points made at no less than the odds set forth in Table A or Table B preselected by the Certificate Holder:

<i>Individual Unique Points Made</i>	<i>Table A</i>	<i>Table B</i>
Four Points	24 to 1	39 to 1
Five Points	249 to 1	199 to 1
Six or More Points	999 to 1	499 to 1

(h) Except as permitted under § 537.6(e) (relating to supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds)), a Certificate Holder may not accept any wager in excess of the maximum bet posted at the table.

§ 537.6. Supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds).

(a) Whenever a player makes a Pass Bet and a total of 4, 5, 6, 8, 9 or 10 is thrown on the come out roll, the player may make a supplemental wager in support of the Pass Bet which may be limited by the Certificate Holder to an amount that is equal to the amount of the original Pass Bet. If the Pass Bet wins after a supplemental wager is made:

- (1) The original Pass Bet shall be paid at odds of 1 to 1.
- (2) The supplemental wager shall be paid at odds of:
 - (i) 2 to 1 if the come out point was 4 or 10.
 - (ii) 3 to 2 if the come out point was 5 or 9.
 - (iii) 6 to 5 if the come out point was 6 or 8.

(b) Whenever a player makes a Don't Pass Bet and a total of 4, 5, 6, 8, 9 or 10 is thrown on the come out roll, the player may make a supplemental wager in support of the Don't Pass Bet which may be limited by the Certificate Holder to an amount so calculated as to provide winnings not in excess of the amount originally wagered on the Don't Pass Bet. If the Don't Pass Bet wins after a supplemental wager is made:

- (1) The original Don't Pass Bet shall be paid at odds of 1 to 1.
- (2) The supplemental wager shall be paid at odds of:
 - (i) 1 to 2 if the come out point was 4 or 10.
 - (ii) 2 to 3 if the come out point was 5 or 9.
 - (iii) 5 to 6 if the come out point was 6 or 8.

(c) Whenever a player makes a Come Bet and a total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Come Bet, the player may make a supplemental wager in support of the Come Bet which may be limited by the Certificate Holder to an amount that is equal to the amount of the original Come Bet. If the Come Bet wins after a supplemental wager is made:

(1) The original Come Bet shall be paid at odds of 1 to 1.

(2) The supplemental wager shall be paid at odds of:

(i) 2 to 1 if the come point was 4 or 10.

(ii) 3 to 2 if the come point was 5 or 9.

(iii) 6 to 5 if the come point was 6 or 8.

(d) Whenever a player makes a Don't Come Bet and a total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Don't Come Bet, the player may make a supplemental wager in support of the Don't Come Bet which may be limited by the Certificate Holder to an amount so calculated as to provide winnings not in excess of the amount originally wagered on the Don't Come Bet. If the Don't Come Bet wins after a supplemental wager is made:

(1) The original Don't Come Bet shall be paid at odds of 1 to 1.

(2) The supplemental wager shall be paid at odds of:

(i) 1 to 2 if the come point was a 4 or 10.

(ii) 2 to 3 if the come point was 5 or 9.

(iii) 5 to 6 if the come point was 6 or 8.

(e) Except as permitted under subsection (f), a Certificate Holder may allow a supplemental wager in support of a Pass or Come Bet in an amount up to 10 times the amount of the original Pass or Come Bet. A Certificate Holder may allow a supplemental wager in support of a Don't Pass or Don't Come Bet in an amount so calculated as to provide a winning player with winnings not in excess of up to 10 times the amount originally wagered on the Don't Pass or Don't Come Bet. The original Pass, Don't Pass, Come or Don't Come Bet and any supplemental wager allowed in accordance with this subsection shall be paid at the same odds as the original and supplemental wagers are paid under subsections (a)—(d).

(f) A Certificate Holder may accept a supplemental wager that exceeds an amount that is otherwise authorized by this section or posted as the maximum wager permitted if the excess amount of the supplemental wager is necessary to facilitate the payouts permitted by this section.

§ 537.7. Dice retention and selection.

