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## Part II

This part contains the  
Rules and Regulations





# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

[ 49 PA. CODE CH. 36 ]

#### Federally-Mandated Revisions

The State Board of Certified Real Estate Appraisers (Board) hereby amends Chapter 36 to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

Section 5(1) of the Real Estate Appraisers Certification Act (act) (63 P.S. § 457.5(1)) authorizes the Board to pass upon the qualifications and fitness of applicants for certification or licensure and to adopt and revise rules and regulations requiring applicants for certification to pass examinations regarding qualifications for certification. Section 5(2) of the act authorizes the Board to adopt and revise rules and regulations as may be necessary to carry out the act. Under section 6 of the act (63 P.S. § 457.6), the Board is authorized to issue licenses and certificates to real estate appraisers who meet the minimum education and experience criteria established by the Appraiser Qualifications Board (AQB) of The Appraisal Foundation under Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (Pub.L. No. 101-73, 103 Stat. 183) (12 U.S.C.A. §§ 3331—3356).

FIRREA is the Federal legislation that established the broad framework by which state appraiser regulatory bodies are to credential licensed appraiser trainees and real estate appraisers in Federally-related transactions. The Appraisal Foundation, through the AQB, is charged under FIRREA with establishing the minimum initial education, continuing education, examination and experience requirements for state-credentialed appraisers. These minimum qualification criteria are binding on the Board. The AQB publication establishing the minimum education, experience, examination and continuing education requirements for real property appraisers is *The Real Property Appraiser Qualification Criteria* (AQB Qualification Criteria).

The act of July 7, 2016 (P.L. 474, No. 72) (Act 72) amended the act to implement AQB Qualification Criteria, including minimum requirements for licensed appraiser trainees. Section 4 of Act 72 added section 10(b.2) of the act (63 P.S. § 457.10(b.2)), which provides that licensed appraiser trainees are subject to the same continuing education requirements for licensure renewal as residential and general real estate appraisers.

#### *Background and Purpose*

This final-form rulemaking incorporates the mandated Federal amendments, including updates in qualification criteria for general and residential real estate appraisers and licensed appraiser trainees. This final-form rulemaking incorporates the May 1, 2018, AQB Qualification Criteria updates in postsecondary education, appraisal

education, experience, examinations, supervisory appraiser criteria and continuing education. This final-form rulemaking also requires applicants to submit an official criminal history record information check.

Historically, the Board has promulgated regulations by adopting the AQB Qualification Criteria almost verbatim in the regulations. The Board has determined that having two separate standards (the AQB Qualification Criteria and the Board regulations that restate the minimum qualification criteria) causes confusion among licensees and is difficult for the Board to administer. When Federal law changes or the AQB evaluates and modifies its minimum qualification criteria, the regulations are not immediately reflective of the new AQB Qualification Criteria because the Board must amend its regulations. The Board determined that it is more efficient and prudent to adopt and incorporate the AQB Qualification Criteria by reference, where practicable. By adopting and incorporating the AQB Qualification Criteria by reference, the Board eliminates the need to amend its regulations when the AQB updates or modifies the minimum qualification criteria. Where the Board requires more stringent standards than the Federal minimum standards, this final-form rulemaking adopts the AQB Qualification Criteria and incorporates the Board's more stringent standards.

#### *Summary of Comments and the Board's Response*

Notice of proposed rulemaking was published at 48 Pa.B. 3955 (July 7, 2018), with a 30-day public comment period. The Board received comments from the Appraisal Subcommittee of the Federal Financial Institutions Examination Council (ASC) and the Coalition of Pennsylvania Real Estate Appraisers (CPREA). The Board also received comments from the Independent Regulatory Review Commission (IRRC) as part of its review of the proposed rulemaking under the Regulatory Review Act. The Board did not receive comments from the House Professional Licensure Committee or the Senate Consumer Protection and Professional Licensure Committee.

#### *Generally*

ASC is the Federal agency responsible for the oversight of state appraiser regulatory programs. In drafting the proposed rulemaking, the Board worked closely with the ASC to ensure that its proposed regulatory amendments appropriately implement Federal requirements. The ASC audits the Board on a biennial basis and the Board works diligently to ensure compliance with those standards. The ASC submitted a comment supporting the Board's proposed rulemaking.

CPREA is the legislative arm of the Appraisal Institute in this Commonwealth and is the largest organization of professional appraisers in Pennsylvania. CPREA supports the proposed rulemaking and is specifically supportive of the technique/strategy of incorporating the AQB Qualification Criteria by means of reference rather than verbatim.

#### *§§ 36.11(e)(2) and 36.12(e)(2)—Experience*

The proposed amendments at §§ 36.11(e)(2) and 36.12(e)(2) (relating to qualifications for certification as residential real estate appraiser; and qualifications for certification as general real estate appraiser) would have required at least 50% of the total experience requirement to be in the actual preparation of real estate appraisal reports which includes physical inspection of interior and exterior of the subject properties. CPREA commented on

this proposed amendment and suggested increasing the number of hours in the actual preparation of real estate appraisal reports from 50% to 75% for both residential and general real estate appraisers. IRRC also commented regarding this issue and asked whether the Board considered requiring a higher percentage of actual preparation hours to account for the lower number of total hours required by the AQB Qualification Criteria. IRRC also asked the Board to explain why the number of hours of actual preparation of real estate appraisal reports required for both residential and general real estate appraisers is reasonable to protect the public health, safety and welfare.

While the AQB Qualification Criteria does not require a specified number of hours in the actual preparation of real estate appraisal reports, the Board has historically believed and continues to believe that the actual preparation of appraisal reports is a critical component of experience. The public relies upon the accuracy of professionally-prepared real estate appraisals in deciding to purchase or sell (and at what price) real estate, as well as whether to extend a loan secured by real estate. If the public is unable to rely upon the competency and professionalism of appraisers, the credibility of the profession is threatened, which undermines confidence in the real estate and financial markets which base their decisions on sound and credible real property appraisals.

For the residential real estate appraiser certification, the Board's existing regulation in § 36.11(e)(1) requires 2,500 hours of experience with 1,250 hours in the actual preparation of real estate appraisal reports which includes physical inspection of the interior and exterior of the subject properties. The 1,250 hours in actual preparation of real estate appraisal reports represents 50% of the total number of required experience hours. This final-form rulemaking adopting the updated AQB Qualification Criteria decreases the total required experience hours from 2,500 experience hours to 1,500 experience hours. For the general real estate appraiser certification, the Board's existing regulation in § 36.12(e)(1) requires 3,000 hours with 1,500 hours in the actual preparation of real estate appraisal reports which includes physical inspection of interior and exterior of the subject properties. The 1,500 hours in actual preparation of real estate appraisal reports represents 50% of the total number of required experience hours. For the general real estate appraiser certification, this final-form rulemaking adopting the AQB Qualification Criteria does not change the total experience hours required for general appraisers.

When the Board adopted the 50% standard in the proposed rulemaking, the Board considered and adopted the existing regulatory standard for the general and residential real estate appraisers (the equivalent of 50% for both general and residential real estate appraiser certifications). During its September 11, 2018, and March 6, 2019, Board meetings, the Board considered IRRC's comment and the concerns of CPREA. The Board discussed the updated AQB Qualification Criteria that decreases the residential real estate appraiser certification experience requirements and evaluated whether it is more appropriate and, in the public's best interest, to increase the number of hours in actual preparation of real estate appraisal reports to account for the lower number of hours. In doing so, the Board considered the underlying reasons for requiring a specified number of hours in actual preparation of real estate appraisal reports. For residential real estate appraisers, the Board historically required 1,250 hours in the actual preparation of appraisal reports to ensure that trainees receive sufficient

exposure to appraising different types of properties. Requiring a significant number of hours in the actual preparation of appraisal reports exposes trainees to different problems and issues that may arise in appraising properties. During the training period, trainees must develop appraisal skills, including online searches of properties and analysis of deeds and contracts. Trainees must also develop appraisal skills by using the sales comparison approach, the income approach and the cost approach. Another example of a skill requiring exposure to a variety of property types is rating the quality and condition of properties, as required in a standard Fannie Mae residential appraisal report form. In the Board's opinion, a trainee develops competence in rating the quality and condition of properties after being exposed to many different properties with different qualities and conditions. The Board believes trainees need to learn the theoretical aspects of appraising and must have significant experience in applying those methods and theories to actual properties. Obtaining a variety of experience through actual preparation of appraisal reports, under the supervision of a certified appraiser, develops those critical skills.

After considering the previous factors with regard to the residential real estate appraiser certification, the Board determined that increasing the number of hours of actual preparation of appraisal reports to 75% will provide sufficient training in the activity for which the licensed appraiser trainee will be certified—preparing appraisal reports. The increased percentage will provide a sufficient number of experience hours for development of basic skills that may be necessary prior to engaging in the actual preparation of real estate appraisal reports and will provide sufficient flexibility to obtain experience in other ways. The Board recognizes other types of experience hours that help develop appraisal competency, including fee and staff appraisals, ad valorem tax appraisal, review appraisals, case studies or practicum courses and research assistance in highest and best use analysis and feasibility analysis; however, experience in actual preparation of appraisal reports is an essential skill that must be developed throughout the training period. Accordingly, regarding the residential real estate appraiser certification, the Board amends § 36.11(e)(2) to require 75% of the total required experience hours in the actual preparation of real estate appraisal reports which includes physical inspection of the interior and exterior of the subject properties.

For general real estate appraisers, the Board does not support an increase in the number of hours in the actual preparation of appraisal reports. The final-form regulation in § 36.12(e)(2) requires 50% or 1,500 hours in the actual preparation of real estate appraisal reports. The Board believes this is a sufficient number of hours and is comparable to the number of hours required for residential real estate appraisers given the disparity between the total number of experience hours required for each certification.

#### *Clarity and Lack of Ambiguity*

IRRC questioned how the Board intends to notify the regulated community and applicants of changes in the AQB Qualification Criteria and asked whether the Board considered a mechanism for notification.

The Board currently has mechanisms in place for notification of AQB Qualification Criteria changes and will continue to implement these mechanisms upon publication of this final-form rulemaking. When AQB Qualification Criteria changes, the Board currently notifies



licensees and stakeholders by means of e-mail notices and newsletters and through notices on its web site. The Board takes steps to ensure that appropriate associations receive notification and the Board discusses all AQB Qualification Criteria changes in its public board meetings. Additionally, the Board's applications for initial certification, initial licensure and the supervisor registry contain information about and links to the AQB. The AQB web site does not require payment or subscription for AQB Qualification Criteria, but rather, is available to the public. Therefore, the Board is confident that the AQB Qualification Criteria is accessible to applicants, licensees and other stakeholders.

As suggested by IRRC, the Board amends this final-form rulemaking to include a notification requirement. The Board amends § 36.2 (relating to application process) by adding subsection (f). Under this provision, whenever the AQB adopts changes to the AQB Qualification Criteria, the Board will post a notice on the Board's web site, notify all licensees by means of e-mail, and announce the AQB Qualification Criteria changes at its next scheduled board meeting. Additionally, the Board may, in its discretion, publish notice of AQB Qualification Criteria changes in the *Pennsylvania Bulletin*.

#### *Other Amendments to this Final-form Rulemaking*

The following description includes changes other than those based on comments from IRRC and the public.

The Board amends § 36.1 (relating to definitions) to correct a typographical error in the definition of distance education. The proposed rulemaking provided examples of distance education to include "CD-ROM or DUD-ROM." The Board amends this section by changing DUD-ROM to DVD-ROM.

The Board amends § 36.3(a) (relating to examinations) to allow for an examination equivalent to the AQB-approved National examination. While the Board does not currently anticipate a change in the examination, the Board amends this provision so the Board will have some flexibility to change the examination in the event such change is necessary due to amendments in Federal or State law. The existing regulations allow for an equivalent examination; therefore, this amendment is not a change to the existing regulatory authority regarding examinations.

#### *Fiscal Impact and Paperwork Requirements*

This final-form rulemaking reflects the AQB Qualification Criteria for postsecondary education and experience standards for certified residential real estate appraiser. Prior to May 1, 2018, the AQB Qualification Criteria required applicants for certified residential real estate appraisers to hold a bachelor's degree, or higher, from an accredited college or university. The new AQB Qualification decreases the post-secondary education requirements and decreases the number of experience hours from 2,500 hours to 1,500 hours. The new AQB Qualification Criteria and this final-form rulemaking will lessen the financial burden on applicants for certified residential real estate appraiser credential due to decreased post-secondary education and experience requirements.

Current AQB Qualification Criteria for certified general real estate appraisers requires applicants to hold a bachelor's degree or higher. This Federal requirement represents an increase in education as compared to the Board's existing regulations. However, because the bachelor's degree is Federally mandated, the Board implemented this requirement on January 1, 2015. Similarly, the regulatory amendments that require licensed ap-

praiser trainees to obtain 28 classroom hours of continuing education reflect the amendments in Act 72 and the current AQB Qualification Criteria and are mandated for compliance with Federal requirements. The Board's amendments also require an official criminal history record information check from the State Police or other state agency for every state in which the candidate has lived or worked during the past 5 years. This final-form rulemaking will have a fiscal impact on the regulated community due to the cost of continuing education for licensed appraiser trainees (total annual cost of approximately \$105,315) and criminal history record information checks (annual cost of approximately \$7,480).

Regarding paperwork requirements, the Board has revised its application forms to reflect the current Federal standards. Therefore, the Board does not anticipate additional paperwork requirements. This final-form rulemaking requires completion of experience logs for licensed appraiser trainees and certified residential real estate appraisers pursuing experience credit.

#### *Sunset Date*

The Board continuously monitors the effectiveness of the regulations and will continue to do so with respect to these regulations. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 22, 2018, the Board submitted a copy of the proposed rulemaking, published at 48 Pa.B. 3955, and a copy of a Regulatory Analysis form to IRRC and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC) for review. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), IRRC and the House and Senate 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 regulation, the Board has considered the comments received from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on September 18, 2019, the final-form rulemaking was deemed approved by the HPLC and by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 19, 2019, and approved this final-form rulemaking.

#### *Additional Information*

Further information may be obtained by contacting Heidy Weirich, Board Administrator, State Board of Certified Real Estate Appraisers, P.O. Box 2649, Harrisburg, PA 17105-2649. Reference No. 16A-7022 (Federally-Mandated Revisions) when requesting information.

#### *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking 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 regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law.

(3) This final-form rulemaking does not include any amendments that would enlarge the scope of the proposed rulemaking published at 48 Pa.B. 3955.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

#### Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board at 49 Pa. Code Chapter 36, are amended by amending §§ 36.1—36.3, 36.11, 36.12, 36.12a, 36.13, 36.41—36.43 and 36.54 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall submit this order and Annex A to IIRC, the HPLC and the SCP/PLC as required by law.

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

(e) This final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

JOSEPH D. PASQUARELLA,  
Chairperson

(Editor's Note: See 49 Pa.B. 5769 (October 5, 2019) for IIRC's approval order.)