(a) A set of at least five dice shall be present at the Craps or Mini-Craps table during gaming. Control of the dice at a Craps table, or at a Mini-Craps table with an optional stickperson, shall be the responsibility of the stickperson at the table. Control of the dice at a Mini-Craps table without an optional stickperson shall be the responsibility of the dealer at the table. The stickperson or Mini-Craps dealer shall retain all dice, except those in active play, in a dice cup at the table.

(b) At the commencement of play:

(1) For Craps, the stickperson shall offer the set of dice to the player immediately to the left of the boxperson at the table. If that player rejects the dice, the stickperson shall offer the dice to each of the other players in turn clockwise around the table until one of the players accepts the dice.

(2) For Mini-Craps, the dealer or the optional Mini-Craps stickperson shall offer the set of dice to the player immediately to his or her left at the table. If that player rejects the dice, the dealer or stickperson shall offer the dice to each of the other players in turn clockwise around the table until one of the players accepts the dice.

(c) The first player to accept the dice when offered shall become the shooter who shall select and retain two of the dice offered. The remaining dice of the set shall be returned to the dice cup which shall:

(1) For Craps, be placed immediately in front of the Craps stickperson.

(2) For Mini-Craps, be placed immediately in front of the Mini-Craps dealer or stickperson.

§ 537.8. Throw of the dice.

After selection of the dice, the shooter shall make a Pass Bet or Don't Pass Bet after which the shooter shall throw the two selected dice so that they leave the shooter's hand simultaneously and in a manner which causes the dice to strike the end of the table farthest from the shooter.

§ 537.9. Invalid roll of the dice.

(a) A roll of the dice shall be invalid whenever either or both of the dice go off the table or whenever one die comes to rest on top of the other.

(b) The persons listed in subsection (d) shall have the authority to invalidate a roll of the dice by calling "no roll" for any of the following reasons:

(1) The dice do not leave the shooter's hand simultaneously.

(2) Either or both of the dice fail to strike the end of the table farthest from the shooter.

(3) Either or both of the dice come to rest on the chips constituting the Craps bank of chips located in front of the boxperson.

(4) Either or both of the dice come to rest in the dice cup in front of the Craps stickperson, or in front of the Mini-Craps dealer or stickperson, or on one of the rails surrounding the table.

(5) The use of a cheating, crooked or fixed device or technique in the roll of the dice.

(6) The Craps boxperson or stickperson, or the Mini-Craps dealer or stickperson considers the throw to be improper.

(c) A throw of the dice which results in the dice coming into contact with any chips or plaques on the table, other than the Craps bank of chips located in front of the boxman, will not be a cause for a call of "No Roll."

(d) "no roll" may be called:

(1) In Craps, by a boxperson or stickperson.

(2) In Mini-Craps, by the dealer, stickperson or floorperson.

§ 537.10. Point throw; settlement of wagers.

(a) When the dice come to rest from a valid throw, the Craps stickperson or the Mini-Craps dealer or stickperson shall at once call out the sum of the numbers on the uppermost or skyward sides of the two dice. Only one face on each die shall be considered uppermost or skyward.

(b) In the event either or both of the dice do not land flat on the table (for example, one edge of the die is resting cocked on a stack of chips), the side directly opposite the side that is resting on the chips or other object shall be considered uppermost or skyward. If more than one side of a die is resting on a stack of chips or other object, the roll shall be void and the dice shall be re-thrown.

(c) In the event of a dispute as to which face is uppermost:

(1) In Craps, the boxperson shall have discretion to determine which face is uppermost or to order the throw be void and the dice be re-thrown.

(2) In Mini-Craps, the floorperson shall have discretion to determine which face is uppermost or to order the throw be void and the dice be re-thrown.

(d) In Craps, after calling the throw, the stickperson shall collect the dice and bring them to the center of the table between himself and the boxperson. All wagers decided by that throw shall then be settled, following which the stickperson shall pass the dice to the shooter for the next throw. When collecting the dice and passing them to the shooter, the stickperson shall use a stick designed for that purpose.

(e) In Mini-Craps, after calling the throw, the dealer or stickperson shall collect the dice and bring them to the center of the table. All wagers decided by that throw shall then be settled, following which the dealer or stickperson shall pass the dice to the shooter for the next throw. When collecting the dice and passing them to the shooter, the dealer or stickperson shall use a stick designed for that purpose.

§ 537.11. Continuation of shooter; selection of new shooter.

(a) It shall be the option of the shooter, after any roll, either to pass the dice or remain the shooter except that:

(1) The shooter shall pass the dice upon throwing a loser 7.

(2) The Craps boxperson or the Mini-Craps dealer may order the shooter to pass the dice if the shooter unreasonably delays the game, repeatedly makes invalid rolls or violates either the act or this part.

(b) If a shooter, after making the come out point, elects not to place another Pass Bet or Don't Pass Bet, and other Come Bets or Don't Come Bets remain on the table, the Craps stickperson or the Mini-Craps dealer or stickperson shall offer the dice to the player immediately to the left of the previous shooter, as provided for in subsection (c). If there are no other players at the table, or if no other players at the table elect to make a Pass Bet or Don't Pass Bet in order to shoot the dice and continue the game, the previous shooter shall be allowed to shoot the dice without making a Pass Bet or Don't Pass Bet only for the purpose of effecting a decision on the remaining Come Bets or Don't Come Bets. The on/off marker shall be placed on the Don't Pass Line in the off position in front of the shooter in order to indicate that the shooter is rolling the dice only to effectuate a decision for the Come Bets or Don't Come Bets remaining on the layout. Once the remaining Come Bets or Don't Come Bets have been decided or a player wishes to place a Pass Bet or Don't Pass Bet, the game shall proceed in accordance with § 537.8 (relating to throw of the dice).

(c) Whenever a voluntary or compulsory relinquishment of the dice occurs by the shooter, the Craps stickperson or the Mini-Craps dealer or stickperson shall offer the complete set of five or more dice to the player immediately to the left of the previous shooter and, if he does not accept, to each of the other players in turn clockwise around the table.

(d) The first player to accept the dice when offered shall become the new shooter who shall select and retain two of the dice offered. The remaining dice of the set shall

be returned to the dice cup which shall be placed immediately in front of the Craps stickperson or the Mini-Craps dealer or stickperson.

§ 537.12. Additional procedures and rules for the Fire Bet.

(a) If a Certificate Holder elects to offer the Fire Bet in the game of Craps as permitted under § 537.3 (relating to permissible wagers), the following additional procedures must be observed:

(1) Each player shall, prior to a new shooter's initial come out roll, place his or her Fire Bet on the numbered designated area for the placement of Fire Bets that is closest to his or her position at the Craps table.

(2) Whenever there is a voluntary or compulsory surrender of the dice by a shooter under § 537.11 (relating to continuation of shooter; selection of new shooter) prior to the throwing of a loser 7, any pending Fire Bet shall be settled upon the successor shooter throwing a loser 7.

(3) Once all Fire Bets are placed, the dealer shall bring in each Fire Bet in numerical order and place it on the corresponding number of the designated area in front of the boxperson, where the Fire Bets shall remain until they are either lost or paid.

(4) With each individual point made by a shooter, the dealer shall place a Fire Bet point marker inscribed with the total number of different unique points made by the shooter in the area of the table layout containing the number of the point (4, 5, 6, 8, 9 or 10) which was just made. Each Fire Bet point marker shall be visually distinguishable from and have a diameter larger than any authorized gaming chip. Fire Bet point markers shall be maintained by the boxperson or dealers at the Craps table.

(5) Fire Bets shall be collected or paid, as applicable, upon a shooter throwing a loser 7.

(6) Once four different unique points are made, the surveillance department shall be notified for the purpose of confirming all Fire Bets and payouts.

(b) If a Certificate Holder elects to offer the Fire Bet in the game of Craps under § 537.3, the following additional rules shall apply:

(1) The minimum wager shall be \$1 and the maximum wager shall be \$5 and all wagers shall be made in increments of one dollar.

(2) When a shooter makes the same point total more than once, the total number of different unique points made for purposes of settling a Fire Bet shall not increment.

(3) The four or more different unique points required to win a Fire Bet are not required to be made in any specific order or combination.