**Fiscal Note:** Fiscal Note 16A-7022 remains valid for the final adoption of the subject regulations.

#### Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 36. STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

#### Subchapter A. GENERAL PROVISIONS

#### GENERAL PROVISIONS

#### § 36.1. Definitions.

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

**AQB**—*The Appraiser Qualifications Board of The Appraisal Foundation*—The independent board of The Appraisal Foundation that establishes the minimum education, experience, examination and continuing education requirements for real property appraisers under Title XI of FIRREA (12 U.S.C.A. §§ 3331—3356). The term includes any successor organization as designated by the United States Congress or the ASC.

**AQB Qualification Criteria**—The AQB publication, *The Real Property Appraiser Qualification Criteria*, establishing the minimum education, experience, examination and continuing education requirements for real property appraisers to obtain a state license or certification. The publication may be accessed at The Appraisal Foundation web site at [www.appraisalfoundation.org](http://www.appraisalfoundation.org).

**ASC**—The Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

**Act**—The Real Estate Appraisers Certification Act (63 P.S. §§ 457.1—457.19).

**Ad valorem tax appraisal**—Valuation for tax purposes involving the appraisal of real estate, its analysis, opinions and conclusions regarding taxation.

**Applicant**—A natural person.

**Appraisal**—A written analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real property, for or in expectation of compensation.

**Appraisal review**—An analysis of a completed appraisal report to determine if it conforms to specific requirements and guidelines and to ensure that the report is consistent and mathematically correct.

**Board**—The State Board of Certified Real Estate Appraisers within the Bureau of Professional and Occupational Affairs in the Department of State of the Commonwealth.

**Certified broker/appraiser**—A person who holds a certificate issued under authority of section 6(a)(3) of the act (63 P.S. § 457.6(a)(3)) and who is authorized to perform appraisals of all types of real property in non-Federally-related transactions.

**Certified general real estate appraiser**—A person who holds a certificate issued under authority of section 6(a)(2) and (e) of the act and § 36.12 (relating to qualifications for certification as general real estate appraiser) and who is authorized to perform appraisals of all types of real property in all transactions, whether Federally-related or non-Federally-related.

**Certified real estate appraiser**—A certified broker/appraiser, certified residential real estate appraiser or certified general real estate appraiser.

**Certified residential real estate appraiser**—A person who holds a certificate issued under authority of section 6(a)(1) and (d) of the act and § 36.11 (relating to qualifications for certification as residential real estate appraiser) and who is authorized to perform appraisals of residential properties of one-to-four dwelling units in all transactions, whether Federally-related or non-Federally-related.

**Distance education**—Except as otherwise required by AQB Qualification Criteria, an educational process based on the geographical separation of the learner and instructor, which provides interaction between the learner and instructor and includes testing. Examples include CD-ROM or DVD-ROM, on-line learning, correspondence courses, video conferencing, and video and remote television courses.

**FIRREA**—The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Pub.L. No. 101-73, 103 Stat. 183).

**Feasibility analysis**—A study of the cost-benefit relationship of an economic endeavor.

**Federally-related transaction**—A real estate-related financial transaction which a Federal financial institution regulatory agency or the Resolution Trust Corporation engages in, contracts for or regulates, and which requires the services of an appraiser.

**Highest and best use analysis**—A study which represents the reasonable and probable use that results in the highest present value of the land or improved property after considering all legally permissible, physically possible and economically feasible uses.

*IDECC*—International Distance Education Certification Center.

*In good standing*—

(i) When referring to an individual certified or licensed by the Board to perform appraisals, an individual who is authorized under the act to perform appraisals or to act as a licensed appraiser trainee.

(ii) The term includes an individual who has an active, unrestricted certificate or license, or a certificate or license that is on probation or subject to a restriction ordered by the Board.

(iii) The term does not include an individual who holds a certificate or license that is inactive, expired, suspended or revoked.

*Licensed appraiser trainee*—A person who holds a license issued under section 6(a.1) of the act and § 36.12a (relating to qualifications for licensure as appraiser trainee) and who is authorized to assist a certified residential real estate appraiser or certified general real estate appraiser in the performance of an appraisal.

*Real estate counseling*—Providing, for a fee, disinterested and unbiased advice, professional guidance and judgment in the broad field of real estate, involving all segments of the business, including marketing, leasing, managing, planning, financing, appraising, providing testimony and other similar services. Real estate counseling is a specialty area in which the counselor clearly identifies the real estate problem to be solved, determines the most satisfactory solutions and, where appropriate, follows through on the implementation.

*Real estate-related financial transaction*—A transaction involving the following:

(i) Sale, lease, purchase, investment in or exchange of real property, including interests in property or the financing thereof.

(ii) Refinancing of real property or interests in real property.

(iii) Use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

*Review appraiser*—A person who performs an appraisal review.

*USPAP*—The Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of The Appraisal Foundation.

**§ 36.2. Application process.**

(a) *Application form.* An individual who applies for licensure as a licensed appraiser trainee or for certification as a certified residential real estate appraiser or a certified general real estate appraiser shall do all of the following:

(1) Submit an application to the Board on a form provided by the Board.

(2) Submit an official criminal history record information check from the State Police or other state agency for every state in which the candidate has lived or worked during the past 5 years. A report must be dated within 90 days of the date of application.

(3) Pay the required application fee in the amount prescribed in § 36.6 (relating to fees).

(4) Satisfy the requirements for licensure or certification in this subchapter.

(5) Satisfy the requirements in the AQB Qualification Criteria.

(b) *Application fee.* The payment of a fee for processing an application is nonrefundable and must satisfy the following conditions:

(1) The application fee must be in the amount in § 36.6.

(2) Payment of the application fee must be in the form of a personal check or money order payable to “Commonwealth of Pennsylvania” or an electronic payment in a form or method approved by the Commissioner of Professional and Occupational Affairs.

(c) *Approved applications.* Residential real estate appraiser and general real estate appraiser certification applications approved by the Board are subject to all of the following conditions:

(1) Approval by the Board of an initial application for certification as a residential real estate appraiser or a general real estate appraiser constitutes approval to take the examination approved by the AQB with all of the following limitations:

(i) Approval of the application will be valid for 1 year from the date of approval.

(ii) Approval of the application will be subject to subsection (e).

(iii) If an applicant does not pass the certification examination approved by the AQB within 1 year of the date of approval, the application will be deemed to be withdrawn.

(iv) If an applicant wishes to take the certification examination approved by the AQB more than 1 year after the date of approval of an application, the applicant shall file a new application that complies with subsections (a) and (b).

(2) Approval by the Board of an application for licensure as an appraiser trainee, certification as a residential real estate appraiser or certification as a general real estate appraiser under section 7 of the act (63 P.S. § 457.7), regarding reciprocity, constitutes approval to issue a license or certificate to the applicant.

(d) *Disapproved applications.* Subject to subsection (e), an applicant for licensure as an appraiser trainee, certification as a residential real estate appraiser or certification as a general real estate appraiser whose application has been disapproved by the Board will be notified in writing of the reasons for the disapproval, and will have 1 year from the date of disapproval to correct the deficiencies or to file a request for reconsideration.

(1) A request for reconsideration must give the reason for the applicant’s request, must be accompanied by documentary materials not previously submitted which the applicant wishes the Board to consider and may include a request for an informal interview with the Board.

(2) If a request for reconsideration is denied or, subject to subsection (e), an applicant is unable to correct the deficiencies which resulted in the disapproval of the application within 1 year from the date of disapproval, a new application, along with the required fee, shall be submitted to the Board.

(e) *Compliance with new requirements.*

(1) *Residential real estate appraiser and general real estate appraiser applicants.* Except as otherwise provided in §§ 36.11 and 36.12 (relating to qualifications for



certification as residential real estate appraiser; and qualifications for certification as general real estate appraiser) or as required by the AQB Qualification Criteria, an applicant for certification as a residential real estate appraiser or general real estate appraiser shall comply with any increased education or experience requirements that take effect between the applicant's filing of an initial application and the applicant's passing the certification examination.

(2) *Appraiser trainee applicants.* Except as otherwise provided in § 36.12a (relating to qualifications for licensure as appraiser trainee), or as required by the AQB Qualification Criteria, an applicant for licensure as an appraiser trainee shall comply with any increased education requirement that takes effect between the applicant's filing of an application that is disapproved and the applicant's filing of a new application.

(f) *Notification of AQB Qualification Criteria changes.*

(1) Whenever the AQB adopts changes to the AQB Qualification Criteria, the Board will:

- (i) Post a notice on the Board's web site.
- (ii) Notify licensees by means of e-mail.
- (iii) Announce the AQB Qualification Criteria changes at the next scheduled Board meeting.

(2) The Board may in its discretion publish notice of AQB Qualification Criteria changes in the *Pennsylvania Bulletin*.

### § 36.3. Examinations.

(a) The examination required for certification as a residential real estate appraiser or a general real estate appraiser is the AQB-approved National examination, or its equivalent, for the certification for which an applicant is applying. The certification examinations are administered by a professional testing organization under contract with the Board at times and places established by the professional testing organization. An examination is not required for licensure as an appraiser trainee.

(b) Interested persons may obtain information about the certification examinations from the professional testing organization. Contact information for the professional testing organization appears on the Board's web site.

## QUALIFICATIONS FOR CERTIFICATION OR LICENSURE

### § 36.11. Qualifications for certification as residential real estate appraiser.

(a) *General qualifications.* An applicant for certification as a residential real estate appraiser shall:

- (1) Be of good moral character.
- (2) Satisfy the education and experience requirements prescribed by this section prior to the date of examination.
- (3) Pass an AQB-approved examination for certification as a residential real estate appraiser.
- (4) Satisfy the requirements in the AQB Qualification Criteria for certification as a residential real estate appraiser.

(b) *Appraisal classroom hours.* An applicant for certification as a residential real estate appraiser shall submit evidence to the Board of having completed the classroom hours required by the AQB Qualification Criteria as of the date of the application.

(1) *Length of classroom hour and courses; course examination requirement.*

(i) The length of classroom hours and courses must comply with the requirements in the AQB Qualification Criteria.

(ii) Credit toward the classroom hour requirement will be granted only if the applicant successfully completes an examination pertinent to the course and attends at least the minimum length of time, as required by the AQB Qualification Criteria, to receive course credit.

(iii) The course examination must comply with the requirements in the AQB Qualification Criteria.

(2) *Providers of appraisal courses.* Credit for the classroom hour requirement may be obtained from types of providers set forth in the AQB Qualification Criteria subject to the following:

(i) Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges.

(ii) Real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools, and other providers are subject to Board approval under § 36.31 (relating to provider registration/appraisal courses).

(3) *Distance education.* Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board and meets all of the following conditions:

(i) The course is presented by one of the following:

(A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(ii) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.

(iii) The length and content of the course meet the requirements of paragraph (1) and subsection (c), respectively.

(c) *Content of appraisal education.*

(1) The content of an applicant's appraisal education must comply with the qualifying education requirements in the AQB Qualification Criteria and as specified in the Required Core Curriculum in the AQB Qualification Criteria.

(2) All courses must consist of instruction in the subject areas in Guide Note 1 of the AQB Qualification Criteria or any successor Guide Note.

(d) *Postsecondary education.* An applicant for certification as a residential real estate appraiser shall satisfy the postsecondary education requirements in the AQB Qualification Criteria.

(e) *Experience.* An applicant's experience must comply with all of the following:

(1) An applicant for certification as a residential real estate appraiser shall satisfy the experience requirements in the AQB Qualification Criteria.



(2) At least 75% of the total experience requirement shall be in the actual preparation of real estate appraisal reports, which includes physical inspections of the interior and exterior of the subject properties, in accordance with § 36.13 (relating to experience options for preparation of appraisal reports; experience logs).

(3) Effective January 1, 2008, experience must be acquired after January 30, 1989, and must comply with USPAP. Experience acquired after August 2, 1993, will not be accepted unless the applicant completed 45 classroom hours of appraisal education, including 15 hours on USPAP prior to acquiring the experience. Effective January 1, 2020, experience credit may be obtained only by individuals who possess a license as an appraiser trainee.

(4) Acceptable categories of appraisal experience include all of the following:

- (i) Fee and staff appraisals.
- (ii) Ad valorem tax appraisals, if the applicant can demonstrate that the applicant used techniques to value properties similar to those used by appraisers and that the applicant effectively used the appraisal process.
- (iii) Review appraisals.
- (iv) Appraisal analysis (synonymous with an appraisal).
- (v) Real estate counseling, if the counselor can satisfactorily demonstrate that:
  - (A) The client clearly asked for counseling services.
  - (B) The client was informed that the counselor's time would be devoted to counseling services, which are separate from other real estate functions such as appraising, sales management and mortgage lending.
  - (C) A file memorandum was prepared on each assignment indicating the nature of the assignment, recommendations and disposition.
  - (D) Compensation for the counseling services was separate from other real estate services rendered.
- (vi) Highest and best use analysis.
- (vii) Feasibility analysis/study.
- (viii) Real estate related experience such as that of an officer of a lending institution, if the experience consists of the actual performance or professional review of real estate appraisals.
- (ix) Evaluations under FIRREA in accordance with requirements of Federal financial institution regulatory agencies.

(x) Case studies or practicum courses that are approved by the AQB Course Approval Program.

**§ 36.12. Qualifications for certification as general real estate appraiser.**

- (a) *General qualifications.* An applicant for certification as a general real estate appraiser shall:
  - (1) Be of good moral character.
  - (2) Satisfy the education and experience requirements prescribed by this section as of the date of the examination.
  - (3) Pass an AQB-approved examination for certification as a general real estate appraiser.
  - (4) Satisfy all the requirements in the AQB Qualification Criteria for certification as a general real estate appraiser.

(b) *Appraisal classroom hours.* An applicant for certification as a general real estate appraiser shall submit evidence to the Board of having completed the classroom hours required by the AQB Qualification Criteria as of the date of application.

(1) *Length of classroom hour and courses; course examination requirement.*

(i) The length of classroom hours and courses must comply with the requirements in the AQB Qualification Criteria.

(ii) Credit toward the classroom hour requirement will be granted only if the applicant successfully completes an examination pertinent to the course and attends at least the minimum length of time, as required by the AQB Qualification Criteria, to receive course credit.

(iii) The course examination must comply with the requirements in the AQB Qualification Criteria.

(2) *Providers of appraisal courses.* Credit for the classroom hour requirement may be obtained from the types of providers set forth in the AQB Qualification Criteria subject to all of the following:

(i) Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges.

(ii) Real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools, and other providers are subject to Board approval under § 36.31 (relating to provider registration/appraisal courses).

(3) *Distance education.* Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board, and meets all of the following conditions:

(i) The course is presented by one of the following:

(A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(ii) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.

(iii) The length and content of the course meet the requirements of paragraph (1) and subsection (c), respectively.

(c) *Content of appraisal education.*

(1) The content of an applicant's appraisal education must comply with the qualifying education requirements in the AQB Qualification Criteria and as specified in the Required Core Curriculum in the AQB Qualification Criteria.

(2) All courses must consist of instruction in the subject areas outlined in Guide Note 1 of the AQB Qualification Criteria or any successor Guide Note.