CHAPTER 549. BLACKJACK

Sec.	Definitions.
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§ 549.1. Definitions.

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

Blackjack—An ace and any card having a point value of 10 dealt as the initial two cards to a player or a dealer.

Card reader device—A device which permits the dealer to determine if the dealer has a Blackjack.

Cutting card—A card which is opaque and in a solid color readily distinguishable from the color of the backs and edges of the playing cards in use at a Blackjack table

Determinant card—The first card drawn for each round of play to determine from which side of a double shoe the cards for that hand shall be dealt.

Double shoe—A dealing shoe that has two adjacent compartments in which cards are stacked separately and from which cards may be dealt from only one compartment at any given time.

Hard total—The total point count of a hand which contains no aces or which contains aces that are each counted as 1 in value.

Soft total—The total point count of a hand containing an ace when the ace is counted as 11 in value.

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

(a) Blackjack shall be played at a table having on one side places for the players and on the opposite side a place for the dealer.

(b) The layout for a Blackjack table shall be approved by the Bureau of Gaming Operations and shall contain, at a minimum:

(1) The name or logo of the Certificate Holder offering the game.

(2) No more than seven specific areas designated for the placement of wagers.

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

(1) Blackjack pays 3 to 2.

(2) Dealer shall draw to 16 and stand on all 17's.

(3) Insurance pays 2 to 1.

(d) Each Blackjack table shall have a drop box and a tip box attached to it with the location of the boxes on the same side of the gaming table, but on opposite sides of the dealer, as approved by the Bureau of Gaming Operations.

(e) A Blackjack table shall have attached to it a card reader device, approved by the Bureau of Gaming Operations, which permits the dealer to determine if the dealer has a Blackjack in accordance with § 549.7 (relating to procedure for dealing cards). The floorperson assigned to the Blackjack table shall inspect the card reader device at the beginning of each gaming day to insure that there has been no tampering with the device and that it is in proper working order.

(f) To collect the cards at the conclusion of a round of play as required under § 549.7(i), each Blackjack table shall have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack must either:

(1) Equal the height of the cards, stacked one on top of the other, contained in the total number of decks that are to be used in the dealing shoe at that table.

(2) Be taller than the height of the total number of decks being used if the discard rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards contained in the number of decks to be used in the dealing shoe at that table.

(g) Whenever a double shoe is used at a Blackjack table, the height and marking requirements as in subsection (f) for that table's discard rack shall be determined by the number of decks used in one side of the shoe.

§ 549.3. Cards; number of decks; value of cards.

(a) Blackjack shall be played with at least one deck of cards. Except as otherwise provided in subsections (c) and (d), all decks of cards used for the play of Blackjack shall be identical in appearance. Blackjack shall also be played with at least one cutting card, approved by the Bureau of Gaming Operations.

(b) The value of the cards contained in each deck shall be as follows:

(1) Any card from 2 to 10 shall have its face value.

(2) Any jack, queen or king shall have a value of ten.

(3) An ace shall have a value of 11, unless that value would give a player or the dealer a score in excess of 21, in which case, the ace shall have a value of 1.

(c) If a double shoe is utilized, Blackjack shall be played with at least two decks of cards that shall be dealt from separate sides of the dealing shoe with the same number of decks used in each side of the double shoe. The cards dealt from both sides of the shoe shall be identical in appearance; however, the backs of the cards being dealt from one side of the shoe, shall be of a different color than the backs of the cards being dealt from the other side of the shoe. In addition, a separate cutting card shall be used in each side of the shoe.

(d) If an automated card shuffling device is utilized, Blackjack shall be played with at least two decks of cards in accordance with the following requirements:

(1) The cards shall be separated into two batches, with an equal number of decks included in each batch.

(2) The cards in each batch must be of the same design, but the backs of the cards in one batch must be of a different color than the cards included in the other batch.

(3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being dealt or used to play the game.

(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(5) The cards from only one batch shall be placed in the discard rack at any given time.

§ 549.4. Wagers.

(a) Prior to the first card being dealt for each round of play, each player may make a wager against the dealer.

(b) A player shall win if:

(1) The total value of the player's hand is 21 or less and the total value of the dealer's hand is in excess of 21.