(d) *Postsecondary education.* An applicant for certification as a general real estate appraiser shall satisfy the postsecondary education requirements in the AQB Qualification Criteria.

(e) *Experience.* An applicant's experience must comply with all of the following:

(1) An applicant for certification as a general real estate appraiser shall satisfy the experience requirements in the AQB Qualification Criteria.

(2) At least 50% of the total experience requirement must be in the actual preparation of real estate appraisal reports, which includes physical inspections of the interior and exterior of the subject properties, in accordance with § 36.13 (relating to experience options for preparation of appraisal reports; experience logs).

(3) Effective January 1, 2008, experience must be acquired after January 30, 1989, and must comply with USPAP. Experience acquired after August 2, 1993, will not be accepted unless the applicant completed 45 classroom hours of appraisal education, including 15 hours on USPAP prior to acquiring the experience. Effective January 1, 2020, experience credit can be obtained only by individuals who possess a license as an appraiser trainee or a certification as a residential real estate appraiser.

(4) Acceptable categories of appraisal experience include:

- (i) Fee and staff appraisals.
- (ii) Ad valorem tax appraisals, if the applicant can demonstrate that the applicant used techniques to value properties similar to those used by appraisers and that the applicant effectively used the appraisal process.
- (iii) Review appraisals.
- (iv) Appraisal analysis (synonymous with an appraisal).
- (v) Real estate counseling, if the counselor can satisfactorily demonstrate that:
  - (A) The client clearly asked for counseling services.
  - (B) The client was informed that the counselor's time would be devoted to counseling services, which are separate from other real estate functions such as appraising, sales management and mortgage lending.
  - (C) A file memorandum was prepared on each assignment, indicating the nature of the assignment, recommendations and disposition.
  - (D) Compensation for the counseling services was separate from other real estate services rendered.
- (vi) Highest and best use analysis.
- (vii) Feasibility analysis/study.
- (viii) Real estate experience such as that of an officer of a lending institution, if the experience consists of the actual performance or professional review of real estate appraisals.
- (ix) Evaluations under FIRREA in accordance with requirements of Federal financial institution regulatory agencies.

(x) Case studies or practicum courses that are approved by the AQB Course Approval Program.

**§ 36.12a. Qualifications for licensure as appraiser trainee.**

(a) *General qualifications.* An applicant for licensure as an appraiser trainee shall:

- (1) Be of good moral character.
- (2) Satisfy the education requirements prescribed by this section.

(3) Complete a course that, at a minimum, complies with the specifications for course content established by the AQB Qualification Criteria, which is specifically oriented to the requirements and responsibilities of supervisory appraisers and licensed appraiser trainees.

(4) Satisfy the requirements in the AQB Qualification Criteria for licensure as an appraiser trainee.

(b) *Appraisal classroom hours.* An applicant for licensure as an appraiser trainee shall comply with the qualifying educational standards required by the AQB Qualification Criteria.

(1) *Content of appraisal education.*

(i) The content of an applicant's appraisal education must comply with the qualifying education requirements in the AQB Qualification Criteria.

(ii) All courses must consist of instruction in the subject areas outlined in Guide Note 1 of the AQB Qualification Criteria or any successor Guide Note.

(2) *Length of classroom hour and courses; course examination requirement.* The length of classroom hours and course requirements must comply with all of the following:

(i) The length of classroom hours and courses must comply with the requirements in the AQB Qualification Criteria.

(ii) Credit toward the classroom hour requirement will be granted only when the applicant successfully completes an examination pertinent to the course and attends at least the minimum length of time, as required by the AQB Qualification Criteria, to receive course credit.

(iii) The course examination must comply with the requirements in the AQB Qualification Criteria.

(3) *Providers of appraisal courses.* Credit for the classroom hour requirement may be obtained from the types of providers set forth in the AQB Qualification Criteria subject to all of the following:

(i) Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges.

(ii) Real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools, and other providers are subject to Board approval under § 36.31 (relating to provider registration/appraisal courses).

(4) *Distance education.* Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board and meets all of the following conditions:

(i) The course is presented by one of the following:

(A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(ii) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.

(iii) The content and classroom hours of the course meet the requirements of paragraphs (1) and (2).

(c) *Noneligibility for licensure.* A certified real estate appraiser is not eligible to be licensed as an appraiser trainee.

(d) *Limitation on license renewal.* An appraiser trainee license may not be biennially renewed more than four times unless the Board, for good cause shown and on a case-by-case basis, should determine that one or more additional renewals is warranted.

**§ 36.13. Experience options for preparation of appraisal reports; experience logs.**

\* \* \* \* \*

(b) For experience acquired before October 1, 2010, an assistant to a certified general real estate appraiser or certified residential real estate appraiser shall comply with all of the following requirements when preparing an appraisal report:

\* \* \* \* \*

(c) A licensed appraiser trainee shall comply with all of the following requirements when preparing an appraisal report for a certified general real estate appraiser or certified residential real estate appraiser:

\* \* \* \* \*

(d) A certified residential real estate appraiser shall comply with all of the following requirements when preparing an appraisal report for a certified general real estate appraiser:

(1) The residential appraiser shall perform an inspection of the interior and exterior of the property.

(2) The residential appraiser may not arrive at an independent determination of value.

(3) The residential appraiser shall comply with USPAP.

(4) The residential appraiser shall co-sign the appraisal report as set forth in § 36.52 (relating to use of certificate number and title) and ensure that the nature of his significant real property appraisal assistance is specified in the report.

(5) Jointly maintain an appraisal experience log with the general real estate appraiser on forms provided by the Board.

(e) The licensed appraiser trainee shall jointly maintain an appraisal experience log with the supervisory appraiser on forms provided by the Board. An appraisal experience log must comply with the requirements in the AQB Qualification Criteria.

**CONTINUING EDUCATION**

**§ 36.41. Continuing education requirement.**

(a) Continuing education for certified real estate appraisers and licensed appraiser trainees is necessary to ensure that they maintain and increase their skill, knowledge and competency in real estate appraising. Except as provided in subsection (b), certified real estate appraisers and licensed appraiser trainees shall satisfy the continuing education requirements in the AQB Qualification Criteria, which must include at least 2 hours on the act, this chapter and the policies of the Board during each biennial renewal period as a condition of renewal of certification for the next biennial renewal period.

(b) A certified general real estate appraiser, residential real estate appraiser or licensed appraiser trainee whose initial certification or license becomes effective between

January 1 and June 30 of a biennial renewal year will not be required to furnish proof of continuing education as a condition of renewal of certification in that biennial renewal year.

**§ 36.42. Subject matter and sources of continuing education.**

(a) Continuing education subject matter and sources must comply with the requirements in the AQB Qualification Criteria.

(b) Subjects acceptable for continuing education include the subjects set forth by the AQB Qualification Criteria.

(c) Credit for the classroom hour requirement may be obtained from colleges or universities and community or junior colleges. Subject to Board approval under § 36.31 (relating to provider registration/appraisal courses), credit for the classroom hour requirement may also be obtained from real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools and other providers.

(d) Educational offerings which cover real estate appraisal related topics other than those in subsection (b) may be acceptable for continuing education credit if the applicant can demonstrate to the Board that the topic or program contributed to the applicant's professional competence and is consistent with the purpose of continuing education as stated in § 36.41 (relating to continuing education requirement).

**§ 36.43. Distance education.**

Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable for continuing education credit if it is approved by the Board and meets all of the following conditions:

(1) The course is presented by one of the following:

(i) A course provider that presents the course to an organized group in an instructional setting with a person qualified and available to answer questions, provide information and monitor attendance.

(ii) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(iii) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(2) With regard to a course presented under paragraph (1)(ii) or (iii), the certified real estate appraiser or the licensed appraiser trainee either successfully completes a written examination proctored by an official approved by the college, university or other course provider or successfully completes the course mechanisms required for course accreditation that evidence the learner's mastery and fluency of the course content.

(3) The content and length of the course meet the requirements of § 36.42 (relating to subject matter and sources of continuing education).

**STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE**

**§ 36.54. Duties of supervisory appraiser.**

\* \* \* \* \*

(b) A certified residential real estate appraiser or certified general real estate appraiser who utilizes a licensed appraiser trainee shall:



(1) Have at least 5 years of experience as a residential real estate or general real estate appraiser.

(2) Comply with the supervisory appraiser requirements in the AQB Qualification Criteria.

(3) Provide written notification to the Board of the name and address of the licensed appraiser trainee before the trainee begins work for the appraiser.

(4) Be a certified residential real estate appraiser or certified general real estate appraiser in this Commonwealth for at least 3 years immediately preceding the supervisory appraiser's notification to the Board.

(5) Be a certified residential real estate appraiser or certified general real estate appraiser in good standing in this Commonwealth.

(i) The supervisory appraiser shall be in good standing in this Commonwealth for a period of at least 3 years immediately preceding the supervisory appraiser's notification to the Board.

(ii) The supervisory appraiser shall be in good standing while serving as a supervisor.

(6) Have not received from the Board or any jurisdiction any disciplinary action that affects or affected the supervisor's legal eligibility to engage in appraisal practice within 3 years immediately preceding the supervisory appraiser's notification to the Board.

(7) Prior to supervising a licensed appraiser trainee, complete a course, that, at a minimum, complies with the specifications for course content established by the AQB Qualification Criteria, which is specifically oriented to the requirements and responsibilities of supervisory appraisers and licensed appraiser trainees.

(8) Supervise no more than three licensed appraiser trainees at one time.

(9) Directly supervise and control the licensed appraiser trainee's work, assuming total responsibility for the contents of the appraisal report, including all value conclusions.

(10) Accompany the licensed appraiser trainee during the physical inspection of the property until the licensed appraiser trainee has logged 300 hours of appraisal experience or until the supervising appraiser determines the licensed appraiser trainee is competent under USPAP to perform the physical inspection unaccompanied, whichever is the longer period.

(11) Co-sign a Board-approved appraiser trainee checklist that has been completed by the licensed appraiser trainee, relates to the licensed appraiser trainee's work on the appraisal report and is made part of the appraisal report submitted to the client.

(12) Jointly maintain an appraisal experience log with the licensed appraiser trainee. An appraisal experience log must comply with the requirements in the AQB Qualification Criteria.

(13) Provide a current or former licensed appraiser trainee who is applying for appraiser certification with copies of designated appraisal reports requested by the Board to verify the licensed appraiser trainee's experience.

(c) A certified general real estate appraiser who utilizes a certified residential real estate appraiser as an assistant for an appraisal of nonresidential property or an appraisal of residential property of more than four dwelling units shall:

(1) Directly supervise and control the residential appraiser's work, assuming total responsibility for the contents of the appraisal report, including all value conclusions.

(2) Accompany the residential appraiser during the physical inspection of the property until the general appraiser determines the residential appraiser is competent under USPAP to perform the physical inspection unaccompanied.

(3) Co-sign the appraisal report as set forth in § 36.52 and specify in the appraisal report the nature of the significant real property appraisal assistance rendered by the residential appraiser.

(4) Provide the residential appraiser, at the time of application for general appraiser certification, with copies of designated appraisal reports requested by the Board to verify the residential appraiser's experience.

(5) Jointly maintain an appraisal experience log with the general real estate appraiser on forms provided by the Board.

(6) Comply with the requirements in the AQB Qualification Criteria.

[Pa.B. Doc. No. 19-1666. Filed for public inspection November 1, 2019, 9:00 a.m.]

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 423a, 429a, 437a, 439a, 440a, 461a, 465a, 601a, 609a, 621a, 635a, 649a, 659a, 669a, 670a, 674a, 675a, 678a AND 680a ]

#### Table Game Rules of Play

The Pennsylvania Gaming Control Board (Board), under the 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. §§ 13A02(1) and (2), 13A27, 1322, 1602, 1604 and 1608, amends Chapters 423a, 429a, 437a, 439a, 440a, 461a, 465a, 601a, 609a, 621a, 635a, 649a, 659a, 669a, 670a, 674a, 675a, 678a and 680a to read as set forth in Annex A.

#### *Purpose of this Final-Form Rulemaking*

This final-form rulemaking will make revisions to the existing body of regulations for clarity, reduce the number of junket reports required and will incorporate new side wagers into the existing table games regulations.

#### *Explanation*

*Chapters 423a and 437a Applications; Statement of Conditions; Wagering Restrictions; and Gaming Service Provider Certification and Registration*

In Chapters 423a and 437a provisions have been added to provide for the surrender of a person's license "with prejudice." Currently persons who are licensed who may otherwise be subject to an upcoming revocation could technically surrender their license prior to the Office of Enforcement Counsel filing for revocation of that license thus avoiding the prohibition on reapplying for 5 years, which is currently applicable when a license or application is withdrawn with prejudice, denied or revoked. The provisions in this final-form rulemaking will close that loophole.



*Chapter 429a Manufacturer Designees*

A technical amendment was made in § 429a.2(a)(5) (relating to manufacturer designee license applications and standards) for consistency with the prohibition on manufacturers holding a supplier license found in 4 Pa.C.S. § 1317.1(e)(3) (relating to manufacturer licenses).

*Chapter 439a Junket Enterprises*

In § 439a.5 (relating to gaming junket representative general requirements), the Board is codifying an agency policy on the criteria it utilizes to determine whether an individual is a junket representative or if the individual is simply an employee of a slot machine licensee performing the job duties of a junket representative. The provisions in this section are consistent with several of the criteria the IRS utilizes to determine if an individual is an employer's employee or an independent contractor.

Additionally, the Board is deleting §§ 439a.7, 439a.8 and 439a.9 and is moving some of the relevant requirements found in those sections into § 439a.10 (relating to monthly gaming junket reports). Currently operators are required to provide four reports on junkets: a proposed schedule (contained in § 439a.7), an arrival report (contained in § 439a.8), a final report once the junket is concluded (contained in § 439a.9) and monthly report (contained in § 439a.10). The purpose of this change is to reduce the number of reports submitted to agency staff from four to one by combining all relevant information into one report showing all junket information from the previous month.

*Chapter 440a Management Companies*

In § 440a.5 (relating to management contracts), the Board is amending the criteria used to evaluate management agreements made between a licensee and proposed management company. The Board's regulations contemplate that the Board will evaluate whether awarding a casino license will create an "undue concentration of economic opportunities." See § 421a.5 (relating to undue concentration of economic opportunities and control). However, when the provision was applied to management companies, the language in the regulation was not consistent and contemplates that the Board would evaluate whether the management contract created a monopoly. The revision in this final-form rulemaking will use the same standard between operators and their management companies.

*Chapter 461a Slot Machine and Table Game Device Testing and Control*

In § 461a.13 (relating to wide area progressive systems), the Board is codifying a policy statement currently contained in Chapter 461b (relating to technical standards—statement of policy). Many of the requirements in § 461b.4 (relating to wide area progressive systems) are already contained in § 461a.13 making those policy provisions redundant. The provisions that were not already codified in the regulation were added in new subsections (h)—(m) and address the submission and approval requirements for wide area progressive systems.

In § 461a.19 (relating to remote system access), the Board is codifying another policy statement currently contained in § 461b.5 (relating to remote computer access). Remote access allows a user to electronically access a facility's systems, which may include an operator's back-of-house systems. Controls over who has access and the duration of that remote access are therefore necessary.

When this final-form rulemaking is codified the Board will eliminate the technical standards in §§ 461b.4 and 461b.5.

*Chapter 465a Accounting and Internal Controls*

In § 465a.11 (relating to slot machine licensee's organization; jobs compendium), the Board deletes the provision in subsection (i). If a licensee is making changes to required departments, those changes must be approved prior to implementation.

Additionally, the Board deletes the requirement in subsection (k) that an up-to-date jobs compendium be submitted yearly. Based on the agency's experience to date, this annual submission is not necessary.

In § 465a.23 (relating to customer deposits), subsection (d) is added recognizing that a licensee may use an electronic crediting system, summarized as follows, for the processing of customer deposits.

*Chapter 609a Credit*

New § 609a.19 (relating to use of an electronic credit system for the processing of Counter Checks and customer deposits) is added to Chapter 609a (relating to credit). Currently, the processing of credit transitions and customer deposits is a paper-based system. The provisions in this new section address the requirements for the use of an electronic system to process those transactions. As the acceptance of credit does impact the calculation of table game revenue, operators electing to use the electronic system are required to update internal controls ensuring the proper counting and recording of those credit transactions.

*Chapter 621a Pai Gow*

Several new side wagers are added to Pai Gow. Definitions associated with those wagers were added in § 621a.1 (relating to definitions). Table layout requirements for the new wagers and an amendment to the shaker requirements are added in § 621a.2 (relating to Pai Gow table; Pai Gow shaker; physical characteristics). A description of the wagers is added in § 621a.5 (relating to wagers). The procedure for dealing the tiles and the settling of wagers based on the value of the shake of the dice is added in § 621a.6 (relating to procedures for dealing the tiles; settling of wagers based on value of dice). How the dealer is to complete the round of play when a player has placed an optional wager is added in § 621a.8 (relating to procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish). Revisions in §§ 621a.9 and 621a.10 (relating to player bank; co-banking; selection of bank; procedures for dealing; and irregularities; invalid roll of the dice) are made for clarity. Finally, for consistency between table game chapters, payout odds for all wagers are added in a separate section, § 621a.11 (relating to payout odds; vigorish).

*Chapter 635a Spanish 21*

In Spanish 21, provisions are amended in §§ 635a.3 and 635a.4 (relating to cards; number of decks; value of cards; and opening of the table for gaming) for consistency with all other card-style table games.

*Chapter 649a Three Card Poker*

A new side wager, the 5 of 6 Progressive Payout Wager, is added to the game. Definitions associated with the wager are added in § 649a.1 (relating to definitions).

Table layout requirements for the new wager are added in § 649a.2 (relating to Three Card Poker table physical characteristics). A description of the wager is added in § 649a.7 (relating to wagers). How the dealer is to complete the round of play when a player has placed the wager are added in § 649a.11 (relating to procedures for completion of each round of play). The payout odds are added in § 649a.12 (relating to payout odds; envy bonus; rate of progression).

Additionally, in § 649a.12, the seed/reseed and incrementation rates are specified for all progressives as these rates correspond with the rates submitted by the manufacturer that are tested/approved by the Board Gaming Lab. The same revisions are also made in Chapters 659a, 669a, 670a and 678a.

#### *Chapter 674a Criss-Cross Poker*

The payout limitation in § 674a.12(d) (relating to payout odds) is amended to reflect that only required wagers should be subject to a payout limitation established by the certificate holder. Wagers that are optional for players should not be included as a cap on payouts alters the approved hold percentages. Amendments to payout limitations to reflect that only required wagers may be subject to a cap were also made in Chapters 678a and 680a (relating to High Card Flush; and Saigon 5 Card). Payout limitations are removed entirely from Chapter 675a (relating to High Roll Dice) as dice games should not be subject to a payout limitation. The same revision was published at 49 Pa.B. 4956 (August 31, 2019).

#### *Chapter 680a Saigon 5 Card*

A new wager, the Pot Wager, is added to the game. Definitions associated with the wager are added in § 680a.1 (relating to definitions). Table layout requirements for the new wager are added in § 680a.2 (relating to Saigon 5 Card table physical characteristics). A description of the wager is added in § 680a.7 (relating to wagers). How the dealer is to complete the round of play when the Pot Wager is offered is added in § 680a.11 (relating to procedures for completion of each round of play).

#### *Comment and Response Summary*

Notice of the proposed rulemaking was published at 47 Pa.B. 3827 (July 15, 2017). The Board received comments from Greenwood Gaming and Entertainment, Inc., d/b/a Parx Casino. The comment pertained to the proposed amendment to Chapter 465a (relating to accounting and internal controls), which required that an entity's jobs compendium be approved by the Board prior to implementation. The Independent Regulatory Review Commission (IRRC) also requested clarification on that amendment as to the necessity of the change in practice and what sort of timelines could be expected for approval of a jobs compendium.

The requirement to get a jobs compendium approved by the Board applies only when changes are made in the departments listed in 58 Pa. Code § 465a.11(b). Changes that require a new jobs compendium include addition or removal of positions, changes in job duties and responsibilities, changes to the organizational structure, changes to the chain of command and reporting responsibilities, and changes relating to casino area access for the positions in the compendium. If the proposed amendment to the jobs compendium is relatively minor and impacts a minimal amount of positions or departments, an estimated approval time is 8 days to 2 weeks. If the amendment is more complex and impacts more departments, it could take between 2 weeks to a month.

In regard to necessity for the change to the regulation, the departments and positions contemplated in § 465a.11(b) are those that are integral in maintaining the efficacy and integrity of gaming operations in a licensed facility. It is therefore paramount for the Board to be made aware of and approve any changes in these departments prior to implementation of the proposed changes, to prevent any position change from causing an unnecessary negative impact on the integrity of gaming operations.

In response to Greenwood Gaming and Entertainment, Inc. and IRRC's concerns, the Board added language to the section, which can be found in § 465a.11(m).

This language provides an exception that will allow for expedited review and approval process for amendments that require immediate implementation due to emergency, business necessity, or if the changes are minor in nature.

In addition to its comments on the amendment to Chapter 465a, IRRC also provided comments relative to Chapters 423a, 437a, 439a and 461a. All comments addressed clarity issues, and all recommended changes are made in this final-form rulemaking.

Any and all other changes from the proposed rulemaking to this final-form rulemaking are editorial changes made for publication in the *Pennsylvania Bulletin*.

#### *Fiscal Impact*

##### *Commonwealth.*

The Board does not expect that the provisions contained in this final-form rulemaking will have a fiscal impact on the Board or any other Commonwealth agency. Updates to Rules Submission forms and internal control procedures will be reviewed by existing Board staff.

##### *Political Subdivisions.*

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

##### *Private Sector.*

The amendments contained in this final-form rulemaking will provide certificate holders with additional table game options. If a certificate holder decides to offer one of the games or side wagers within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and purchase new equipment—specifically table layouts corresponding to the game and wagers offered. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

##### *General Public.*

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

#### *Paperwork Requirements*

If a certificate holder selects different options for the play of table games, the certificate holder will be required to submit an updated Rules Submission form reflecting the changes. These forms are available and submitted to Board staff electronically. All table game rules submission forms are available at <http://gamingcontrolboard.pa.gov/?p=187>.

*Effective Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of the proposed rulemaking, published at 47 Pa.B. 3827 and a copy of the Regulatory Analysis Form to IRRC and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees are provided with copies of comments received during the public comment period, as well as other documents when requested. With regard to this rulemaking, no comments were received from the Committees.

Under section 5a(j.2) of the Regulatory Review Act, on September 18, 2019, the final-form rulemaking was deemed approved by the Committees. IRRC met on September 19, 2019, and approved the regulations in accordance with section 5a(e) of the Regulatory Review Act.

*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) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2. (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) This 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:

(1) The regulations of the Board, 58 Pa. Code Chapters 423a, 429a, 437a, 439a, 440a, 461a, 465a, 601a, 609a, 621a, 635a, 649a, 659a, 669a, 670a, 674a, 675a, 678a and 680a are amended by adding §§ 609a.19 and 621a.11, deleting §§ 439a.7—439a.9 and amending §§ 423a.5, 423a.7, 429a.2, 437a.8, 439a.5, 439a.10, 440a.5, 461a.13, 461a.19, 465a.11, 465a.23, 601a.10, 621a.1, 621a.2, 621a.5, 621a.6, 621a.8—621a.10, 635a.3—635a.5, 649a.1, 649a.2, 649a.7, 649a.11, 649a.12, 659a.12, 669a.12, 670a.12, 674a.7, 674a.12, 675a.1, 675a.5, 675a.6, 678a.7, 678a.12, 680a.1, 680a.2, 680a.7, 680a.11 and 680a.12 to read as set forth in Annex A.

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

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

DAVID M. BARASCH,  
*Chairperson*

*(Editor's Note: See 49 Pa.B. 5769 (October 5, 2019) for IRRC's approval order.)*

**Fiscal Note:** Fiscal Note 125-206 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 423a. APPLICATIONS; STATEMENT OF CONDITIONS; WAGERING RESTRICTIONS**

**§ 423a.5. Application withdrawal and surrender.**

\* \* \* \* \*

(d) A request to surrender a license, permit, certification or registration may be made in accordance with the following requirements:

(1) An entity holding a license, certification or registration, an individual holding a principal license or a qualifier of an entity holding a license or certification that is requesting to surrender shall file a petition with the Board in accordance with § 493a.4.

(2) An individual holding a key employee license, permit or registration who is requesting to surrender the license, permit or registration shall file the request on a form supplied by the Bureau of Licensing. If Board staff objects to the request to surrender, the person filing the form will be notified and may be required to file a petition to surrender with the Board in accordance with § 493a.4.

(e) The petition or form must set forth the reasons for the surrender.

(f) When rendering a decision on a petition to surrender, the Board may grant the request with or without prejudice.

(g) Unless the Board otherwise directs, fees or other payments relating to the application, license, permit, registration or certification will not be refundable by reason of the withdrawal or surrender. Additionally, fees and costs owed to the Board shall be paid prior to granting a withdrawal or surrender.

**§ 423a.7. Restriction on application after denial, withdrawal or surrender with prejudice, or revocation.**

(a) A person whose application has been denied or withdrawn with prejudice, or whose license, permit, registration or certification has been revoked or surrendered with prejudice may not apply for a license, permit, certification or registration for 5 years from the date that the application was denied or withdrawn with prejudice, or the license, permit, certification or registration was revoked or surrendered with prejudice.

(b) The 5-year restriction in subsection (a) will not apply:

(1) To applicants for a slot machine license if the denial was for reasons other than unsuitability.

(2) If the denial or revocation was based on pending charges for a disqualifying offense under section 1213 or 1518 of the act (relating to license or permit prohibition; and prohibited acts; penalties), 18 Pa.C.S. (relating to Crimes Code) or the criminal laws of any other jurisdiction and the pending charges did not result in conviction of the disqualifying offense.

(c) Two years from the date that the application was denied or withdrawn with prejudice, or the license, permit, certification or registration was revoked or surrendered with prejudice, a person may file a petition for



permission to apply for a license, permit, certification or registration before the expiration of the 5-year period.

(d) A petition filed under subsection (c) shall be filed in accordance with § 493a.4 (relating to petitions generally).

(e) Petitions filed under subsection (c) must contain:

(1) An explanation of how the conditions that were the basis for denial, withdrawal or surrender with prejudice, or revocation have been corrected or no longer exist.

(2) Supporting materials that demonstrate that the person meets the requirements for a license, permit, certification or registration.

(3) If the denial, withdrawal or surrender with prejudice, or revocation was the result of a conviction, the petition must include evidence of rehabilitation, such as:

\* \* \* \* \*

#### CHAPTER 429a. MANUFACTURER DESIGNEES

##### § 429a.2. Manufacturer designee license applications and standards.

(a) An applicant for a manufacturer designee license shall submit:

\* \* \* \* \*

(5) An affirmation that neither the applicant nor any of its affiliates, intermediaries, subsidiaries or holding companies is an applicant for or a holder of a slot machine or supplier license.

\* \* \* \* \*

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

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

\* \* \* \* \*

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

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

(2) The gaming service provider has failed to cooperate with Board staff in its review and investigation of the gaming service provider's application.

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

\* \* \* \* \*

#### CHAPTER 439a. JUNKET ENTERPRISES

##### § 439a.5. Gaming junket representative general requirements.

(a) An individual may not act as a gaming junket representative in connection with a gaming junket to a licensed facility unless the individual has obtained an occupation permit under § 435a.3 (relating to occupation permit) and is employed by a gaming junket enterprise that is licensed by the Board.

(b) A gaming junket representative may be employed by only one gaming junket enterprise at a time.

(c) An individual who is employed by a slot machine licensee and holds a valid occupation permit may act as a gaming junket representative. Board staff will evaluate all of the following indicia of employment to determine if

an individual is a bona fide employee of a slot machine licensee versus an employee of a gaming junket enterprise:

(1) The individual receives a W-2 Form, wage and tax statement, from the slot machine licensee.

(2) The slot machine licensee has the right to control or direct what work shall be done and how it shall be performed.

(3) The individual is reimbursed by the slot machine licensee for business expenses incurred on behalf of the licensee.

(4) The individual participates in or receives benefits from the slot machine licensee such as insurance, pension plan, vacation pay or sick pay.

(d) An individual may not be considered an employee of a slot machine licensee but shall be considered an employee of a gaming junket enterprise if one of the following conditions is met:

(1) The individual receives an IRS Form 1099, miscellaneous income form, from the slot machine licensee.

(2) The individual is licensed or otherwise credentialed in another gaming jurisdiction as a junket enterprise/organizer or provides the same or similar services to gaming facilities in other markets.

(3) The individual receive compensation for services through the junket enterprise.

(4) The individual exhibits other indicia of genuine employment with a gaming junket enterprise, including Federal and State taxation withholdings.

§ 439a.7. (Reserved).

§ 439a.8. (Reserved).

§ 439a.9. (Reserved).

##### § 439a.10. Monthly gaming junket reports.

(a) Each slot machine licensee shall, on or before the last day of the month, file with the Bureau of Casino Compliance and the Bureau of Investigations and Enforcement a monthly gaming junket report for the preceding month. The monthly gaming junket report must contain all of the following:

(1) The name of the gaming junket enterprise.

(2) The name and gaming identification number of each individual who performed the services of a gaming junket representative.

(3) Patron name.

(4) Patron address.

(5) Patron account number.

(6) Date of association with the gaming junket enterprise or gaming junket representative.

(7) Date of the trip.

(8) Table games theoretical win.

(9) Table games actual win.

(10) Slot machine theoretical win.

(11) Slot machine actual win.

(12) The actual amount of complimentary goods or services provided to each junket participant.

(13) Patron's outstanding markers.

(14) Table game percentage rate paid.

(15) Slot machine percentage rate paid.