(2) The total value of the player's hand exceeds the total value of the dealer's hand without exceeding 21.

(3) The player has a blackjack and the dealer's hand has a total value of 21 in more than two cards.

(c) Except as otherwise provided in subsection (b)(3), a wager made in accordance with this section shall be void and returned to the player when the total value of the player's hand is the same as the dealer's provided, however, that a player's wager shall be lost when the dealer has a blackjack and the player's hand has a total value of 21 which is not a blackjack.

(d) Except as otherwise provided in this chapter, a wager may not be made, increased or withdrawn after the first card of the respective round has been dealt.

(e) Wagers at Blackjack shall be made by placing gaming chips or plaques on the appropriate areas of the Blackjack layout, except that verbal wagers accompanied by cash may be accepted if:

(1) The verbal wagers are confirmed by the dealer and a floorperson.

(2) The cash is expeditiously converted into gaming chips or plaques.

(f) After each round of play is complete, the dealer shall collect all losing wagers and then pay off all winning wagers. Winning wagers made in accordance with subsection (b) shall be paid at odds of 1 to 1 with the exception of blackjack, which shall be paid at odds of 3 to 2.

(g) Once the first card of any hand has been removed from the shoe by the dealer, a player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

(h) Once an Insurance Wager under § 549.10 (relating to Insurance Wager), a Double Down Wager under § 549.11 (relating to Double Down Wager) or a wager on split pairs has been made and confirmed by the dealer under § 549.12 (relating to splitting pairs), a player may not handle, remove or alter the wagers until a decision has been rendered and implemented with respect to that wager.

(i) After the cards have been shuffled as required by § 549.5 (relating to opening of table for gaming), a Certificate Holder may prohibit any person, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table until either:

(1) The Certificate Holder chooses to permit the player to begin wagering again.

(2) A reshuffle of the cards has occurred.

(j) If a double shoe is utilized, the term "first card" as used in subsections (a), (d) and (g) means the determinant card.

§ 549.5. Opening of table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects.

(b) After the cards are inspected, the cards shall be spread out face upwards on the table for visual inspection by the first player or players to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence. The cards shall be laid out according to suit and in sequence.

(c) After the first player or players are afforded an opportunity to visually inspect the cards, the cards shall

be turned face downward on the table, mixed thoroughly by a washing of the cards and stacked.

(d) If a double shoe is utilized, all the decks that comprise one side of the dealing shoe shall be spread for inspection on the table separate from the decks that comprise the other side of the dealing shoe. After the player or players are afforded an opportunity to visually inspect the cards, the cards that comprise one side of the dealing shoe and the cards that comprise the other side of the dealing shoe shall separately be turned face downward on the table, mixed thoroughly by a washing of the cards and stacked.

(e) If an automated shuffling device is utilized, all the decks in one batch of cards shall be spread for inspection on the table separate from the decks in the other batch of cards. After the player or players is afforded an opportunity to visually inspect the cards, each batch of cards shall separately be turned face downward on the table and stacked.

§ 549.6. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled, after any round of play as may be determined by a floorperson and after each shoe of cards is dealt, the dealer shall shuffle the cards so that they are randomly intermixed.

(b) After the cards have been shuffled, the dealer shall offer the stack of cards, with backs facing upward to the players to be cut. The player to cut the cards shall be:

(1) The first player to the table if the game is just beginning.

(2) The player on whose box the cutting card appeared during the last round of play.

(3) The player at the farthest point to the right of the dealer if the cutting card appeared on the dealer's hand during the last round of play.

(4) The player at the farthest point to the right of the dealer if the reshuffle was initiated at the discretion of a floorperson or above.

(c) If the player designated in subsection (b) refuses the cut, the cards shall be offered to each other player moving clockwise around the table until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards.

(d) The player shall cut the cards by placing the cutting card in the stack at least 10 cards in from the top or bottom of the stack.