- (16) Commission accrued per patron.
- (17) Commission paid per patron.
- (18) Total amount of commission paid to each gaming junket enterprise or representative.
- (19) Other information as requested by Board staff.
- (b) Copies of the monthly gaming junket reports shall be maintained on the premises of the licensed facility for a minimum of 5 years and shall be made available to Board staff upon request.
- (c) If there is no junket activity in the preceding month, the slot machine licensee shall notify the Bureau of Investigations and Enforcement and the Bureau of Casino Compliance, in accordance with subsection (a), that junket activity has not occurred during the previous month.
- (d) In addition to the monthly gaming junket report, the licensee shall submit a list of all employees who conduct business on behalf of the slot machine licensee with a gaming junket representative or gaming junket enterprise on a full-time, part-time or temporary basis.
- (e) An employee of the slot machine licensee shall certify the list of employees and the monthly gaming junket report submitted in accordance with subsections (a) and (d).

**CHAPTER 440a. MANAGEMENT COMPANIES**

**§ 440a.5. Management contracts.**

\* \* \* \* \*

(c) A management contract or amendment will not be approved by the Board unless the management company proves by clear and convincing evidence that the approval of the contract would not create an undue concentration of economic opportunities and control of licensed gaming facilities in this Commonwealth.

\* \* \* \* \*

**Subpart E. SLOT MACHINE, TABLE GAME AND ASSOCIATED EQUIPMENT TESTING AND CONTROL; ACCOUNTING AND INTERNAL CONTROLS**

**CHAPTER 461a. SLOT MACHINE AND TABLE GAME DEVICE TESTING AND CONTROL**

**§ 461a.13. Wide area progressive systems.**

- (a) Two or more slot machine licensees may, with the prior written approval of the Board as required under subsection (c), operate a wide area progressive system.
- (b) A wide area progressive system shall at all times be installed and operated in accordance with relevant requirements of the act and this subpart.
- (c) A wide area progressive system shall be operated and administered by participating slot machine licensees in accordance with the terms and conditions of a written agreement executed by the participating slot machine licensees. The agreement shall be referred to as a slot system agreement. Slot system agreements must be submitted in writing and approved by the Board prior to implementation.
- (d) Slot machine licensees participating in a slot system agreement may delegate, in whole or in part, the operation and administration of a wide area progressive system to a licensed manufacturer provided that the slot system agreement is executed by the licensed manufacturer and its express terms are approved by the Board. The persons designated in a slot system agreement as

being responsible for the operation and administration of a wide area progressive system shall be referred to as the slot system operator.

(e) An agreement between a licensed manufacturer and a slot machine licensee under which a licensed manufacturer sells, leases or services a wide area progressive system will not constitute a slot service agreement unless the agreement also covers operation and administration of the wide area progressive system.

(f) Slot system agreements providing for the operation and administration of a wide area progressive system must identify and describe with specificity the duties, responsibilities and authority of each participating slot machine licensee and each slot system operator including all of the following:

- (1) Details with regard to the terms of compensation for the slot system operator. The agreement must address to what extent, if any, the slot system operator is receiving compensation based directly or indirectly on an interest, percentage or share of a slot machine licensee's revenue, profits or earnings from the operation of the wide area progressive system.
- (2) Responsibility for the funding and payment of all jackpots, fees and gross terminal revenue taxes associated with the operation of the wide area progressive system.
- (3) Control and operation of the computer monitoring room required under subsection (g).
- (4) A description of the process by which significant decisions with regard to the operation of the wide area progressive system are approved and implemented by the participating slot machine licensees and slot system operator.
- (5) When applicable, the terms of apportionment of responsibility for establishing and servicing any trust agreement associated with any annuity jackpot offered by the wide area progressive system.
- (6) Responsibility for generating, filing and maintaining the records and reports required under the act and this part.
- (g) A wide area progressive system shall be controlled and operated from a computer monitoring room. The computer monitoring room must:
  - (1) Be under the sole possession and control of, and maintained and operated by, employees of the slot system operator designated in the slot system agreement for that system. The employees of the slot system operator may be required to obtain a license or permit if the Board determines, after a review of the work being performed, the employees require a license or permit for the protection of the integrity of gaming.
  - (2) Have its monitoring equipment subjected to surveillance coverage either by the surveillance system of a slot machine licensee participating in the slot system agreement or by a dedicated surveillance system maintained by the slot system operator.
  - (3) Be accessible through a locked door. The door must be alarmed in a manner that audibly signals the surveillance monitoring room for the surveillance system elected under paragraph (2).
  - (4) Have a computer monitoring room entry log. The log must be:
    - (i) Kept in the computer monitoring room.
    - (ii) Maintained in a book with bound numbered pages that cannot be readily removed.

(iii) Signed by each person entering the computer monitoring room who is not an employee of the slot system operator expressly employed in the computer monitoring room on his assigned shift. Entries must contain all of the following:

(A) The date and time of entering and exiting the room.

(B) The name, department or employer, when applicable, gaming license or permit number of the person entering and exiting the room and of the person authorizing the entry.

(C) The reason for entering the computer monitoring room.

(5) Reside within a participating licensed facility or other approved location.

(h) A slot system agreement submitted to the Board for approval must be accompanied by a proposed system of internal controls addressing all of the following:

(1) Transactions directly or indirectly relating to the payment of progressive jackpots including the establishment, adjustment, transfer or removal of a progressive jackpot amount and the payment of any fees or taxes associated therewith.

(2) The name, employer, position and gaming license status of any person involved in the operation and control of the wide area progressive system.

(i) The Bureau of Licensing must review the persons identified in subsection (h)(2) and determine, based on an analysis of specific duties and responsibilities, which persons will be licensed to what level in this Commonwealth.

(j) A slot system operator may not commence operation and administration of a wide area progressive system under the terms of a slot system agreement until the agreement itself and the internal controls required under subsection (h) have been approved and the slot system operator has complied with any licensing requirements under subsection (i).

(k) When a slot system agreement involves payment to a licensed manufacturer, functioning as a slot system operator, of an interest, percentage or share of a slot machine's licensee's revenue, profits or earnings from the operation of a wide area progressive system, the Board will evaluate the slot system agreement to determine if the total amounts paid to the licensed manufacturer under the terms of the agreement are commercially reasonable for the operational and administrative services provided.

(l) Each party to a slot system agreement shall be liable for acts, omissions and violations of the act and this part related to its own individual duties and responsibilities under the slot system agreement, unless the slot system agreement specifically provides that the parties will be jointly and severally liable.

(m) The Executive Director may waive one or more of the technical requirements applicable to wide area progressive systems adopted by the Board upon a determination that the wide area progressive system as configured nonetheless meets the operational integrity requirements of the act and this part.

#### § 461a.19. Remote system access.

(a) In emergency situations or as an element of technical support, an employee of a licensed manufacturer may perform analysis of, or render technical support with

regard to, a slot machine licensee's slot monitoring system, casino management system, player tracking system, external bonusing system, cashless funds transfer system, wide area progressive system, gaming voucher system or other Board-approved system from a remote location.

(b) Remote system access shall be performed in accordance with all of the following procedures:

(1) Only an employee of a licensed manufacturer who is licensed as a gaming employee or key employee in this Commonwealth may remotely access a system sold, leased or otherwise distributed by that licensed manufacturer for use at a licensed facility.

(2) The slot machine licensee shall establish a unique system account for each employee of a licensed manufacturer identified by his employer as potentially required to perform technical support from a remote location. System access afforded under this section shall:

(i) Be restricted in a manner that requires the slot machine licensee's information technology department to receive prior notice from the licensed manufacturer of its intent to remotely access a designated system.

(ii) Require the slot machine licensee to take affirmative steps, on a per access basis, to activate the licensed manufacturer's access privileges.

(iii) Be designed to appropriately limit the ability of a person authorized under this section to deliberately or inadvertently interfere with the normal operation of the system or its data.

(3) A log shall be maintained by both the licensed manufacturer and the slot machine licensee's information technology department. Each of the two logs must contain, at a minimum, all of the following information:

(i) The system accessed, including manufacturer and version number.

(ii) The type of connection (that is, leased line, dial in modem or private WAN).

(iii) The name and license number of the employee remotely accessing the system.

(iv) The name and license number of the information technology department employee activating the licensed manufacturer's access to the system.

(v) The date, time and duration of the connection.

(vi) The reason for the remote access including a description of the symptoms or malfunction prompting the need for remote access to the system.

(vii) Action taken or further action required.

(4) Communications between the licensed manufacturer and any of the systems identified in subsection (a) shall occur using a dedicated and secure communication facility such as a leased line approved in writing by the Board.

(c) Prior to granting remote system access, a slot machine licensee shall establish a system of internal controls applicable to remote system access. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols). The internal control procedures submitted by the slot machine licensee shall be designed to protect the physical integrity of the systems listed in subsection (a) and the related data and be capable of limiting the remote access to the system or systems requiring technical support.

(d) Any modification of, or remedial action taken with respect to, an approved system shall be processed and approved by the Board in accordance with the standard modification provisions submitted under § 461a.4(h) (relating to submission for testing and approval) or the emergency modification provisions of § 461a.4(l).

(e) If an employee of a licensed manufacturer is no longer employed by, or authorized by, that manufacturer to remotely access a system under this section, the licensed manufacturer shall immediately notify the Bureau of Gaming Laboratory Operations and each slot machine licensee that has established a unique system account for that employee of the change in authorization and shall timely verify with each slot machine licensee that any access privileges previously granted have been revoked.

(f) The Executive Director may waive one or more of the technical requirements applicable to remote computer access adopted by the Board upon a determination that the nonconforming remote access procedures nonetheless meet the integrity requirements of the act and this part.

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

**§ 465a.11. Slot machine licensee’s organization; jobs compendium.**

\* \* \* \* \*

(i) Any proposed amendment to a previously approved jobs compendium, including any amendment to an organizational chart, which involves the departments listed in subsection (b) shall be submitted as an amendment to the slot machine licensee’s internal controls in accordance with § 465a.2.

(j) For departments that are not listed in subsection (b), unless otherwise directed by the Board, a slot machine licensee will not be required to submit amendments to its jobs compendium for approval. Instead, the certificate holder will be required to notify the Bureau of Licensing by the end of the business day on the date of implementation for newly created positions or changes to job descriptions and tables of organizations. The notification must include properly formatted job descriptions and organization charts for the affected departments. After the notification has been submitted, the Bureau of Licensing may require changes to the job descriptions and organizational charts to ensure compliance with licensing, permitting or registration requirements.

(k) Each slot machine licensee shall maintain on its premises a complete, updated copy of its jobs compendium, in a written or electronic form, which shall be made available for review upon request of the Board, the Department or the Pennsylvania State Police.

(l) This section may not be construed so as to limit a slot machine licensee’s discretion in utilizing a particular job title for any position in its jobs compendium.

(m) If the proposed amendment to a previously approved jobs compendium requiring submission and approval under subsection (i) requires immediate implementation due to emergent circumstances, business necessity, or if the scope of the proposed amendment is determined by the Bureau of Gaming Operations to be minor, the slot machine licensee may request expedited review of the amendment and interim approval by the Bureau of Gaming Operations, pending a full review and approval by the Executive Director.

**§ 465a.23. Customer deposits.**

\* \* \* \* \*

(c) The internal control procedures developed and implemented by the slot machine licensee under subsection (b) must include all of the following:

(1) A requirement that customer deposits be accepted at the cage.

(2) A requirement that customer deposits be withdrawn by the patron at the cage, gaming table or upon receipt of a written request for withdrawal whose validity has been established.

(3) A requirement that the patron receive a receipt for any customer deposit accepted reflecting the total amount deposited, the date of the deposit and the signature of the cage employee accepting the customer deposit.

(4) Procedures for verifying the identity of the patron at the time of withdrawal. Signature verification shall be accomplished in accordance with the signature verification procedures under § 465a.20. The slot machine licensee shall maintain adequate documentation evidencing the patron identification process and how the signature was verified.

(d) A certificate holder may utilize an electronic credit system for the processing of customer deposits in accordance with § 609a.19 (relating to use of an electronic credit system for the processing of Counter Checks and customer deposits).

**Subpart K. TABLE GAMES**

**CHAPTER 601a. GENERAL TABLE GAMES PROVISIONS**

**§ 601a.10. Approval of table game layouts, signage and equipment.**

(a) Table game staffing plans, tournament schedules, dealer training programs and schematics of gaming guides, table game layouts, signage and equipment that require the approval of the Board’s Executive Director shall be submitted electronically to the Bureau of Gaming Operations using the Internal Controls & Table Games Submission Form on the Board’s web site.

\* \* \* \* \*

**CHAPTER 609a. CREDIT**

**§ 609a.19. Use of an electronic credit system for the processing of Counter Checks and customer deposits.**

(a) A certificate holder may utilize an electronic credit system for the processing of Counter Checks and customer deposits. A certificate holder that utilizes an electronic credit system shall comply with §§ 609a.1—609a.12, 609a.17 and 609a.18 unless otherwise provided in this section.

(b) A certificate holder that elects to utilize an electronic credit system shall submit internal controls specifying all of the following:

(1) Which positions, as described in the certificate holder’s jobs compendium, will have administrator, accounting and revenue audit, and cage function access to the electronic credit system, and the functions or permissions assigned to each of those roles. The certificate holder shall submit a narrative description of the permissions for each of the roles and the level of access assigned.



(2) Which positions will have permission to reset a patron's personal identification number (PIN) as provided in subsections (d)(2) and (e)(1)(iii).

(3) How a patron's credit information and limit established will be entered into the electronic credit system, ensuring compliance with the approval of credit limit requirements in § 609a.4 (relating to approval of credit limits).

(4) The flow of receipts and the reports generated through the revenue process.

(5) How a voided transaction in the electronic credit system will be processed, specifying which positions will have authority to void a transaction, ensuring that at least two employees with no incompatible functions process the void and that a detailed explanation for the void is recoded in the electronic credit system.

(6) How the certificate holder will ensure that redemption, partial redemption, substitution and consolidation of Counter Checks generated utilizing the electronic credit system complies with §§ 609a.15(d) and (g) and 609a.16(e) and (f) (relating to redemption of Counter Checks; and substitution and consolidation of Counter Checks).

(7) If the certificate holder allows patrons to substitute or redeem Counter Checks through the mail, how the certificate holder will process those redemptions and substitutions utilizing the electronic credit system.

(8) How credit transactions will be processed and accurately record if the electronic credit system becomes inoperable.

(9) Which funds a patron is required to utilize first if the patron has an established credit line and has a customer deposit, as provided in subsection (e).

(c) Prior to implementing the electronic credit system, the certificate holder shall establish and receive approval from Board staff to conduct a test period of the new electronic credit system. The certificate holder shall maintain its current credit processing system and may not fully transition to the electronic credit system until full approval is granted by the Board's Executive Director.

(d) To establish an electronic credit file for a patron, in addition to the requirements in §§ 609a.3—609a.6:

(1) The credit department shall scan the patron's valid picture identification into the electronic credit system for display when accessing a patron's credit file.

(2) The patron shall establish a PIN to access credit, which must be an encrypted PIN.

(e) For customer deposits, if a certificate holder is utilizing the electronic credit system to allow patrons access to their customer deposits, the certificate holder shall comply with § 465a.23 (relating to customer deposits) and:

(1) If the patron with a customer deposit does not already have an electronic credit account established, a deposit account shall be established as follows:

(i) The requirements for establishing a credit account in §§ 609a.3—609a.6 do not apply and a patron's credit limit shall be set at \$0.

(ii) The credit department shall scan the patron's picture identification for display when accessing the patron's deposited funds.

(iii) The patron shall establish a PIN to access the patron's deposited funds.

(2) Customer deposits shall be completed at the cage by a cage cashier with no incompatible functions. Utilizing the portable device, the cashier shall:

(i) Login by entering the employee's PIN.

(ii) Access the patron's account in the electronic credit system by entering the patron's account number or scanning the patron's card.

(iii) Credit the patron's account by the amount of the deposit.

(iv) Input the date and method of deposit (chips, gaming vouchers, cash, wire transfer, and the like).

(v) Have the patron enter his PIN and electronically sign verifying the accuracy of the transaction.

(vi) The cashier shall then electronically sign verifying the deposit.

(vii) A two-part deposit receipt evidencing the transaction shall be generated with one part provided to the patron and the other maintained in the cage cashier's impressed inventory.

(f) For the issuance of Counter Checks and the withdrawal of customer deposits utilizing an electronic credit system, notwithstanding § 609a.14 (relating to issuance and reconciliation of Counter Checks), if the issuance or withdrawal is conducted:

(1) At a gaming table:

(i) A pit clerk or above shall use an approved portable device and:

(A) Login by entering the employee's PIN.

(B) Access the patron's electronic credit file by entering the patron's account number or scanning the patron's card.

(C) Verify the patron's identity by comparing the patron's appearance to the digital identification accessed from the electronic credit system.

(D) Enter or select the amount of credit or withdrawal requested.

(E) Have the patron enter his PIN and electronically sign verifying the accuracy of the transaction.

(ii) The dealer or boxperson shall then:

(A) Use the portable device and enter his PIN number.

(B) Verify the patron's credit or withdrawal request, selecting the gaming table at which the patron has requested the credit or withdrawal and electronically sign the verification.

(C) After verifying the credit or withdrawal request, the dealer shall place the portable device displaying the amount of the Counter Check or customer withdrawal and the equivalent number of chips on the gaming tables so both are captured by surveillance.

(D) Distribute the chips to the patron, completing the credit transaction.

(iii) A document evidencing the credit or withdrawal transaction shall be generated and placed in the drop box.

(2) At the cage:

(i) A cage cashier shall use an approved portable device and complete the requirements in paragraph (1)(i)(A)—(E).

(ii) The cage supervisor shall then:

(A) Use the portable device and enter his PIN number.



(B) Verify the patron's credit or withdrawal request and electronically sign the verification.

(C) After verifying the credit or withdrawal request, the cage supervisor shall place the portable device displaying the amount of the Counter Check or customer withdrawal and the equivalent in cash or a gaming voucher so both are captured by surveillance.

(D) Distribute the cash or gaming voucher to the patron, completing the credit or withdrawal transaction.

(iii) A document evidencing the credit or withdrawal transaction shall be generated and placed in the cashier's impressed inventory.

(3) At a slot machine:

(i) A slot attendant shall obtain the amount of the requested Counter Check or customer withdrawal, the patron's signature, asset number and the method of withdrawal (cash or gaming voucher) on a two-part request form and shall transport both copies of the request form directly to the cage cashier.

(ii) The cage cashier with no incompatible functions shall verify that there are sufficient funds in the patron's credit or customer deposit account to satisfy the request.

(iii) The cage cashier processing the request shall disburse funds to the slot attendant, in the presence of a cage supervisor, and shall:

(A) Sign the request form.

(B) Maintain the original of the request form in the cashier's impressed inventory.

(C) Provide the slot attendant with a portable device connected to the electronic system.

(D) Provide the duplicate of the request form to the slot attendant.

(iv) The slot attendant and cage supervisor shall transport the funds and the portable device to the patron at the slot machine. Prior to presenting the funds to the patron, the slot attendant and cage supervisor shall complete the procedures in paragraph (1)(i)(A)—(E) and (ii)(A) and (B).

(v) The slot attendant shall disburse funds requested by the patron and drop the duplicate copy of the request form in a locked accounting box.

(vi) If a transaction cannot be completed (patron changes his mind or changes the amount of credit or withdrawal requested), the slot attendant and cage supervisor shall return the funds and the request form to the cage cashier. The cage cashier shall clearly and conspicuously record "VOID" on the duplicate of the request form and maintain the document as part of his impressed inventory until forwarded to the accounting department for reconciliation with electronic credit system.

(vii) On a daily basis, the accounting department shall compare the original and duplicate request forms to the electronic credit system. Instances of irregularities of any kind or the misappropriation of funds shall be immediately reported to onsite casino compliance representatives.

(g) For the redemption and partial redemption of Counter Checks utilizing an electronic credit system:

(1) All redemptions and partial redemptions of electronically generated Counter Checks shall be initiated at the cage.

(2) If a patron has more than one unredeemed Counter Check, the most recently dated Counter Check shall be redeemed or partially redeemed first.

(3) When a patron partially redeems a Counter Check, the replacement Counter Check shall be dated with the same date as the Counter Check being redeemed.

(4) Notwithstanding § 609a.15, the full redemption of electronically generated Counter Checks shall be completed as follows:

(i) A cage cashier shall use a portable device and:

(A) Login by entering the employee's PIN.

(B) Access the patron's electronic credit file by entering the patron's account number or scanning the patron's card.

(C) Verify the patron's identity by comparing the patron's appearance to the digital identification accessed from the electronic credit system.

(D) Select the most recently dated Counter Check to redeem.

(E) Select or enter the redemption amount and the payment method, provided that payment with a personal check must be drawn on a bank account in the patron's credit file as provided in § 609a.3(c)(4) (relating to application and verification procedures for granting credit).

(F) Verify that the total amount of an outstanding Counter Check matches the amount presented by the patron ensuring that the amount presented by the patron and the portable device displaying the amount of the Counter Check to be redeemed are captured by surveillance. The cage cashier shall then electronically sign the verification approving the redemption.

(ii) After placing the patron's payment into the cage cashier's impressed inventory, the cage cashier shall generate a two-part receipt documenting the redemption with one part provided to the patron and the other maintained in the cashier's impressed inventory.

(5) Notwithstanding § 609a.15, the partial redemption of electronically generated Counter Checks shall be completed as follows:

(i) The cage cashier shall complete the procedures in paragraph (4)(i)(A)—(D).

(ii) After selecting the Counter Check to partially redeem, the cage cashier shall enter the partial redemption amount and the payment method ensuring that the amount presented by the patron and the portable device displaying the amount of the partial redemption are captured by surveillance. The cage cashier shall then electronically sign the verification approving the partial redemption and shall create an electronic Counter Check for the difference between the amount presented and the electronic Counter Check being partially redeemed.

(iii) After signing the portable device acknowledging completion of the partial redemption and placing the patron's payment into the cage cashier's impressed inventory, the cage cashier shall generate a two-part receipt documenting the partial redemption with one part provided to the patron and the other maintained in the cage cashier's impressed inventory.

(h) For the substitution and consolidation of Counter Checks utilizing an electronic credit system:

(1) All substitutions and consolidations of electronically generated Counter Checks shall be initiated at the cage.

(2) Notwithstanding § 609a.16:

(i) To consolidate two or more Counter Checks, a cage cashier shall use an approved portable device and:

(A) Login by entering the employee's PIN.

(B) Access the patron's electronic credit file by entering the patron's account number or scanning the patron's card.

(C) Verify the patron's identity by comparing the patron's appearance to the digital identification accessed from the electronic credit system.

(D) Select the Counter Checks to be consolidated. The cage cashier shall then enter the employee's PIN and electronically sign the verification approving the consolidation.

(ii) To substitute a Counter Check, a cage cashier shall use an approved portable device and:

(A) Login by entering the employee's PIN.

(B) Access the patron's electronic credit file by entering the patron's account number or scanning the patron's card.

(C) Verify the patron's identity by comparing the patron's appearance to the digital identification accessed from the electronic credit system.

(D) Select the Counter Check to substitute.

(E) A patron may substitute the Counter Check for an electronic Counter Check on a different account that has been verified and recorded in the patron's electronic credit file in accordance with § 609a.3(c)(4) or may substitute for a personal check provided that the personal check is drawn on an account that has been verified and recorded in the patron's credit file. If a patron provides a personal check, the cage cashier shall enter the transaction into the electronic credit system and place the personal check in the cage cashier's impressed inventory.

(F) The cage cashier shall then electronically sign the verification completing the substitution.

(i) A certificate holder that utilizes an electronic credit system shall record each electronic Counter Check issued and Customer Deposit withdrawn at a gaming table on the Daily Banking Table Game Count Report required under § 465a.25 (relating to counting and recording of slot cash storage boxes and table game drop boxes).

## CHAPTER 621a. PAI GOW

### § 621a.1. Definitions.

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

*Bank*—A player who elects to have the other players and the dealer play against him and accepts the responsibility of paying all winning Pai Gow Wagers.

*Co-banking*—When the bank and the dealer each cover 50% of all winning Pai Gow Wagers.

*Copy hand*—A high hand or low hand of a player which is identical in pair rank or point value as the corresponding high hand or low hand of the dealer or bank.

*Gee Joon Pair*—The Six (2-4) tile and the Three (1-2) tile.

*Heaven Pair*—Two Twelve (6-6) tiles.

*High hand*—The two-tile hand formed with two of the four tiles dealt that ranks higher than the low hand formed from the remaining two tiles.

*Identical Pair*—Two tiles that are identical in appearance such as two Four (3-1) tiles.

*Low hand*—The two-tile hand formed with two of the four tiles dealt that ranks lower than the high hand formed from the remaining two tiles.

*Marker*—An object used to designate the bank and the co-bank.

*Mixed Pair*—Two tiles with the same number of spots but not identical in appearance such as two Eight tiles (6-2) and (5-3).

*Setting the hands*—The process of forming a high hand and a low hand from the four tiles dealt.

*Supreme Pair*—The Six (2-4) tile and the Three (1-2) tile that forms the highest ranking hand.

*Value*—The numerical point value assigned to a pair of tiles in accordance with § 621a.3 (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand).

*Vigorish*—A fee collected on winning Pai Gow Wagers.

### § 621a.2. Pai Gow table; Pai Gow shaker; physical characteristics.

(a) Pai Gow shall be played at a table having betting positions for six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Pai Gow table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

(1) The name or logo of the certificate holder.

(2) A separate betting area designated for the placement of the Pai Gow Wager for each player.

(3) A separate area, located to the left of the dealer, for the placement of four tiles which shall be referred to as the Dead Hand.

(4) If the certificate holder offers the optional Pair Fortunes Wager authorized under § 621a.5(e)(1) (relating to wagers):

(i) A separate betting area designated for the placement of the Pair Fortunes Wager for each player.

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

(5) If the certificate holder is offering a wager based on the value of the dice in the manual or player-activated Pai Gow shaker, each player's wagering position must have:

(i) A separate betting area designated for the placement of the Sum Wager, if offered by the certificate holder, authorized under § 621a.5(e)(2).

(ii) Six separate betting areas designated for the placement of the Match Wager, if offered by the certificate holder, authorized under § 621a.5(e)(3).

(iii) A separate betting area designated for the placement of the Beat It Wager, if offered by the certificate holder, authorized under § 621a.5(e)(4).

(iv) A player-activation button if player-activated Pai Gow is being offered by the certificate holder.

(c) Each Pai Gow table must have a drop box with a tip box attached on the same side of the gaming table as, but

on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g).

(d) Pai Gow shall be played with a Pai Gow shaker, approved in accordance with § 601a.10(a), used to shake three dice before each hand of Pai Gow is dealt to determine the starting position for the dealing of the Pai Gow tiles. The Pai Gow shaker shall be the responsibility of the dealer and may not be left unattended at the table. The Pai Gow shaker must be designed and constructed to maintain the integrity of the game and:

(1) Be capable of housing three dice that when not being shaken must be maintained within the Pai Gow shaker. Dice that have been placed in a Pai Gow shaker for use in gaming may not remain on a table for more than 24 hours.

(2) Be designed to prevent the dice from being seen while being shaken.

(3) Have the name or logo of the certificate holder imprinted or impressed thereon.

(e) If a certificate holder elects to use a computerized random number generator as permitted under § 621a.6 (relating to procedures for dealing the tiles; settling of wagers based on value of dice), the random number generator shall be approved by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use.

(f) Notwithstanding subsection (d), a certificate holder may utilize a player-activated Pai Gow shaker to determine the starting position for the dealing of the Pai Gow tiles provided that the shaker is submitted to the Bureau of Gaming Laboratory Operations for approval in accordance with § 461a.4 prior to its use. The player-activated Pai Gow shaker must:

(1) Have the capability of being sealed or locked to ensure the integrity of the three dice contained inside the shaker. Dice used inside the shaker must comply with § 603a.12(b) (relating to dice; physical characteristics) and if offering the Beat It Wager authorized under § 621a.5(e)(4)(i), one red and two blue dice must be used in the shaker.

(2) Shake the dice for at least 5 seconds to cause a random mixing of the dice.

**§ 621a.5. Wagers.**

(a) Wagers at Pai Gow shall be made by placing value chips or plaques on the appropriate areas of the Pai Gow layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Pai Gow table may place a wager. Once a player has placed a wager and received tiles, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and treated as losing wagers.

(c) All wagers at Pai Gow shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedures in § 621a.6 (relating to procedures for dealing the tiles; settling of wagers based on value of dice). Verbal wagers accompanied by cash may not be accepted. A wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

(d) To participate in a round of play and compete against the dealer’s high and low hands, a player shall place a Pai Gow Wager.

(e) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Pai Gow Wager in accordance with subsection (d) the option of placing the following additional wagers:

(1) A Pair Fortunes Wager which shall win if any of the four tiles dealt to a player contains a Gee Joon Pair, Heaven Pair, Identical Pair or Mixed Pair. The Pair Fortunes Wager does not have bearing on any of the player’s other wagers.

(2) A Sum Wager, which shall be based on the value of the dice in the manual or player-activated Pai Gow Shaker and shall win depending on the payable selected by the certificate holder, if:

(i) The total of the three dice in the Pai Gow shaker is equal to an 8, 16 or 17.

(ii) The total of the three dice is equal to a 3, 8 or 9.

(iii) At least two of the dice are matching.

(iv) The three dice form a series, such as a 1, 2 and 3, or 3, 4 and 5.

(3) A Match Wager, which shall be based on the value of the dice in the manual or player-activated Pai Gow shaker and shall win if at least two of the dice in the Pai Gow shaker match the value selected by the player. For example, a player’s Match Wager on the 1 shall win if two or three of the dice rolled is a 1.