(e) Once the cutting card has been inserted by the player, the dealer shall take all cards above the cutting card and place them on the bottom of the stack. The dealer shall then take the entire stack of cards that was just cut and align them along the side of the dealing shoe which has a mark that will allow the dealer to insert the cutting card in the stack at a position at least approximately one-quarter of the way in from the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be re-cut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a re-cut is required, the cards shall be re-cut, at the Certificate Holder's option, by the player who last cut the cards, or by the next person entitled to cut the cards, as determined by subsection (b)(4).

(g) A reshuffle of the cards in the shoe shall take place after the cutting card is reached in the shoe as provided for in § 549.7(k) (relating to procedure for dealing cards) except that a floorperson may determine after each round of play that the cards should be re-shuffled.

(h) If there is no gaming activity at a Blackjack table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack, and spread out on the table for inspection, either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards the cards shall be turned face downward on the table.

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing shuffle of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. Unless a player so requests, the batch of cards removed from the shuffler need not be spread for inspection and reshuffled prior to being dealt, if:

(i) The automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner approved by the Bureau of Gaming Operations.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Operations.

§ 549.7. Procedure for dealing cards.

(a) All cards used to play Blackjack shall be dealt from a dealing shoe specifically designed for that purpose.

(b) The dealer shall remove cards from the shoe with his left hand, and then place the cards on the appropriate area of the layout with his right hand, except that the dealer shall have the option to deal hit cards to the first two positions with his left hand.

(c) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack. Each new dealer who comes to the table shall also remove one card and place it in the discard rack before dealing any cards to the players.

(d) If a double shoe is utilized, the following procedures shall be used in lieu of the procedures in subsection (c).

(1) Prior to commencement of each round of play, the dealer shall draw a determinate card from either side of the double shoe. The suit of that card shall determine from which side of the shoe that round of play will be dealt. The Certificate Holder shall designate that the suits of hearts and diamonds shall correspond to the color of the backs of the cards being dealt from one side of the shoe, and that the suits of spades and clubs shall correspond to the color of the backs of the cards being dealt from the other side of the shoe.

(2) A determinant card corresponding to the side of the shoe from which it was drawn shall become the player's first card. A determinant card that does not correspond to the side of the shoe from which it was dealt shall be placed in a segregated area of the dealing shoe.

(e) At the commencement of each round of play, or immediately after the determinant card has been drawn and either removed or used as the player's first card, the

dealer shall, starting on his left and continuing around the table, deal the cards in the following order:

(1) One card face upwards to each box on the layout in which a wager is contained.

(2) One card face upwards to the dealer.

(3) A second card face upwards to each box in which a wager is contained.

(4) A second card face downwards to himself.

(f) If the dealer's first card is an ace, king, queen, jack or 10 of any suit, the dealer shall determine whether the hole card will give the dealer a Blackjack prior to dealing any additional cards to the players at the table. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone, including the dealer, at the table.

(g) After the cards have been dealt, and if necessary, the procedure in subsection (f) has been executed, the dealer shall, beginning from his left, announce the point total of each player. As each player's point total is announced, the player shall indicate whether he wishes to surrender as permitted under § 549.9 (relating to surrender), double down as permitted under § 549.11 (relating to Double Down Wager), split pairs as permitted under § 549.12 (relating to splitting pairs), stand or draw as permitted under § 549.13 (relating to drawing of additional cards by players and the dealer).

(h) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision consistent with this chapter and shall announce the new point total of the player after each additional card is dealt.

(i) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall announce "Dealer's card," which shall be stated by the dealer in a tone of voice calculated to be heard by each person at the table, and turn the second card that was dealt to the dealer face upwards. Any additional cards required to be dealt to the hand of the dealer by § 549.13(b) shall be dealt face upwards at this time. The dealer shall announce the dealer's total point count after each additional card is dealt.

(j) At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in order and in a way that the cards can be readily arranged to indicate each player's hand in case of question or dispute. The dealer shall pick up the cards beginning with those of the player to his far right and moving counterclockwise around the table. After all the players' cards have been collected the dealer shall pick up his cards against the bottom of the players' cards and place them in the discard rack or in a segregated area of the double shoe.

(k) Whenever the cutting card is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed after which the dealer shall:

(1) Collect the cards as provided in subsection (j).