(4) A Beat It Wager, which shall be based on the value of the dice in the manual or player-activated Pai Gow shaker and shall win depending on the payout table selected by the certificate holder in its Rules Submission, if:

(i) The red die in the Pai Gow shaker is equal in value to or greater than the sum of the two blue dice. For example, a player’s Beat It Wager shall win if the red die is a 6 and the two blue dice are a 2 and a 1 for a total of 3.

(ii) Any single dice beats the sum of the two other dice by 1 to 4 points. For example, a player’s Beat It Wager shall win if the dice rolled are a 5, a 1 and a 1 ( $5 - (1 + 1) = 3$ ).

(f) Except as provided in § 621a.9(f) (relating to player bank; co-banking; selection of bank; procedures for dealing), a certificate holder may, if specified in its Rules Submission under § 601a.2, permit a player to wager on two adjacent betting areas at a Pai Gow table. If a certificate holder permits a player to wager on adjacent betting areas, the tiles dealt to each betting area shall be played separately. If the Pai Gow Wagers are not equal, the player shall rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

**§ 621a.6. Procedures for dealing the tiles; settling of wagers based on value of dice.**

(a) After the dealer has completed mixing and stacking the tiles, the dealer shall either:



(1) Announce “no more bets” and use a computerized random number generator that automatically selects and displays a number.

(2) Announce “no more bets” and shake the Pai Gow shaker at least three times to cause a random mixture of the dice. The dealer shall then remove the lid covering the Pai Gow shaker and place the uncovered Pai Gow shaker on the designated area of the table layout.

(3) Announce “no more bets” and instruct a player to activate the Pai Gow shaker by pressing an activation button at the player’s wagering position.

(b) If the certificate holder is utilizing a manual or player-activated Pai Gow shaker as provided in subsection (a)(2) or (3) and is offering Sum, Match and Beat It Wagers, after the dice come to rest, the dealer shall announce the numeric value of each die and determine if the player has a winning Sum, Match or Beat It Wager as described in § 621a.5(e)(2)—(4) (relating to wagers). The dealer shall settle the wagers by collecting all losing wagers and paying out winning wagers in accordance with § 621a.11(c)—(e) (relating to payout odds; vigorish).

(c) After settling the player’s Sum, Match and Beat It Wagers, if applicable, the dealer shall then use the total of the dice or the number displayed by the computerized random number generator to determine which player receives the first stack of tiles. To determine the starting position for dealing the tiles, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, and the Dead Hand, beginning with the dealer as number one and continuing around the table in a counterclockwise manner, until the count matches the total of the three dice or the number displayed by the computerized random number generator. Examples are as follows:

(1) If the dice total 9, the dealer would receive the first stack of four tiles.

(2) If the dice total 15, the sixth wagering position would receive the first stack of four tiles.

(d) The dealer shall deal the first stack of four tiles, starting from the right side of the eight stacks, to the starting position as determined in subsection (c) and, moving counterclockwise around the table, deal all other positions including the Dead Hand and the dealer a stack of tiles, regardless of whether there is a wager at the position. The dealer shall place a marker on top of his stack of tiles immediately after they are dealt.

(e) After all the stacks of tiles have been dealt, the dealer shall, without exposing the tiles, collect any stacks dealt to a position where there is no wager and place the stacks with the Dead Hand on the layout to the left of the dealer in front of the table inventory container.

(f) If a manual Pai Gow shaker is utilized, once all tiles have been dealt and any tiles dealt to positions with no wagers have been collected, the dealer shall place the cover on the Pai Gow shaker and shake the shaker once. The Pai Gow shaker shall then be placed to the right of the dealer.

**§ 621a.8. Procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish.**

\* \* \* \* \*

(e) A player may surrender his wager after the hands of the dealer have been set. The player shall announce his intention to surrender prior to the dealer exposing either of the two hands of that player as provided in

subsection (g). Once the player has announced his intention to surrender, the dealer shall immediately collect the Pai Gow Wager from that player and collect the four tiles dealt to that player and stack them face down on the right side of the table in front of the table inventory container without exposing the tiles to any other player at the table provided that if a player placed a Pair Fortunes Wager, the player’s wager shall be placed on top of the player’s tiles until the wager is settled in accordance with subsection (j).

\* \* \* \* \*

(i) A wager shall win if the high hand of the player is higher in rank than the high hand of the dealer and the low hand of the player is higher in rank than the low hand of the dealer. The dealer shall pay the winning Pai Gow Wager and collect a vigorish in accordance with § 621a.11(a) (relating to payout odds; vigorish).

(j) After settling the player’s Pai Gow Wager, the dealer shall settle the player’s Pair Fortunes Wagers, if applicable, by determining if the player’s four tiles create a Gee Joon Pair, Heaven Pair, Identical Pair or Mixed Pair. Irrespective of how the player’s hand was set, if the player’s hand:

(1) Contains a Gee Joon Pair, Heaven Pair, Identical Pair or Mixed Pair, the dealer shall pay the winning Pair Fortunes Wager in accordance with § 621a.11(b).

(2) Does not contain a pair, the dealer shall collect the losing Pair Fortune Wager.

(k) After settling the player’s Pai Gow and Pair Fortunes Wagers, the dealer shall immediately collect the tiles of that player and place the tiles face up to the right of the dealer in front of the table inventory container.

(l) Tiles collected by the dealer shall be picked up in order and in a way so that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

**§ 621a.9. Player bank; co-banking; selection of bank; procedures for dealing.**

\* \* \* \* \*

(d) Before a player may bank a round of play, the dealer shall confirm that:

(1) The player placed a wager against the dealer during the last round of play in which there was no player banking the game.

(2) The player has sufficient value chips or plaques on the table to cover all of the Pai Gow Wagers placed by other players at the table for that round of play.

\* \* \* \* \*

(h) Once the dealer has determined that a player may be the bank, as required under subsection (d), and the tiles have been mixed, stacked and, if applicable, cut, the dealer shall, unless co-banking is in effect, remove value chips from the table inventory container in an amount equal to the banker’s last wager made against the dealer or in an amount as specified in the certificate holder’s Rules Submission. This amount shall be the amount the dealer wagers against the bank. The bank may direct that the sum wagered by the dealer be a lesser amount or that the dealer place no wager during that round of play. Any amount wagered by the dealer shall be placed in front of the table inventory container. Immediately upon receipt of the four tiles dealt to the dealer under subsection (k), the dealer shall place his wager on top of these tiles, instead of the marker otherwise required under

§ 621a.6 (relating to procedures for dealing the tiles; settling of wagers based on value of dice), before dealing the remaining tiles. If co-banking is in effect, the dealer may not remove any value chips from the table inventory container under this subsection.

\* \* \* \* \*

(o) If a player is banking the round of play, once the dealer has determined the outcome of the Pai Gow Wager of the dealer against the bank, if any, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, expose the hands of each player. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and announce if the Pai Gow Wager shall win, lose or tie. Losing Pai Gow Wagers shall be immediately collected and placed in the center of the table. All winning Pai Gow Wagers, including the dealer's wager, shall be paid by the dealer with the value chips located in the center of the table. If this amount becomes exhausted before all winning Pai Gow Wagers have been paid, the dealer shall collect from the bank an amount equal to the remaining winning Pai Gow Wagers and place that amount in the center of the layout. The remaining winning Pai Gow Wagers shall be paid from the amount in the center of the layout. If, after collecting all losing Pai Gow Wagers and paying all winning Pai Gow Wagers, there is a surplus in the center of the table, this amount shall be charged a 5% vigorish in accordance with § 621a.11(a) (relating to payout odds; vigorish). Once the vigorish has been paid, the remaining amount shall be given to the bank.

(p) Immediately after a winning Pai Gow Wager of the dealer is paid, this amount and the dealer's original Pai Gow Wager shall be returned to the table inventory container.

(q) Each player who has a winning Pai Gow Wager against the bank shall pay a 5% vigorish on the amount won, in accordance with § 621a.11(a).

(r) If a player and the dealer are co-banking the round of play, once the dealer has set the co-bank hand under subsection (e), the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, expose the hands of each player. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and announce if the Pai Gow Wager shall win, lose or tie. Losing Pai Gow Wagers shall be immediately collected and placed in the center of the table. All winning Pai Gow Wagers shall be paid by the dealer with the value chips located in the center of the table. If this amount becomes exhausted before all winning Pai Gow Wagers have been paid, the dealer shall collect from the co-bank an amount equal to 1/2 of the remaining winning Pai Gow Wagers and place that amount in the center of the layout. The dealer shall remove an amount equal to 1/2 of the remaining winning Pai Gow Wagers from the table inventory container and place that amount in the center of the layout. The remaining winning Pai Gow Wagers shall be paid from the total amount in the center of the layout. If, after collecting all losing Pai Gow Wagers and paying all winning Pai Gow Wagers, there is a surplus in the center of the table, this amount will be counted and the dealer shall place 1/2 of this amount into the table inventory container. The dealer shall collect a 5% vigorish, in accordance with § 621a.11(a) on the remaining amount. Once the vigorish has been paid, the remaining amount shall then be given to the co-bank.

(s) After the Pai Gow Wager has been settled, the dealer shall settle the player's Pair Fortunes Wager in accordance with § 621a.8(j) (relating to procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish).

**§ 621a.10. Irregularities; invalid roll of the dice.**

(a) If all three dice in the Pai Gow shaker do not land flat on the bottom of the shaker, the dealer shall call a "no roll" and the dealer or player, if a player-activated shaker is used, shall reshake the dice.

(b) If the dealer uncovers the manual Pai Gow shaker and a die or dice fall out of the shaker, the dealer shall call a "no roll" and reshake the dice.

\* \* \* \* \*

**§ 621a.11. Payout odds; vigorish.**

(a) The certificate holder shall pay each winning Pai Gow Wager at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢. A certificate holder shall collect the vigorish from a player at the time the winning payout is made.

(b) The certificate holder shall pay each winning Pair Fortunes Wager at the odds in the following payout table:

<i>Hand</i>	<i>Payout</i>
Gee Joon Pair and Heaven Pair	300 to 1
Two Pair	25 to 1
Gee Joon Pair	8 to 1
Mixed Pair	4 to 1
Identical Pair	3 to 1

(c) The certificate holder shall pay each winning Sum Wager in accordance with one of the following payout tables selected by the certificate holder in its Rules Submission:

<i>Sum of Dice</i>	<i>Paytable A</i>	<i>Sum of Dice</i>	<i>Paytable B</i>
17	25 to 1	3	25 to 1
16	6 to 1	8	4 to 1
8	3 to 1	9	2 to 1
	<i>Paytable C</i>		<i>Paytable D</i>
Any three match	3 to 1	Any series of three	15 to 2
Any two match	1 to 1		

(d) The certificate holder shall pay each winning Match Wager at the odds in the following payout table:

	<i>Payout</i>
Triple match	100 to 1
Double match	6 to 1

(e) The certificate holder shall pay out each winning Beat It Wager in accordance with one of the following payout tables selected by the certificate holder in its Rules Submission:

	<i>Paytable A</i>	<i>Paytable B</i>
Red die beats sum of blue dice by		
4 points	50 to 1	60 to 1
2 or 3 points	10 to 1	10 to 1
Tie or 1 point	1 to 1	1 to 1
	<i>Paytable C</i>	
Any die beats sum of other two by 1 or more points	5 to 2	

**CHAPTER 635a. SPANISH 21**

**§ 635a.3. Cards; number of decks; value of cards.**

(a) Except as provided in subsection (d), Spanish 21 shall be played with six or eight decks of cards that are identical in appearance and at least one cover card. The decks shall consist of 48 cards, with the 10 of each suit removed from each deck during the inspection required under § 635a.4 (relating to opening of the table for gaming).

(b) The decks of cards opened for use at a Spanish 21 table shall be changed at least once every 24 hours.

(c) The value of the cards shall be as follows:

- (1) Any card from 2 to 9 shall have its face value.
- (2) Any jack, queen or king shall have a value of 10.

(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.

(d) If an automated card shuffling device is utilized, other than a continuous shuffler, Spanish 21 may be played with two batches of cards in accordance with the following requirements:

(1) Each batch shall be separated and must contain an equal number of decks 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 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 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.

**§ 635a.4. Opening of the table for gaming.**

\* \* \* \* \*

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a), (c) and (d) do not apply.

(f) If an automated shuffling device is utilized, other than a continuous shuffler, all the decks in one batch of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(d) separate from the decks in the other batch of cards.

**§ 635a.5. Shuffle and cut of the cards.**

\* \* \* \* \*

(g) If there is no gaming activity at a Spanish 21 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 face down unless a player requests that the cards be spread face up on the table. After the first player at the table is afforded an opportunity to visually inspect the cards:

(1) If an automated shuffling device is not in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards on the table 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. The batch of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt, unless a player requests otherwise.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(g) do not apply.

**CHAPTER 649a. THREE CARD POKER**

**§ 649a.1. Definitions.**

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

*5 of 6 Envy Bonus*—An additional fixed sum payout made to a player who placed a 5 of 6 Progressive Payout Wager when another player at the Three Card Poker table is the holder of a 5 of 6 Envy Bonus Qualifying Hand.

*5 of 6 Envy Bonus Qualifying Hand*—A player's five-card Poker hand with a rank of a royal flush, as defined in § 649a.6(d) (relating to Three Card Poker rankings).

*Five-Card Envy Bonus*—An additional fixed sum payout made to a player who placed a Five-Card Progressive Payout Wager when another player at the Three Card Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand.

*Five-Card Envy Bonus Qualifying Hand*—A player's five-card Poker hand with a rank of a straight flush or better, as defined in accordance with § 649a.6(d).

\* \* \* \* \*

**§ 649a.2. Three Card Poker table physical characteristics.**

\* \* \* \* \*

(b) The layout for a Three Card Poker table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

\* \* \* \* \*

(5) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 649a.7(d)(7), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.



(6) If the certificate holder offers the 5 of 6 Progressive Payout Wager authorized under § 649a.7(d)(8), a separate area designated for the placement of the 5 of 6 Progressive Payout Wager.

(7) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder and the phrase "Dealer Plays with Queen High or Better." If payout odds or amounts are not inscribed on the layout, a sign indicating the payout odds or amounts for all permissible wagers shall be posted at each Three Card Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 649a.7(d)(4), (6) or (8), the Three Card Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

\* \* \* \* \*

§ 649a.7. Wagers.

\* \* \* \* \*

(d) The following wagers may be placed in the game of Three Card Poker:

\* \* \* \* \*

(7) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Three Card Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand or the dealer's five-card Poker hand, or both, will contain a flush or better as defined in § 649a.6(d) (relating to Three Card Poker rankings). After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(8) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player who placed an Ante Wager or a Pair Plus Wager the option of placing a 5 of 6 Progressive Payout Wager which shall win if the player's three cards combined with the dealer's three cards forms a straight or better as described in § 649a.6(d). After placing an Ante Wager or a Pair Plus Wager, or both, a player making a 5 of 6 Progressive Payout Wager shall place a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective 5 of 6 Progressive Payout Wager has been accepted.