(2) Prepare to shuffle the cards, as follows:

(i) Whenever a single dealing shoe is used, the dealer shall remove the cards remaining in the shoe and place them in the discard rack to ensure that no cards are missing.

(ii) Whenever a double shoe is used, the dealer shall remove the cards remaining in the side of the shoe from which the cutting card was drawn and the cards, if any, that were put in a separate segregated area for the discards from that side of the double shoe, after which the dealer shall place those cards face down in the discard rack in order to ensure that no cards are missing.

(3) Shuffle the cards so that they are randomly inter-mixed. If a double shoe is utilized, the shuffle of the cards shall be limited to the side of the shoe from which the cutting card was drawn.

(l) Player and spectators may not handle, remove or alter any cards used to play Blackjack.

(m) Each player at the table shall be responsible for correctly computing the point count of his hand and no player shall rely on the point counts announced by the dealer.

§ 549.8. Payment of Blackjack.

(a) If the first face up card dealt to the dealer is a 2, 3, 4, 5, 6, 7, 8 or 9 and a player has Blackjack, the dealer shall announce and pay the Blackjack at odds of 3 to 2 and remove the player's cards before any player receives a third card.

(b) If the first face up card dealt to the dealer is an ace, king, queen, jack or 10 and a player has a Blackjack, the dealer shall announce the player's Blackjack but shall make no payment nor remove any cards until all other cards are dealt to the players and the dealer reveals his second card. If the dealer's second card does not give the dealer Blackjack, the player having Blackjack shall be paid at odds of 3 to 2. If, however, the dealer's second card gives him Blackjack, the wager of the player having Blackjack shall be void and returned to the player.

§ 549.9. Surrender.

(a) After the first two cards are dealt to the player and the player's point total is announced, the player may elect to discontinue play on his hand for that round by surrendering one-half his wager. All decisions to surrender shall be made prior to the player indicating whether he wishes to double down as permitted under § 549.11 (relating to Double Down Wager), split pairs as permitted under § 549.12 (relating to splitting pairs), stand or draw permitted under § 549.13 (relating to drawing of additional cards by players and the dealer).

(1) If the first card dealt to the dealer is not an ace or ten-value card, the dealer shall immediately collect one-half of the wager and return one-half to the player.

(2) If the first card dealt to the dealer is an ace or ten-value card, the dealer will place the player's wager on top of the player's cards. When the dealer's second card is revealed, the hand will be settled by immediately collecting the entire wager if the dealer has Blackjack or collecting one-half of the wager and returning one-half of the wager to the player if the dealer does not have Blackjack.

(b) If the player has made an Insurance Wager and then elects to surrender, each wager will be settled separately in accordance with subsection (a) and in accordance with § 549.10 (relating to Insurance Wager).

§ 549.10. Insurance Wager.

(a) Whenever the first card dealt to the dealer is an ace, each player shall have the right to make an Insurance Wager which shall win if the dealer's second card is a king, queen, jack or 10 and shall lose if the dealer's second card is an ace, 2, 3, 4, 5, 6, 7, 8 or 9.

(b) An Insurance Wager may be made by placing on the insurance line of the layout an amount not more than half the amount staked on the player's initial wager. A player may wager an amount in excess of half of the initial wager to the next unit that can be wagered in chips, when because of the limitation of the value of chip denominations, half the initial wager cannot be bet. Insurance Wagers shall be placed prior to the dealer inserting his hole card into the card reader device.

(c) Winning Insurance Wagers shall be paid at odds of 2 to 1.

(d) Losing Insurance Wagers shall be collected by the dealer immediately after the dealer inserts his hole card into the card reader device and determines that he does not have a Blackjack and before he draws any additional cards.

§ 549.11. Double Down Wager.

(a) Except for when a player has a Blackjack, a player may elect to make a Double Down Wager, which may not exceed the amount of his original wager on the first two cards dealt to him or the first two cards of any split pair, on the condition that one and only one additional card shall be dealt to the hand on which the player has elected to double down.

(b) If a dealer obtains Blackjack after a player makes a Double Down Wager, the dealer shall only collect the amount of the original wager of the player and shall not collect the additional Double Down Wager.