(e) Notwithstanding subsection (d)(1)–(3), a certificate holder may offer a version of Three Card Poker requiring:

\* \* \* \* \*

§ 649a.11. Procedures for completion of each round of play.

\* \* \* \* \*

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to

make a Play Wager in an amount equal to the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player:

(1) Has placed an Ante Wager and a Pair Plus Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager.

(2) Has placed an Ante Wager and a Three or Five-Card Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but may not forfeit the eligibility to receive an Envy Bonus under § 649a.12(e) or (h) (relating to payout odds; Envy Bonus; rate of progression).

(3) Has placed an Ante Wager, a Pair Plus Wager and a Six Card Bonus, Five Card Hand Bonus or a 5 of 6 Progressive Payout Wager, but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager but does not forfeit the Six Card Bonus, Five Card Hand Bonus or 5 of 6 Progressive Payout Wager.

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated cards, except for the cards of those players who placed a Six Card Bonus, Five Card Hand Bonus or a 5 of 6 Progressive Payout Wager, and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and place the cards so as to form the highest possible ranking Three Card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

\* \* \* \* \*

(8) If the certificate holder offers the Five Card Hand Bonus Wager, after settling all other wagers, the dealer shall then settle the Five Card Hand Bonus Wager and any Magic Card or Lucky Bonus payouts. The dealer shall expose the two additional community cards dealt in accordance with §§ 649a.8(d), 649a.9(b) and 649a.10(c) and form the highest ranking five-card Poker hand of the player and the dealer from the player's or dealer's three cards and the two community cards. A winning Five Card Hand Bonus Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(iii) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 649a.12(i). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(9) If the certificate holder offers the 5 of 6 Progressive Payout Wager, after settling all other wagers, the dealer shall combine the player's three cards and the dealer's three cards to form the highest ranking five-card Poker hand of the player. If a player has won a progressive payout, the dealer shall:

- (i) Verify that the hand is a winning hand.
- (ii) Verify that the appropriate light on the progressive table game system has been illuminated.
- (iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning 5 of 6 Progressive Payout Wager in accordance with the payout odds in § 649a.12(j)(1). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus won in accordance with § 643a.12(j)(5). Players making a 5 of 6 Progressive Payout Wager shall receive an Envy Bonus when another player at the same Three Card Poker table is the holder of a 5 of 6 Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of a 5 of 6 Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand.

(d) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 649a.12. Payout odds; Envy Bonus; rate of progression.**

\* \* \* \* \*

(e) If a certificate holder offers a Progressive Payout Wager:

\* \* \* \* \*

(3) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payouts in paragraph (1) must be based upon the amount of the Progressive Payout Wager being offered and must be as follows:

	<i>Paytable A</i>	<i>Paytable B</i>
Seed/reseed	\$1,000 for 1	\$1,000 for 1
Incrementation rate		
Primary	14%	20%

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 649a.11(c) (relating to procedures for completion of each round of play).

\* \* \* \* \*

(h) If a certificate holder offers the Five-Card Progressive Payout Wager:

\* \* \* \* \*

(3) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be based upon the amount of the Five-Card Progressive Payout Wager being offered and must be as follows:

Seed/reseed	\$10,000 for 1
Incrementation rate	
Primary	21%

(4) Winning Five-Card Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 649a.11(c)(7).

\* \* \* \* \*

(i) If a certificate holder offers the Five Card Hand Bonus Wager:

\* \* \* \* \*

(4) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be based upon the amount of the Five Card Hand Bonus Wager being offered and must be as follows:

Seed	\$10,000 for 1
Reseed	\$0
Incrementation rate	
Primary	21%
Reserve	8%

(j) If a certificate holder offers the 5 of 6 Progressive Payout Wager:

(1) The certificate holder shall pay out winning 5 of 6 Progressive Payout Wagers at the odds in the following payable:

<i>Hand</i>	<i>Paytable</i>
Royal flush of spades	100% of meter
Royal flush of clubs, diamonds or hearts	25% of meter
Straight flush	250 for 1
Four-of-a-kind	100 for 1
Full house	20 for 1
Flush	10 for 1
Straight	5 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be based upon the amount of the 5 of 6 Progressive Payout Wager being offered and must be as follows:

Seed/reseed	\$10,000 for 1
Incrementation rate	
Primary	28%

(4) Winning 5 of 6 Progressive Payout Wagers shall be paid in accordance with the amount on the meter when it is the player's turn to be paid.

(5) Envy Bonus payouts shall be made according to the following payouts for 5 of 6 Envy Bonus Qualifying Hands based upon the amount of the 5 of 6 Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush of spades	\$100
Royal flush of clubs, diamonds or hearts	\$50

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush of spades	\$500
Royal flush of clubs, diamonds or hearts	\$250

**CHAPTER 659a. FORTUNE ASIA POKER**

**§ 659a.12. Payout odds.**

\* \* \* \* \*

(d) If the certificate holder offers the Progressive Payout Wager:

\* \* \* \* \*

(2) A player shall receive the payout for only the highest ranking hand formed.

(3) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be based on the amount of the Progressive Payout Wager being offered and must be as follows:

Seed/reseed	\$10,000 for 1
Incrementation rate	
Primary	28%

(4) Winning Progressive Payout Wagers shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 659a.11(h) (relating to procedures for completion of each round of play).

**CHAPTER 669a. RAISE IT UP STUD POKER**

**§ 669a.12. Payout odds; Envy Bonus; rate of progression.**

\* \* \* \* \*

(e) If a certificate holder offers the Progressive Payout Wager:

(1) The certificate holder shall pay each winning Progressive Payout Wager in accordance with the following odds:

<i>Hand</i>	<i>Payout</i>
Ace, king and queen of spades	100% of meter
Ace, king and queen of hearts, diamonds or clubs	500 for 1
Straight flush	70 for 1
Three-of-a-kind	60 for 1
Straight	6 for 1

(2) A player shall receive the payout for only the highest ranking hand formed from the player's three cards and the three community cards.

(3) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payouts in paragraph (1) must be based on the amount of the Progressive Wager being offered and must be as follows:

Seed/reseed	\$1,000 for 1
Incrementation rate	
Primary	14%

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 669a.11(i)(3)(i) (relating to procedures for completion of each round of play).

\* \* \* \* \*

**CHAPTER 670a. SIX-CARD FORTUNE PAI GOW POKER**

**§ 670a.12. Payout odds; Envy Bonus; rate of progression.**

\* \* \* \* \*

(d) If the certificate holder offers the Progressive Payout Wager:

(1) The certificate holder shall pay out winning Progressive Payout Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Five aces	100% of meter
Royal flush	10% of meter
Straight flush	300 for 1
Four-of-a-kind	150 for 1
Full house	15 for 1
Flush	6 for 1
Straight	3 for 1

(2) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be based upon the amount of the Progressive Payout Wager being offered and must be as follows:

Seed/reseed	\$5,000 for 1
Incrementation rate	
Primary	21%

(3) Winning Progressive Payout Wagers shall be paid the amount on the meter when it is the player's turn to be paid in accordance with § 670a.11(h)(3) (relating to procedures for completion of each round of play) irrespective of the amount that was on the meter when the player placed the wager or when the dealer dealt the player's cards.

\* \* \* \* \*

**CHAPTER 674a. CRISS-CROSS POKER**

**§ 674a.7. Wagers.**

\* \* \* \* \*



(g) The certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

§ 674a.12. Payout odds.

\* \* \* \* \*

(d) Notwithstanding the payout odds in subsections (a) and (b), if specified in its Rules Submission form filed in accordance with § 601a.2 (relating to table game Rules Submissions), the certificate holder may establish an aggregate payout limit per player per round of play which may not be less than \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. Any maximum payout limit established by the certificate holder must apply only to payouts of Ante Across, Ante Down, Across Bet, Down Bet and Middle Bet Wagers under subsections (a) and (b) but does not apply to payouts for Five Card Bonus Wagers in subsection (c).

CHAPTER 675a. HIGH ROLL DICE

§ 675a.1. High Roll Dice table; physical characteristics.

\* \* \* \* \*

(b) The layout for a High Roll Dice table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

\* \* \* \* \*

(3) The payout odds, in accordance with § 675a.5 (relating to payout odds), for all permissible wagers offered by the certificate holder. If the payout odds are not on the layout, a sign identifying the payout odds shall be posted at each High Roll Dice table.

(4) A throw box set into the surface of the High Roll Dice table. The throw box layout must contain an area for the placement of dice labeled “Ace” through “Six” with the “Ace” box farthest to the left of the dealer and the “Two” box farthest to the right of the dealer.

\* \* \* \* \*

§ 675a.5. Payout odds.

\* \* \* \* \*

(d) The certificate holder shall pay out winning Like Kind Boulevard Wagers on the Extra Roll at the following odds:

	<i>Payout Odds</i>
Eight-of-a-kind	50 to 1
Seven-of-a-kind	10 to 1
Six-of-a-kind	4 to 1
Five-of-a-kind	2 to 1
Four-of-a-kind	1 to 1
Three-of-a-kind	6 to 1

§ 675a.6. High Roll Dice variation.

\* \* \* \* \*

(k) The certificate holder shall pay out winning Like Kind Wagers at the following odds:

	<i>Payout Odds</i>
Six-of-a-kind	6,000 to 1
Five-of-a-kind	200 to 1
Four-of-a-kind	15 to 1
Three-of-a-kind	2 to 1
Two-of-a-kind	1 to 2
No matches	60 to 1

CHAPTER 678a. HIGH CARD FLUSH

§ 678a.7. Wagers.

\* \* \* \* \*

(e) The certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

§ 678a.12. Payout odds; payout limitation.

\* \* \* \* \*

(d) If a certificate holder offers the Progressive Jackpot Wager:

\* \* \* \* \*

(3) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be based upon the amount of the Progressive Jackpot Wager being offered and must be as follows:

	<i>Paytable A</i>	<i>Paytable B</i>
Seed	\$30,000 for 1	\$30,000 for 1
Reseed	\$0	\$0
Incrementation rate		
Primary	23%	23%
Reserve	5%	5%

(4) Winning Progressive Jackpot Wagers shall be paid in accordance with the amount on the meter when it is the player’s turn to be paid in accordance with § 678a.11(e)(3) (relating to procedure for completion of each round of play).

(e) Notwithstanding the payout odds in subsection (a), if specified in its Rules Submission form filed in accordance with § 601a.2, the certificate holder may establish an aggregate payout limit per player per round of play which may not be less than \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. Any maximum payout limit established by the certificate holder must apply only to payouts of Ante and Raise Wagers under subsection (a) but does not apply to payouts for Flush Bonus, Straight Flush Bonus or Progressive Jackpot Wagers under subsections (b)—(d).

CHAPTER 680a. SAIGON 5 CARD

§ 680a.1. Definitions.

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

*Ante Wager*—The wager that a player is required to make prior to any cards being dealt to compete against the dealer’s hand.

*Bonus Wager*—An optional wager a player may make to compete against a posted payout table.

*Pot Wager*—A wager that a player is required to make, if selected by the certificate holder, prior to any cards being dealt to compete against the other players' two-card hands.

*Qualify or qualifies*—When the dealer's three-card hand or the player's three-card hand made from the five cards dealt to the dealer and the player has a total value of 10, 20 or 30.

*Showdown hand*—The two-card hand of the player or the dealer made from the five cards dealt to the player or the dealer.

**§ 680a.2. Saigon 5 Card table physical characteristics.**

(a) Saigon 5 Card shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Saigon 5 Card table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Ante Wager for each player.
- (3) If the certificate holder elects to require players to make a Pot Wager, as selected by the certificate holder in its Rules Submission, a separate betting area designated for the placement of the Pot Wager.
- (4) Two separate areas for each player for the placement of the player's three-card qualifying hand and the player's two-card showdown hand.
- (5) If the certificate holder offers the optional Bonus Wager authorized under § 680a.7(d)(3) (relating to wagers), a separate area designated for the placement of the Bonus Wager for each player.
- (6) Inscriptions that advise patrons of the payout odds for all permissible wagers offered by the certificate holder. If payout odds are not inscribed on the layout, a sign indicating the payout odds for all permissible wagers shall be posted at each Saigon 5 Card table.
- (7) If the certificate holder establishes a payout limit per player, per round of play, as authorized under § 680a.12(d) (relating to payout odds; payout limitation), inscriptions that advise patrons of the payout limit. If the payout limit is not inscribed on the layout, a sign identifying the payout limit shall be posted at each Saigon 5 Card table.

(c) Each Saigon 5 Card table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Saigon 5 Card table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 680a.7. Wagers.**

\* \* \* \* \*

(d) The following wagers may be placed in the game of Saigon 5 Card:

(1) A player shall compete solely against the dealer by placing an Ante Wager.

(2) If more than one player is playing at a Saigon 5 Card table and the certificate holder elects to require players to place a Pot Wager, a player shall make a Pot Wager equal to the table minimum to compete against the other players' two-card hands.

(3) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player at a Saigon 5 Card table the option to make an additional Bonus Wager which shall win if the player's five cards contain two pair or better as described in § 680a.6(c) (relating to Saigon 5 Card rankings).

\* \* \* \* \*

**§ 680a.11. Procedures for completion of each round of play.**

\* \* \* \* \*

(d) After the dealer's cards are turned face up and set, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player. The dealer shall turn the player's three-card hand face up on the layout and compare the dealer's three-card hand to the player's three-card hand. If the dealer's three-card hand:

- (1) Does not qualify and the player's three-card hand:
  - (i) Does not qualify, the dealer shall return the player's Ante Wager.
  - (ii) Qualifies, the dealer shall reveal the player's showdown hand. If the player's two-card showdown hand:
    - (A) Has a Point Count of 1—4 or 6—10, the dealer shall pay the winning Ante Wager in accordance with § 680a.12(a) (relating to payout odds; payout limitation).

\* \* \* \* \*

(e) After settling the player's Ante Wager, the dealer shall settle any optional Bonus Wager by reconfiguring the player's five cards to form the highest ranking Poker hand. If the player's hand:

- (1) Does not contain two pair or better, as provided in § 680a.6(c) (relating to Saigon 5 Card rankings), the dealer shall collect the losing Bonus Wager.
- (2) Contains two pair or better, the dealer shall pay the winning Bonus Wager in accordance with § 680a.12(c).

(f) After settling the player's Ante and Bonus Wagers, the dealer shall settle the Pot Wager, if offered by the certificate holder, by determining which player's two-card hand point total ranks the highest. The player with the highest ranking two-card hand point total shall be paid the entire pot amount provided that if there is a tie hand, the pot shall be split evenly between the winning players.

(g) After all wagers of the player have been settled, the dealer shall remove any remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 680a.12. Payout odds; payout limitation.**

\* \* \* \* \*

(d) Notwithstanding the payout odds in subsections (a) and (b), if specified in its Rules Submission form filed in accordance with § 601a.2 (relating to table games Rules Submissions), the certificate holder may establish an aggregate payout limit per player per round of play which may not be less than \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. Any maximum payout limit established by the certificate holder must apply only to payouts of Ante Wagers under subsections (a) and (b) but does not apply to payouts for Bonus Wagers under subsection (c).

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