(c) Upon a player's election to make a Double Down Wager, the dealer shall deal the one additional card face upwards, and placed sideways on the layout.

§ 549.12. Splitting pairs.

(a) Whenever the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands provided that he makes a wager on the second hand so formed in an amount equal to his original wager.

(b) When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to the second hand.

(c) After a second card is dealt to each split pair hand, the dealer shall announce the point total of the hand and the player shall indicate his decision to stand, draw or double down with respect that hand except that:

(1) A player may split one more pair if the second card dealt is identical in value to a card of the split pair, for a total of three hands. A player may not split another identical value pair.

(2) A player splitting aces may only have one card dealt to each ace and may not elect to receive additional cards.

(d) If the dealer obtains Blackjack after a player splits pairs, the dealer shall only collect the amount of the original wager of the player and may not collect the additional amount wagered in splitting pairs.

§ 549.13. Drawing of additional cards by players and the dealer.

(a) A player may elect to draw additional cards whenever his point count total is less than 21, except that:

(1) A player having Blackjack or a hard or soft total of 21 may not draw additional cards.

(2) A player electing to make a Double Down Wager may draw only one additional card.

(3) A player splitting aces may only have one card dealt to each ace.

(b) Except as provided in subsection (c), the dealer shall draw additional cards until he has a hard or soft total of 17, 18, 19, 20 or 21.

(c) A dealer shall draw no additional cards to his hand, regardless of the point count, if decisions have been made on all player's hands and the point count of the dealer's hand will have no effect on the outcome of the round of play.

§ 549.14. Player wagering on more than one box.

Certificate holders shall specify in the Certificate Holder's Rules Submission required under § 521.2 (relating to table games Rules Submissions) the number of adjacent boxes on which a player may place a wager in one round of play.

§ 549.15. Continuous shuffling shoe or device.

In lieu of the dealing and shuffling requirements set forth in §§ 549.6 and 549.7 (relating to shuffle and cut of the cards; and procedure for dealing cards), a Certificate Holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the shoe or device and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Operations.

§ 549.16. Irregularities.

(a) A card found turned face upwards in the shoe may not be used in the game and shall be placed in the discard rack or in a segregated area of the double shoe.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(c) After the initial two cards have been dealt to each player and a card is drawn in error and exposed to the players, the card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept the card may not have any additional cards dealt to him during the round. If the card is refused by the players and the dealer cannot use the card, the card shall be placed in the discard rack.

(d) If the dealer has 17 and accidentally draws a card for himself, the card shall be placed in the discard rack.

(e) If the dealer misses dealing his first or second card to himself, the dealer shall continue dealing the first two cards to each player, and then deal the appropriate number of cards to himself.

(f) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack or in a segregated area of the double shoe shall be shuffled and cut according to the procedures outlined in § 549.6 (relating to shuffle and cut of the cards), the first card shall be drawn face down and placed in the discard rack, and the dealer shall complete the round of play.

(g) If no cards are dealt to a player's hand, the hand is dead and the player shall be included in the next deal. If only one card is dealt to a player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.

(h) Any round of play drawn from the inappropriate side of a double shoe shall be treated as if it were drawn from the appropriate side of the shoe and concluded.

(i) If after receiving the first two cards, the dealer fails to deal an additional card to a player who has requested a card, then, at the player's option, the dealer shall either deal the additional card after all other players have received their additional cards but prior to the dealer revealing his hole card, or call the player's hand dead and return the player's original wager.

(j) If the dealer inserts his hole card into a card reader device when the value of his first card is not an ace, king, queen, jack or 10, the dealer, after notification to a floorperson or higher, shall:

(1) If the particular card reader device in use provides any player with the opportunity to determine the value of the hole card, call all hands dead, collect the cards and return each player's wager.

(2) If the particular card reader device in use does not provide any player with the opportunity to determine the value of the hole card, continue play.

(k) If a card reader device malfunctions, the dealer may not continue dealing the game of Blackjack at that table until the card reader device is repaired or replaced.

[Pa.B. Doc. No. 10-323. Filed for public inspection February 19, 2010, 9:00 a.m.]